

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1113

By: Yen

AS INTRODUCED

An Act relating to texting and 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; prescribing certain penalty; and providing an effective date.

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

1       C. Any person who violates the provisions of subsection A of  
2 this section and as a result of the violation causes an accident in  
3 which a fatality results, shall upon conviction, be guilty of a  
4 felony, punishable by a fine not exceeding One Thousand Dollars  
5 (\$1,000.00), or by imprisonment in the custody of the Oklahoma  
6 Department of Corrections not exceeding two (2) years, or by both  
7 such fine and imprisonment.

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 A of this section shall not  
12 apply if the person is using the cellular telephone or electronic  
13 communication device for the sole purpose of communicating with any  
14 of the following regarding an imminent emergency situation:

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

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

1 those of this section; and the fine and court costs for municipal  
2 ordinance violations shall be the same or a lesser amount as  
3 provided for in this section.

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

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

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

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

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

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

3        SECTION 2. This act shall become effective November 1, 2018.  
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