STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

SENATE BILL 1189 By: Paddack

AS INTRODUCED

An Act relating to texting while driving; making it unlawful to operate a motor vehicle while composing, sending or reading an electronic text message; providing penalty; providing certain exceptions; authorizing municipalities to enact certain ordinances; defining terms; providing for codification; and providing an effective date.

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

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

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a cellular telephone or electronic communication device to compose, send, or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not less than One Hundred Dollars ($100.00).

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

1. An emergency response operator;

2. A hospital, physician's office or health clinic;

3. A provider of ambulance services;

4. A provider of firefighting services; or

5. A law enforcement agency.

D. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the fine and court costs for municipal ordinance violations shall be the same or a lesser amount as provided for in this section.

E. For purposes of this section:

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

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

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle or an ignition interlock device that has been installed on a motor vehicle; and

5. "Text message" includes a text-based message, instant message, electronic message or electronic mail.

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

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