

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 44

By: Sharp and Yen of the Senate

and

O'Donnell of the House

COMMITTEE SUBSTITUTE

An Act relating to texting and driving; amending
Section 2, Chapter 248, O.S.L. 2015, as amended by
Section 1, Chapter 186, O.S.L. 2016 (47 O.S. Supp.
2017, Section 11-901d), which relates to text
messaging; modifying inclusions; providing exception;
deleting certain definitions; and providing an
effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 248, O.S.L.
2015, as amended by Section 1, Chapter 186, O.S.L. 2016 (47 O.S.
Supp. 2017, Section 11-901d), is amended to read as follows:

Section 11-901d. 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.

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

4 C. 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 D. The provisions of subsection A of this section shall not
8 apply if the person is using a hands-free accessory which allows the
9 person to communicate without the use of his or her hands.

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

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

19 ~~E.~~ F. Municipalities may enact and municipal police officers
20 may enforce ordinances prohibiting and penalizing conduct under the
21 provisions of this section. The provisions of such ordinances shall
22 be the same as provided for in this section; the enforcement
23 provisions of those ordinances shall not be more stringent than
24 those of this section; and the fine and court costs for municipal

ordinance violations shall be the same or a lesser amount as provided for in this section.

~~F.~~ G. For the purpose of this section:

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

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

~~3.~~ "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication, or any analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones. This term does not include:

~~a.~~

~~1. a~~ A device that is physically or electronically integrated into a motor vehicle~~;~~i

~~b.~~

~~2. a~~ A voice-operated global positioning or navigation system that is affixed to a motor vehicle~~;~~i

~~c.~~

1 3. ~~a~~ A hands-free device that allows the user to engage in
2 voice communication with another person, or write, send or read a
3 text message without the use of either hand except to activate,
4 deactivate or initiate a feature or function~~;~~; or

5 ~~d.~~

6 4. ~~an~~ An ignition interlock device that has been installed on a
7 motor vehicle~~;~~; and

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

10 SECTION 2. This act shall become effective November 1, 2018.

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