

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 132

By: Dossett of the Senate

and

Virgin of the House

COMMITTEE SUBSTITUTE

An Act relating to texting while driving; creating the Bobbi White Act of 2017; Section 2, Chapter 248, O.S.L. 2015, as amended by Section 1, Chapter 186, O.S.L. 2016 (47 O.S. Supp. 2016, Section 11-901d), which relates to text messaging; specifying prohibited acts; prescribing certain fines; modifying definitions; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "The Bobbi White Act of 2017".

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

1 Section 11-901d. A. It shall be unlawful for any person to
2 operate a motor vehicle on any street or highway within this state
3 while using a hand-held electronic communication device to manually
4 compose, send or read an electronic text message while the motor
5 vehicle is in motion.

6 B. ~~Any~~ It shall be unlawful for any person to operate a motor
7 vehicle on any street or highway within this state, in a school zone
8 or construction zone while using a cellular telephone or other
9 handheld wireless communications device to engage in voice
10 communications with another person, unless the device is used with
11 an accessory which allows the person to communicate without the use
12 of his or her hands, other than to activate, deactivate or initiate
13 a feature or function of the device.

14 C. Except as provided in subsection E of this section, any
15 person who violates the provisions of subsection A of this section
16 shall, upon conviction, be punished by a fine of not more than One
17 Hundred Dollars (\$100.00).

18 ~~C.~~ D. The Department of Public Safety shall not record or
19 assess points for violations of this section on any license holder's
20 traffic record maintained by the Department.

21 ~~D.~~ E. Any person who violates the provisions of subsection B of
22 this section when such violation occurs in a school zone or
23 construction zone shall, upon conviction, be punished by a fine of
24 not more than Two Thousand Dollars (\$2,000.00) if the violation

1 resulted in an accident in which injuries are a result and by a fine
2 of not more than Five Thousand Dollars (\$5,000.00) if the violation
3 resulted in an accident in which a death resulted.

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

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

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

21 ~~F.~~ H. For the purpose of this section:

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

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

4 3. "Electronic communication device" means an electronic device
5 that permits the user to manually search the internet or transmit a
6 communication of written text by means other than through an oral
7 transfer or wire communication. This term does not include:

- 8 a. a device that is physically or electronically
9 integrated into a motor vehicle,
- 10 b. a voice-operated global positioning or navigation
11 system that is affixed to a motor vehicle,
- 12 c. a hands-free device that allows the user to write,
13 send or read a text message without the use of either
14 hand except to activate, deactivate or initiate a
15 feature or function, or
- 16 d. an ignition interlock device that has been installed
17 on a motor vehicle; and

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

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

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