

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 304

By: Yen

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6 AS INTRODUCED

7 An Act relating to texting while driving; making it
8 unlawful to operate a motor vehicle while composing,
9 sending or reading an electronic text message;
10 providing penalty; providing certain exceptions;
11 authorizing municipalities to enact certain
12 ordinances; defining terms; providing for
13 codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 11-901d of Title 47, unless
17 there is created a duplication in numbering, reads as follows:

18 A. It shall be unlawful for any person to operate a motor
19 vehicle on any street or highway within this state while using a
20 cellular telephone or electronic communication device to compose,
21 send or read an electronic text message while the motor vehicle is
22 in motion.

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

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

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

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

18 E. For the purpose of this section:

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

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

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

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

10 SECTION 2. This act shall become effective November 1, 2015.

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