

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2347

By: McDaniel (Jeannie)

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-901c, as amended by Section 6,
9 Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2013, Section
10 11-901c), which relates to texting while driving;
11 expanding scope of certain prohibited act; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-901c, as
15 amended by Section 6, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2013,
16 Section 11-901c), is amended to read as follows:

17 Section 11-901c. A. It shall be unlawful for any person to
18 operate a ~~commercial~~ motor vehicle or for a public transit driver to
19 operate a motor vehicle on any street or highway within this state
20 while using a cellular telephone or electronic communication device
21 to write, send, or read a text-based communication while the motor
22 vehicle is in motion.

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

1 C. As used in this section:

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

5 2. "Electronic communication device" means an electronic device
6 that permits the user to manually transmit a communication of
7 written text by means other than through an oral transfer or wire
8 communication. This term does not include a voice-activated global
9 positioning or navigation system that is affixed to a motor vehicle;

10 3. "Public transit driver" means:

11 a. any operator of a public transit vehicle owned and
12 operated by the State of Oklahoma, any public trust
13 authority, county, municipality, town or city within
14 this state,

15 b. any operator of a school bus or multi-passenger motor
16 vehicle owned and approved to operate by the State
17 Department of Education or any school district within
18 this state, or

19 c. any operator, conductor or driver of a locomotive
20 engine, railway car or train of cars; and

21 4. "Write, send, or read a text-based communication", also
22 known as texting, means manually entering alphanumeric text into,
23 sending text, or reading text from, an electronic device, and
24 includes, but is not limited to, short message service (SMS), e-

1 mailing, instant messaging (IM), a command or request to access a
2 World Wide Web page, or engaging in any other form of electronic
3 text retrieval or entry, for present or future communication. As
4 used in this paragraph, texting does not include:

5 a. using voice commands to select or enter a telephone
6 number, an extension number, or voicemail retrieval
7 codes and commands into an electronic device for the
8 purpose of initiating or receiving a phone call,

9 b. inputting, selecting, or reading information on a
10 global positioning system or navigation system, or

11 c. using a device capable of performing multiple
12 functions for a purpose that is not otherwise
13 prohibited in this part, including, but not limited
14 to, fleet management systems, dispatching devices,
15 smart phones, citizens band radios, and music players.

16 D. This act shall not apply to railroads and railroad operating
17 employees regulated by the Federal Railroad Administration.

18 SECTION 2. This act shall become effective November 1, 2014.

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