

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1280

By: Ellis and Burrage

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6 AS INTRODUCED

7 An Act relating to texting while driving; limiting  
8 use of wireless telecommunication device; defining  
9 terms; allowing for exemptions; establishing  
10 penalties; providing for codification; and declaring  
11 an emergency.

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 15-102.1a of Title 47, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. No person shall operate a motor vehicle upon a public road  
17 or highway of this state while using a wireless telecommunication  
18 device to write, send, or read a text-based communication. A person  
19 shall not be deemed to be writing, reading, or sending a text  
20 message if the person reads, selects, or enters a telephone number  
21 or name in a wireless telecommunication device for the purpose of  
22 making a telephone call.

23 B. For purposes of this section:

24 1. "Wireless telecommunication device" means a cellular  
telephone, a text-messaging device, a personal digital assistant, a

1 stand alone computer, or any other substantially similar wireless  
2 device that is readily removable from the vehicle and is used to  
3 write, send, or read text or data through manual input. A wireless  
4 telecommunication device shall not include any device or component  
5 that is permanently affixed to a motor vehicle. It does not include  
6 citizens band radios, citizens band radio hybrids, commercial two-  
7 way radio communication devices, or electronic communication devices  
8 with a push-to-talk function; and

9 2. "Write, send, or read a text-based communication" means  
10 using a wireless telecommunication device to manually communicate  
11 with any person by using a text-based communication referred to as a  
12 text message, instant message, or electronic mail.

13 C. The provisions of this section shall not apply to the  
14 following:

15 1. Any law enforcement officer, firefighter, or operator of an  
16 authorized emergency vehicle while engaged in the actual performance  
17 of official duties;

18 2. An operator of a moving motor vehicle using a wireless  
19 telecommunication device to:

- 20 a. report illegal activity,
- 21 b. summon medical or other emergency help,
- 22 c. prevent injury to a person or property,

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- 1           d.    relay information between a transit or for-hire  
2                   operator and that operator's dispatcher, in which the  
3                   device is permanently affixed to the vehicle, or  
4           e.    navigate using a global positioning system; or

5           3.    A physician or other health care provider using a wireless  
6 telecommunication device to communicate with a hospital, health  
7 clinic or the office of the physician, or to otherwise provide for  
8 the health care of an individual or medical emergency through a  
9 text-based communication.

10          D.   1.   The first violation of the provisions of this section  
11 shall be punishable by a fine of not more than One Hundred Seventy-  
12 five Dollars (\$175.00).

13          2.    Each subsequent violation shall be punishable by a fine of  
14 not more than Five Hundred Dollars (\$500.00).

15          3.    If the person is involved in a crash at the time of  
16 violation, then the fine shall be equal to double the amount of the  
17 standard fine imposed in this subsection, and the law enforcement  
18 officer investigating the crash shall indicate on the written  
19 accident form that the person was using a wireless telecommunication  
20 device at the time of the crash.

21          4.    Any violation of this section shall constitute a moving  
22 violation. A law enforcement officer shall enforce the provisions  
23 of this section only as a secondary action and shall not stop a  
24 motor vehicle solely for failure to comply with this section.

1       SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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