

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1601

By: Bingman

COMMITTEE SUBSTITUTE

An Act relating to operating a wireless communication device while driving; defining terms; prohibiting the use of a wireless communication device under certain circumstances; providing penalties; providing exceptions; providing for codification; and providing an effective date.

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

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

A. As used in this section:

1. "Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands;

2. "Wireless communication device" means a device that uses a commercial mobile service, as defined by 47 U.S.C., Section 332, and

1 3. "School zone" means any portion of a road, street, or
2 highway that is a properly marked school zone, as indicated with
3 appropriate warning signs placed in accordance with the latest
4 edition of the Manual on Uniform Traffic Control Devices, and
5 properly posted signage that provides for a reduced speed limit.

6 B. It shall be a primary offense for an operator to use a
7 wireless communication device while operating a motor vehicle in a
8 school zone, during the time a reduced speed limit is in effect,
9 unless:

10 1. The vehicle is stopped; or

11 2. The wireless communication device is used with a hands-free
12 device.

13 C. Any person who violates the provisions of subsection B of
14 this section shall, upon conviction, be punished by a fine of not
15 more than Two Hundred Fifty Dollars (\$250.00), provided that, if the
16 violation results in an accident, the fine shall be not more than
17 Five Hundred Dollars (\$500.00).

18 D. It is an affirmative defense to prosecution of an offense
19 under this section that the wireless communication device was used
20 to make an emergency call to:

21 1. An emergency response service, including a rescue, emergency
22 medical, or hazardous material response service;

23 2. A hospital;

24 3. A fire department;

1 4. A health clinic;

2 5. A medical doctor's office;

3 6. An individual to administer first aid treatment; or

4 7. A police department.

5 E. This section does not apply to:

6 1. An operator of an authorized emergency vehicle using a
7 wireless communication device while acting in an official capacity;
8 or

9 2. An operator who is licensed by the Federal Communications
10 Commission while operating a radio frequency device other than a
11 wireless communication device.

12 SECTION 2. This act shall become effective November 1, 2014.

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