

1 STATE OF OKLAHOMA

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

3 SENATE BILL 442

By: Sharp

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5
6 AS INTRODUCED

7 An Act relating to texting and driving; making
8 certain acts unlawful; providing penalties; providing
9 exceptions; authorizing municipalities to enact
10 certain ordinances; defining terms; providing for
11 codification; and providing an effective date.

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 street or highway within this state while using a
18 cellular telephone or electronic communication device to compose,
19 send, or read an electronic text message while the motor vehicle is
20 in motion.

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

24 C. The provisions of subsection A of this section shall not
apply to any of the following:

- 1 1. Law enforcement and safety personnel;
- 2 2. Drivers of authorized emergency vehicles;
- 3 3. The use of a cellular telephone or electronic communication
4 device for the sole purpose of communicating with any of the
5 following regarding an emergency situation:
 - 6 a. an emergency response operator,
 - 7 b. a hospital, physician's office or health clinic,
 - 8 c. a provider of ambulance services,
 - 9 d. a provider of firefighting services, or
 - 10 e. a law enforcement agency; or

11 4. A person who is operating an amateur radio and who holds a
12 current, valid amateur radio station license issued by the Federal
13 Communications Commission.

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

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 11-901e of Title 47, unless
24 there is created a duplication in numbering, reads as follows:

1 As used in Section 1 of this act:

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

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

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

17 SECTION 3. This act shall become effective November 1, 2013.

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