

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1601

By: Bingman and Burrage of the  
Senate

and

McNiel and Inman of the  
House

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

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

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

22 A. As used in this section:

23 1. "Hands-free device" means speakerphone capability or a  
24 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;

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

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

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

12        1. The vehicle is stopped; or

13        2. The wireless communication device is used with a hands-free  
14 device.

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

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

23        1. An emergency response service, including a rescue, emergency  
24 medical, or hazardous material response service;

1        2. A hospital;

2        3. A fire department;

3        4. A health clinic;

4        5. A medical doctor's office;

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

6        7. A police department.

7        E. This section does not apply to:

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
16 February 20, 2014 - DO PASS AS AMENDED  
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