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February 19, 2015

AS AMENDED

SENATE BILL NO. 821

By: **Committee on Public Safety**

An Act relating to texting while driving; making it unlawful to operate a motor vehicle while manually composing, sending or reading an electronic text message; providing penalty; 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. 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 enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action

1 when an operator of a motor vehicle has been detained for a
2 suspected violation of another traffic law provided for in this
3 title.

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

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

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

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

24 G. For the purpose of this section:

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
18 February 19, 2015 - DO PASS AS AMENDED
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