

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 60

By: Dossett (J.J.)

AS INTRODUCED

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

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

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

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

- 22 1. An emergency response operator;
- 23 2. A hospital, physician's office or health clinic;
- 24 3. A provider of ambulance services;

1       4. A provider of firefighting services; or

2       5. A law enforcement agency.

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

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

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

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

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

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

- b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,
- c. a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function, or
- d. an ignition interlock device that has been installed on a motor vehicle; and

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

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

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