ENGROSSED HOUSE
BILL NO. 2448 By: O'Donnell of the House

and

Barrington of the Senate

An Act relating to motor vehicles; amending Section 2, Chapter 248, O.S.L. 2015 (47 O.S. Supp. 2015, Section 11-901d), which relates to texting while driving; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 248, O.S.L. 2015 (47 O.S. Supp. 2015, Section 11-901d), is amended to read as follows:

Section 11-901d. A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a hand-held electronic communication device to manually 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 more than One Hundred Dollars ($100.00).

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

D. 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.

E. 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.

F. For the purpose 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. a device that is physically or electronically integrated into a motor vehicle, ~~or~~

b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle, ~~or~~

c. a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function, or

d. an ignition interlock device that has been installed on a motor vehicle; and

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

SECTION 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 18th day of February, 2016.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate