

Regular Session, 2013

SENATE BILL NO. 147

BY SENATOR ERDEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC. Prohibits any device from being used to access, read, or post to a social networking site while operating a motor vehicle and requires tests administered to driver's license applicants include the applicant's knowledge of distracted driving issues. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 32:300.5(A), the introductory paragraph of R.S. 32:300.5(B),  
3 R.S. 32:407(A)(2)(a), and R.S. 32:408(A)(1), relative to driver distractions; to  
4 prohibit social networking while operating a motor vehicle; to provide for penalties;  
5 to provide for knowledge of driver distractions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:300.5(A), the introductory paragraph of R.S. 32:300.5(B), R.S.  
8 32:407(A)(2)(a), and R.S. 32:408(A)(1) are hereby amended and reenacted to read as  
9 follows:

10 §300.5. Use of certain wireless telecommunications devices for text messaging and

11 **social networking** prohibited

12 A.(1) Except as provided in Subsection B of this Section, no person shall  
13 operate any motor vehicle upon any public road or highway of this state while using  
14 a wireless telecommunications device to write, send, or read a text-based  
15 communication. For purposes of this Section, a person shall not be deemed to be  
16 writing, reading, or sending a text message if the person reads, selects, or enters a  
17 telephone number or name in a wireless telecommunications device for the purpose

1 of making a telephone call.

2 (2) **No person shall operate any motor vehicle upon any public road or**  
3 **highway of this state while using a wireless telecommunications device to access,**  
4 **read, or post to a social networking site.**

5 (3)(a) "Wireless telecommunications device" means a cellular telephone, a  
6 text-messaging device, a personal digital assistant, a stand alone computer, or any  
7 other substantially similar wireless device that is readily removable from the vehicle  
8 and is used to write, send, or read text or data through manual input. A "wireless  
9 telecommunications device" shall not include any device or component that is  
10 permanently affixed to a motor vehicle. It does not include citizens band radios,  
11 citizens band radio hybrids, commercial two-way radio communication devices, or  
12 electronic communication devices with a push-to-talk function.

13 (b) "Write, send, or read a text-based communication" means using a wireless  
14 telecommunications device to manually communicate with any person by using a  
15 text-based communication referred to as a text message, instant message, or  
16 electronic mail.

17 (c) **"Access, read, or post to a social networking site" means using a**  
18 **wireless telecommunications device to access, read, or post on such device to any**  
19 **web-based service that allows individuals to construct a profile within a**  
20 **bounded system, articulate a list of other users with whom they share a**  
21 **connection, and communicate with other members of the site.**

22 B. The provisions of this **Paragraph (A)(1) of this** Section shall not apply  
23 to the following:

24 \* \* \*

25 §407. Application of minors; revocation; applications of persons less than twenty-  
26 one years of age

27 A.(1) \* \* \*

28 (2)(a) Upon completion of a driver's education course approved by the  
29 Department of Public Safety and Corrections, public safety services, and upon

1 passing a visual examination and a road knowledge test, including rules of the road,  
2 signs, and signals, sharing the road with motorcycles and tractor/trailer trucks,  
3 **knowledge of distracted driving issues**, and not less than two questions relative to  
4 railroad and highway grade railroad safety, an applicant at least fifteen years of age,  
5 but less than seventeen years of age, applying for the first time may be issued a Class  
6 "E" learner's license. The license may be issued for a four-year period at the same fee  
7 as a Class "E" driver's license and must be maintained for at least one hundred eighty  
8 days, unless prior to such time the driver reaches seventeen years of age, prior to  
9 being converted to a Class "E" intermediate driver's license. The Class "E" learner's  
10 license shall authorize the holder to drive while being accompanied by a licensed  
11 parent, guardian, adult at least age twenty-one or older, or licensed sibling at least  
12 age eighteen or older.

13 \* \* \*

14 §408. Examination of applicants required; classes of licenses

15 A.(1) Except as otherwise provided, every applicant must pass a written  
16 knowledge and skills test for a motor vehicle representative of the type of motor  
17 vehicle he operates or expects to operate, or provide evidence on a form approved  
18 by the department that he has successfully passed the written knowledge test and a  
19 driving or skills test administered by an authorized third party. In addition to the  
20 specialized knowledge and skills tests, each such examination shall include: a test  
21 of the applicant's eyesight; his ability to understand highway signs regulating,  
22 warning, and directing traffic; his knowledge of railroad and highway grade crossing  
23 safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks;  
24 his knowledge of the economic effects of littering; **his knowledge of distracted**  
25 **driving issues**; and his knowledge of all relevant traffic regulations.

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The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

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#### DIGEST

Erdey (SB 147)

Present law prohibits any person from operating a motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to write, send, or read a text-based communication.

Present law excepts certain persons from prohibition of using a wireless telecommunications device to write, send, or read a text-based communication.

Proposed law retains present law and further prohibits any person from operating a motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to access, read, or post to a social networking site.

Proposed law defines "access, read, or post to a social networking site" as using a wireless telecommunications device to access, read, or post to any web-based service that allows individuals to construct a profile within a bounded system, articulate a list of other users with whom they share a connection, and communicate with other members of the site.

Present law provides that any violation of present law shall constitute a moving violation. Proposed law retains present law and provides that using a wireless telecommunications device to access, read, or post to a social networking site shall constitute a moving violation.

Present law, with regard to driver's license applications of minors, provides that upon completion of a driver's education course approved by the Dept. of Public Safety and Corrections, public safety services, and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least 15 years of age, but less than 17 years of age, applying for the first time may be issued a Class "E" learner's license. Further provides that the license may be issued for a four-year period at the same fee as a Class "E" driver's license and must be maintained for at least 180 days, unless prior to such time the driver reaches 17 years of age, prior to being converted to a Class "E" intermediate driver's license. Provides that the Class "E" learner's license shall authorize the holder to drive while being accompanied by a licensed parent, guardian, adult at least age 21 or older, or licensed sibling at least age 18 or older.

Present law requires every driver's license applicant to pass a written knowledge and skills test for a motor vehicle representative of the type of motor vehicle he operates or expects to operate, or provide evidence on a form approved by the department that he has successfully passed the written knowledge test and a driving or skills test administered by an authorized third party. Requires that in addition to the specialized knowledge and skills tests, each such examination shall include: a test of the applicant's eyesight; his ability to understand highway signs regulating, warning, and directing traffic; his knowledge of railroad and highway grade crossing safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks; his knowledge of the economic effects of littering; and his knowledge of all relevant traffic regulations.

Proposed law retains present law and requires that the tests administered to driver's license applicants includes the applicant's knowledge of distracted driving issues.

Effective August 1, 2013.

(Amends R.S. 32:300.5(A), 300.5(B)(intro para), 407(A)(2)(a), and 408(A)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation,  
Highways, and Public Works to the original bill

1. Makes use of any device to access, read, or post to a social networking site while operating a motor vehicle applicable to all persons.
2. Revises definition of "access, read, or post to a social networking site" to mean using a wireless telecommunications device to access, read, or post to any web-based service.

Senate Floor Amendments to engrossed bill

1. Require tests administered to driver's license applicants include the applicant's knowledge of distracted driving issues.