

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2771

By: Strohm

AS INTRODUCED

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; prohibiting certain actions by law enforcement officers; 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).

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

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

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

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

21 F. Law enforcement officers at a traffic stop shall not,
22 without a warrant, request to examine or inspect a hand-held
23 electronic communication device of a motor vehicle operator in order

1 to investigate whether the operator has violated the provisions of
2 this section.

3 G. For the purpose of this section:

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

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

10 3. "Electronic communication device" means an electronic device
11 that permits the user to manually transmit a communication of
12 written text by means other than through an oral transfer or wire
13 communication. This term does not include a device that is
14 physically or electronically integrated into a motor vehicle or a
15 voice-operated global positioning or navigation system that is
16 affixed to a motor vehicle, or a hands-free device that allows the
17 user to write, send or read a text message without the use of either
18 hand except to activate, deactivate or initiate a feature or
19 function; and

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

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

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