

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1105

By: Brown

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; making certain
8 acts unlawful; providing penalty; providing
9 exceptions; defining terms; providing for
10 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 use an electronic
17 communication device to converse, write, send or read a text-based
18 communication while operating a motor vehicle within a school zone,
19 within a repair, maintenance or construction zone or within five
20 hundred (500) feet of an intersection, unless the electronic
21 communication device is used with a hands-free device.

22 B. Any person who violates the provisions of this section
23 shall, upon conviction, be guilty of a misdemeanor punishable by a
24 fine of Five Hundred Dollars (\$500.00), or by imprisonment in the

1 county jail for a term not to exceed thirty (30) days, or by both
2 such fine and imprisonment.

3 C. The provisions of this section shall not apply to:

4 1. An operator of an authorized emergency vehicle using an
5 electronic communication device while acting in an official
6 capacity; or

7 2. An operator who is licensed by the Federal Communications
8 Commission while operating a radio frequency device other than an
9 electronic communication device.

10 D. As used in this section:

11 1. "Electronic communication device" means an electronic device
12 including, but not limited to, a wireless cellular telephone,
13 personal digital assistant or a portable or mobile computer while
14 being used for the purpose of making or receiving telephone calls,
15 composing, reading or sending an electronic message, but does not
16 include a global positioning system or navigation system or a device
17 that is physically or electronically integrated into the motor
18 vehicle;

19 2. "Electronic message" means a self-contained piece of digital
20 communication that is designed or intended to be transmitted between
21 physical devices and includes, but is not limited to, electronic
22 mail, a text message, an instant message or a command or request to
23 access an Internet site;

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1 3. "Hands-free device" means speakerphone capability or a
2 telephone attachment or other piece of equipment, regardless of
3 whether permanently installed in the motor vehicle, that allows use
4 of the electronic communication device without use of either of the
5 hands of the operator;

6 4. "Intersection" shall have the same meaning as such term is
7 defined in Section 1-126 of Title 47 of the Oklahoma Statutes;

8 5. "Repair", "maintenance" or "construction zone" means any
9 location where repair, maintenance or construction work is actually
10 in progress and workers are present; and

11 6. "School zone" means any portion of a road, street or highway
12 that is a properly marked school zone, as indicated with appropriate
13 warning signs placed in accordance with the latest edition of the
14 Manual on Uniform Traffic Control Devices, and properly posted
15 signage that provides for a reduced speed limit.

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

18 54-1-6638 GRS 01/15/13

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