

1 ENGROSSED SENATE
2 BILL NO. 1419

By: Dossett of the Senate

3 and

4 Loring of the House
5

6 An Act relating to usage of handheld electronic
7 devices while driving; creating the Bobbi White Act
8 of 2018; amending Section 2, Chapter 248, O.S.L.
9 2015, as amended by Section 1, Chapter 186, O.S.L.
10 2016 (47 O.S. Supp. 2017, Section 11-901d), which
11 relates to text messaging; specifying prohibited
12 acts; prescribing certain fines; modifying
13 definitions; providing for noncodification; and
14 declaring an emergency.

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

16 SECTION 1. AMENDATORY Section 2, Chapter 248, O.S.L.
17 2015, as amended by Section 1, Chapter 186, O.S.L. 2016 (47 O.S.
18 Supp. 2017, Section 11-901d), is amended to read as follows:

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

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

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

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

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

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

21 ~~E.~~ F. Municipalities may enact and municipal police officers
22 may enforce ordinances prohibiting and penalizing conduct under the
23 provisions of this section. The provisions of such ordinances shall
24 be the same as provided for in this section; the enforcement

1 provisions of those ordinances shall not be more stringent than
2 those of this section; and the fine and court costs for municipal
3 ordinance violations shall be the same or a lesser amount as
4 provided for in this section.

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

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

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

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

- 16 a. a device that is physically or electronically
17 integrated into a motor vehicle,
- 18 b. a voice-operated global positioning or navigation
19 system that is affixed to a motor vehicle,
- 20 c. a hands-free device that allows the user to write,
21 send or read a text message without the use of either
22 hand except to activate, deactivate or initiate a
23 feature or function, or
24

d. an ignition interlock device that has been installed on a motor vehicle; and

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

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

Passed the Senate the 14th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives