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March 1, 2018

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1419

By: Dossett

[usage of handheld electronic devices while driving
- text messaging -
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.

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).

C. It shall be unlawful for any person operating a motor
vehicle on any street or highway in this state to use a handheld

1 electronic communications device, while the vehicle is in motion, in
2 a school zone, during normal school hours, unless the device is used
3 with an accessory which allows the person to communicate without the
4 use of his or her hands, other than to activate, deactivate or
5 initiate a feature or function of the device.

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

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

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

19 ~~E.~~ F. Municipalities may enact and municipal police officers
20 may enforce ordinances prohibiting and penalizing conduct under the
21 provisions of this section. The provisions of such ordinances shall
22 be the same as provided for in this section; the enforcement
23 provisions of those ordinances shall not be more stringent than
24 those of this section; and the fine and court costs for municipal

1 ordinance violations shall be the same or a lesser amount as
2 provided for in this section.

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

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

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

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

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
8 March 1, 2018 - DO PASS AS AMENDED
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