

1 STATE OF OKLAHOMA

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

3 SENATE BILL 821

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to texting while driving; making it
8 unlawful to operate a motor vehicle while manually
9 composing, sending or reading an electronic text
10 message; providing penalty; providing exceptions;
11 providing for codification; and providing an
effective date.

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

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

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

21 B. Any person who violates the provisions of subsection A of
22 this section shall, upon conviction, be punished by a fine of not
23 less than One Hundred Dollars (\$100.00).
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1 C. The enforcement of this section by state or local law
2 enforcement agencies must be accomplished only as a secondary action
3 when an operator of a motor vehicle has been detained for a
4 suspected violation of another traffic law provided for in this
5 title.

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

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

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

18 F. Municipalities may enact and municipal police officers may
19 enforce ordinances prohibiting and penalizing conduct under the
20 provisions of this section. The provisions of such ordinances shall
21 be the same as provided for in this section; the enforcement
22 provisions of those ordinances shall not be more stringent than
23 those of this section; and the fine and court costs for municipal
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1 ordinance violations shall be the same or a lesser amount as
2 provided for in 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 voice-activated global
14 positioning or navigation system that is affixed to a motor vehicle
15 or an ignition interlock device that has been installed on a motor
16 vehicle; and

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

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

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