

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1419

By: Dossett

COMMITTEE SUBSTITUTE

An Act relating to usage of handheld electronic devices while 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; specifying prohibited acts; modifying definitions; and declaring an emergency.

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~~
2 subsections A and C of this section shall, upon conviction, be
3 punished by a fine of not more than One Hundred Dollars (\$100.00).

4 C. It shall be unlawful for any person operating a motor
5 vehicle on any street or highway in this state to use a handheld
6 electronic communications device, while the vehicle is in motion, in
7 a school zone, during normal school hours, unless the device is used
8 with an accessory which allows the person to communicate without the
9 use of his or her hands, other than to activate, deactivate or
10 initiate a feature or function of the device.

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

14 ~~D.~~ E. The provisions of ~~subsection~~ subsections A and C of this
15 section shall not apply if the person is using the cellular
16 telephone or electronic communication device for the sole purpose of
17 communicating with any of the following regarding an imminent
18 emergency situation:

- 19 1. An emergency response operator;
 - 20 2. A hospital, physician's office or health clinic;
 - 21 3. A provider of ambulance services;
 - 22 4. A provider of firefighting services; or
 - 23 5. A law enforcement agency.
- 24

1 ~~E.~~ F. Municipalities may enact and municipal police officers
2 may enforce ordinances prohibiting and penalizing conduct under the
3 provisions of this section. The provisions of such ordinances shall
4 be the same as provided for in this section; the enforcement
5 provisions of those ordinances shall not be more stringent than
6 those of this section; and the fine and court costs for municipal
7 ordinance violations shall be the same or a lesser amount as
8 provided for in this section.

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

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

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

16 3. "Electronic communication device" means an electronic device
17 that permits the user to manually search the Internet or transmit a
18 communication of written text by means other than through an oral
19 transfer or wire communication. This term does not include:

- 20 a. a device that is physically or electronically
21 integrated into a motor vehicle,
22 b. a voice-operated global positioning or navigation
23 system that is affixed to a motor vehicle,
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- 1 c. a hands-free device that allows the user to write,
2 send or read a text message without the use of either
3 hand except to activate, deactivate or initiate a
4 feature or function, or
5 d. an ignition interlock device that has been installed
6 on a motor vehicle; and

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

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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