

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1055

By: McDaniel (Jeannie)

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6 AS INTRODUCED

7 An Act relating to motor vehicles; making certain
8 acts unlawful; providing exceptions; providing
9 penalty; authorizing municipalities to enact certain
ordinances; defining terms; providing for
codification; and providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 11-901d of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 A. It shall be unlawful for any person to operate a motor
17 vehicle on any public street or highway of this state while using a
18 cellular telephone or electronic communication device to compose,
19 send, or read a text-based communication while the motor vehicle is
20 in motion.

21 B. The provisions of subsection A of this section shall not
22 apply if the person is using the cellular telephone or electronic
23 communication device for the sole purpose of communicating with any
24 of the following regarding an emergency situation:

- 1 1. An emergency response operator;
- 2 2. A hospital, physician's office or health clinic;
- 3 3. A provider of ambulance services;
- 4 4. A provider of firefighting services; or
- 5 5. A law enforcement agency.

6 C. Any person who violates the provisions of subsection A of
7 this section shall, upon conviction, be punished by a fine and court
8 costs that shall not exceed Five Hundred Dollars (\$500.00).

9 D. Municipalities may enact and municipal police officers may
10 enforce ordinances prohibiting and penalizing conduct under the
11 provisions of this section, but the provisions of those ordinances
12 shall be the same as provided for in this section. The enforcement
13 provisions of those ordinances shall not be more stringent than
14 those of this section, and the fine and court costs for municipal
15 ordinance violations shall be the same or a lesser amount as
16 provided for in this section.

17 E. As used in this section:

18 1. "Cellular telephone" means an analog or digital wireless
19 telephone authorized by the Federal Communications Commission to
20 operate in the frequency bandwidth reserved for cellular telephones;

21 2. "Compose", "send" or "read" with respect to a text message
22 means the manual entry, sending or retrieval of a text message to
23 communicate with any person or device;

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1 3. "Electronic communication device" means an electronic device
2 that permits the user to manually transmit a communication of
3 written text by means other than through an oral transfer or wire
4 communication and includes, but is not limited to, a cellular
5 telephone, personal digital assistant, text messaging device, or a
6 computer. This term does not include a voice-activated global
7 positioning or navigation system that is permanently affixed to a
8 motor vehicle;

9 4. "Text message" includes a text-based message, instant
10 message, electronic message or electronic mail; and

11 5. "Using a cellular telephone or electronic communication
12 device" means pressing the buttons on a cellular telephone or
13 wireless electronic communication device to use any of the functions
14 of the cellular telephone or wireless electronic communication
15 device.

16 SECTION 2. This act shall become effective November 1, 2013.

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18 54-1-5450 GRS 12/31/12

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