

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1419

By: Dossett

6 AS INTRODUCED

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

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

15 SECTION 1. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 This act shall be known and may be cited as the "The Bobbi White
18 Act of 2018".

19 SECTION 2. AMENDATORY Section 2, Chapter 248, O.S.L.
20 2015, as amended by Section 1, Chapter 186, O.S.L. 2016 (47 O.S.
21 Supp. 2017, Section 11-901d), is amended to read as follows:

22 Section 11-901d. A. It shall be unlawful for any person to
23 operate a motor vehicle on any street or highway within this state
24 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 person who violates the provisions of subsection A of
4 this section shall, upon conviction, be punished by a fine of not
5 more than One Hundred Dollars (\$100.00).

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

14 D. Any person who violates the provisions of subsection C
15 shall, upon conviction, be punished by a fine of not more than Two
16 Thousand Dollars (\$2,000.00) if the violation resulted in an
17 accident in which injuries are a result and by a fine of not more
18 than Five Thousand Dollars (\$5,000.00) if the violation resulted in
19 an accident in which a death resulted.

20 E. The Department of Public Safety shall not record or assess
21 points for violations of this section on any license holder's
22 traffic record maintained by the Department.

23 ~~D.~~ F. The provisions of ~~subsection~~ subsections A and C of this
24 section shall not apply if the person is using the cellular

1 telephone or electronic communication device for the sole purpose of
2 communicating with any of the following regarding an imminent
3 emergency situation:

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

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

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

- 18 1. "Cellular telephone" means an analog or digital wireless
19 telephone authorized by the Federal Communications Commission to
20 operate in the frequency bandwidth reserved for cellular telephones;
- 21 2. "Compose", "send" or "read" with respect to a text message
22 means the manual entry, sending or retrieval of a text message to
23 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
22 56-2-2238 BH 1/18/2018 4:18:04 PM
23
24