

An Act

ENROLLED HOUSE
BILL NO. 2263

By: Miller and Luttrell of the
House

and

Gollihare of the Senate

An Act relating to motor vehicles; defining terms; making certain use of cellular telephones and electronic communication devices unlawful on certain stretches of road; creating penalty for violation; making certain exceptions; authorizing municipalities to enact certain ordinances; providing details for certain ordinances; requiring the Department of Public Safety not assess certain points for violations; prohibiting confiscation of certain devices and information; making certain exceptions; providing for codification; and providing an effective date.

SUBJECT: Motor vehicles

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-901e of Title 47, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of this section:

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

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

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

- a. a device that is physically or electronically 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 or voice-operated 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,
- d. an ignition interlock device that has been installed on a motor vehicle, or
- e. amateur radio use or operation; and

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

B. Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit is properly posted that is in effect during certain times due to the presence or potential presence of school children, or in a road construction zone, and while a motor vehicle is in motion, it shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while:

1. Using a hand-held electronic communication device or cellular telephone to manually compose, send, or read an electronic text message; or

2. Holding or using a hand-held cellular telephone.

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

D. The provisions of subsection B of this section shall not apply if the person is using the cellular telephone or electronic communication device:

1. In conjunction with hands-free or voice-operated technology;
or

2. For the sole purpose of communicating with any of the following regarding an imminent emergency situation:

- a. an emergency response operator,
- b. a hospital, physician's office, or health clinic,
- c. a provider of ambulance services,
- d. a provider of firefighting services, or
- e. a law enforcement agency.

E. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section. The provisions of such ordinances shall be the same as provided for in this section; the enforcement provisions of those ordinances shall not be more stringent than those of this section; and the total fine and court costs for municipal ordinance violations shall not exceed One Hundred Dollars (\$100.00).

F. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by Service Oklahoma.

G. A law enforcement officer shall not, without the consent of the person:

1. Confiscate a cellular telephone or electronic communication device for the purpose of determining compliance with this section;

2. Confiscate a cellular telephone or electronic communication device and retain it as evidence pending trial for a violation of this section; or

3. Extract or otherwise download information from a cellular telephone or electronic communication device for a violation of this section unless:

- a. the law enforcement officer has probable cause to believe that the cellular telephone or electronic communication device has been used in the commission of a crime,
- b. the information is extracted or otherwise downloaded under a valid search warrant, or
- c. otherwise authorized by law.

SECTION 2. This act shall become effective November 1, 2025.

Passed the House of Representatives the 17th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 6th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____