

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1965

By: O'Donnell, Rogers,  
Perryman, Christian,  
Sherrer, Virgin, Brown,  
Shelton, Montgomery,  
McDaniel (Jeannie) and  
Hoskin of the House

and

Sharp of the Senate

3  
4  
5  
6  
7  
8  
9  
10 An Act relating to motor vehicles; creating the  
Trooper Nicholas Dees and Trooper Keith Burch Act of  
11 2015; amending 47 O.S. 2011, Section 11-901c, as  
amended by Section 6, Chapter 207, O.S.L. 2012 (47  
12 O.S. Supp. 2014, Section 11-901c), which relates to  
the unlawful use of a cellular telephone or  
13 electronic communication device; modifying scope of  
certain prohibited act; clarifying language; defining  
14 terms; providing exceptions; specifying information  
that is admissible as evidence; providing method of  
15 enforcement; providing for noncodification; and  
providing an effective date.  
16

17 AUTHORS: Remove Sharp as principal Senate author and add the  
Committee on Public Safety as principal author and retain  
18 Sharp as a coauthor

19 AUTHOR: Add the following House Coauthor: Denney

20 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

21 "An Act relating to texting while driving; creating  
22 the Trooper Nicholas Dees and Trooper Keith Burch Act  
of 2015; making it unlawful to operate a motor  
23 vehicle while manually composing, sending or reading  
an electronic text message; providing penalty;  
24 providing exceptions; providing for codification;

1 providing for noncodification; and providing an  
2 effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law not to be  
6 codified in the Oklahoma Statutes reads as follows:

7 This act shall be known and may be cited as the "Trooper  
8 Nicholas Dees and Trooper Keith Burch Act of 2015".

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

12 A. It shall be unlawful for any person to operate a motor  
13 vehicle on any street or highway within this state while using a  
14 hand-held electronic communication device to manually compose, send  
15 or read an electronic text message while the motor vehicle is in  
16 motion.

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

20 C. The Department of Public Safety shall not record or assess  
21 points for violations of this section on any license holder's  
22 traffic record maintained by the Department.

23 D. The provisions of subsection A of this section shall not  
24 apply if the person is using the cellular telephone or electronic

1 communication device for the sole purpose of communicating with any  
2 of the following regarding an imminent emergency situation:

- 3 1. An emergency response operator;
- 4 2. A hospital, physician's office or health clinic;
- 5 3. A provider of ambulance services;
- 6 4. A provider of firefighting services; or
- 7 5. A law enforcement agency.

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

16 F. For the purpose of this section:

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

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

23 3. "Electronic communication device" means an electronic device  
24 that permits the user to manually transmit a communication of

1 written text by means other than through an oral transfer or wire  
2 communication. This term does not include a device that is  
3 physically or electronically integrated into a motor vehicle or a  
4 voice-operated global positioning or navigation system that is  
5 affixed to a motor vehicle, or a hands-free device that allows the  
6 user to write, send or read a text message without the use of either  
7 hand except to activate, deactivate or initiate a feature or  
8 function; and

9 4. "Text message" includes a text-based message, instant  
10 message, electronic message, photo, video or electronic mail.

11 SECTION 3. This act shall become effective November 1, 2015."

12 Passed the Senate the 8th day of April, 2015.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2015.

18  
19 \_\_\_\_\_  
20 Presiding Officer of the House  
21 of Representatives  
22  
23  
24