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April 17, 2025

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 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.

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;

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

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

- 8 a. a device that is physically or electronically
9 integrated into a motor vehicle,
- 10 b. a voice-operated global positioning or navigation
11 system that is affixed to a motor vehicle,
- 12 c. a hands-free or voice-operated device that allows the
13 user to write, send, or read a text message without
14 the use of either hand except to activate, deactivate,
15 or initiate a feature or function,
- 16 d. an ignition interlock device that has been installed
17 on a motor vehicle, or
- 18 e. amateur radio use or operation; and

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

21 B. Where any portion of a road, street, or highway is a
22 properly marked school zone, as indicated with appropriate warning
23 signs placed in accordance with the latest edition of the Manual on
24 Uniform Traffic Control Devices, and a reduced speed limit is

1 properly posted that is in effect during certain times due to the
2 presence or potential presence of school children, or in a road
3 construction zone, and while a motor vehicle is in motion, it shall
4 be unlawful for any person to operate a motor vehicle on any street
5 or highway within this state while:

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

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

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

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

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

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

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

1 E. Municipalities may enact and municipal police officers may
2 enforce ordinances prohibiting and penalizing conduct under the
3 provisions of this section. The provisions of such ordinances shall
4 be the same as provided for in this section; the enforcement
5 provisions of those ordinances shall not be more stringent than
6 those of this section; and the total fine and court costs for
7 municipal ordinance violations shall not exceed One Hundred Dollars
8 (\$100.00).

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

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

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

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

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

22 a. the law enforcement officer has probable cause to
23 believe that the cellular telephone or electronic
24

1 communication device has been used in the commission
2 of a crime,

3 b. the information is extracted or otherwise downloaded
4 under a valid search warrant, or

5 c. otherwise authorized by law.

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

7 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY AND TELECOMMUNICATIONS
8 April 17, 2025 - DO PASS
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