

March 2, 2017

By: Dossett of the Senate

Virgin of the House

~~emergency~~]

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

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

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

18 ~~D.~~ E. Any person who violates the provisions of subsection B of
19 this section when such violation occurs in a school zone or
20 construction zone shall, upon conviction, be punished by a fine of
21 not more than Two Thousand Dollars (\$2,000.00) if the violation
22 resulted in an accident in which injuries are a result and by a fine
23 of not more than Five Thousand Dollars (\$5,000.00) if the violation
24 resulted in an accident in which a death resulted.

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

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

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

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

- 19 1. "Cellular telephone" means an analog or digital wireless
20 telephone authorized by the Federal Communications Commission to
21 operate in the frequency bandwidth reserved for cellular telephones;
- 22 2. "Compose", "send" or "read" with respect to a text message
23 means the manual entry, sending or retrieval of a text message to
24 communicate with any person or device;

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
22 March 2, 2017 - DO PASS AS AMENDED
23
24