

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 132, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Dossett

Dossett-BH-FS-Req#1594  
3/22/2017 3:58 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 132

By: Dossett of the Senate

and

Virgin of the House

FLOOR SUBSTITUTE

[ texting while driving - Bobbi White Act of 2017 -  
prohibited acts - noncodification -  
~~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:

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

1 compose, send or read an electronic text message while the motor  
2 vehicle is in motion.

3 B. It shall be unlawful for any person to operate a motor  
4 vehicle, while the motor vehicle is in motion, on any street or  
5 highway within this state that is in a school zone or construction  
6 zone while using a cellular telephone or other handheld electronic  
7 device, unless the device is used with an accessory which allows the  
8 person to communicate without the use of his or her hands, other  
9 than to activate, deactivate or initiate a feature or function of  
10 the device.

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

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

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

- 22 1. An emergency response operator;
- 23 2. A hospital, physician's office or health clinic;
- 24 3. A provider of ambulance services;

1 4. A provider of firefighting services; ~~or~~

2 5. A law enforcement agency; or

3 6. Personnel of the Oklahoma Department of Emergency

4 Management.

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

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

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

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

20 3. "Electronic ~~communication~~ device" means ~~an electronic device~~  
21 ~~that permits the user to manually transmit a communication of~~  
22 ~~written text by means other than through an oral transfer or wire~~  
23 ~~communication~~ any device capable of making or transmitting still or  
24 moving photographs, video recordings or images of any kind; any

1 device capable of creating, transmitting or receiving text or data;  
2 and any device capable of receiving, transmitting or recording  
3 sound. This term does not include:

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

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

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

21 56-1-1594

BH

3/22/2017 3:58:22 PM