

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1052 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mark Vancuren

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1052

By: Worthen

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to usage of handheld electronic devices while driving; creating the Bobbi White Act of 2021; amending Section 2, Chapter 248, O.S.L. 2015, as amended by Section 1, Chapter 186, O.S.L. 2016 (47 O.S. Supp. 2020, Section 11-901d), which relates to text messaging; specifying prohibited acts; prescribing certain fines; modifying definitions; providing for noncodification; and declaring an 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 2021".

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. 2020, 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

1 while using a hand-held electronic communication device to manually
2 compose, send or read an electronic text message while the motor
3 vehicle is in motion.

4 B. Any person who violates the provisions of ~~subsection~~
5 subsections A and C of this section shall, upon conviction, be
6 punished by a fine of not more than One Hundred Dollars (\$100.00).

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

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

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

- 23 1. An emergency response operator;
- 24 2. A hospital, physician's office or health clinic;

1 3. A provider of ambulance services;

2 4. A provider of firefighting services; or

3 5. A law enforcement agency.

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

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

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

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

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

- 23 a. a device that is physically or electronically
24 integrated into a motor vehicle,

1 b. a voice-operated global positioning or navigation
2 system that is affixed to a motor vehicle,

3 c. a hands-free device that allows the user to write,
4 send or read a text message without the use of either
5 hand except to activate, deactivate or initiate a
6 feature or function, or

7 d. an ignition interlock device that has been installed
8 on a motor vehicle; and

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

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

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16 58-1-7388 MAH 02/04/21
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