

1 HB2
2 141807-2
3 By Representative McClendon
4 RFD: Public Safety and Homeland Security
5 First Read: 07-FEB-12
6 PFD: 09/15/2011

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ENROLLED, An Act,

Relating to the operation of motor vehicles; to prohibit any person from operating a motor vehicle on a public street, road, or highway while also text messaging on a handheld cell phone or other handheld wireless telecommunication device; to provide penalties; to provide exceptions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this act, the following words have the following meanings:

(1) WIRELESS TELECOMMUNICATION DEVICE. A handheld cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other similar wireless device that is readily removable from a vehicle and is used to write, send, or read text or data through manual input. The term "wireless telecommunication device" does not include a device which is voice-operated and which allows the user to send or receive a text-based

1 communication without the use of either hand except to
2 activate or deactivate a feature or function.

3 (2) WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION.

4 Using a wireless telecommunication device to manually
5 communicate with any person using text-based communication,
6 including, but not limited to, communications referred to as a
7 text message, instant message, or electronic mail. The term
8 does not include reading, selecting, or entering a telephone
9 number or name in a cell or wireless telephone or
10 communication device for the purpose of making a telephone
11 call.

12 (b) A person may not operate a motor vehicle on a
13 public road, street, or highway in Alabama while using a
14 wireless telecommunication device to write, send, or read a
15 text-based communication.

16 (c) A person who violates subsection (b) is subject
17 to fines as follows:

18 (1) Twenty-five dollars (\$25) for a first violation.

19 (2) Fifty dollars (\$50) for a second violation.

20 (3) Seventy-five dollars (\$75) for a third or
21 subsequent violation.

22 (d) Law enforcement officers enforcing this section
23 may treat a violation of this section as the primary or sole
24 reason for issuing a citation to a driver.

1 (e) The following uses of wireless communication
2 devices shall not be subject to the restrictions in this
3 section:

4 (1) An individual using a wireless communication
5 device to obtain emergency services including, but not limited
6 to, an emergency call to a law enforcement agency, health care
7 provider, fire department, or other emergency services agency
8 or entity.

9 (2) An individual using a wireless communication
10 device while the motor vehicle is parked on the shoulder of
11 the highway, road, or street.

12 (3) An individual using a wireless communication
13 device as a global positioning or navigation system to receive
14 driving directions which has been pre-programmed with the
15 desired coordinates. The programming of coordinates while
16 operating a vehicle remains a violation of this section.

17 Section 2. A conviction of this act shall be entered
18 on the driving record of any individual charged under this act
19 as a two-point violation.

20 Section 3. (a) In any case brought by a law
21 enforcement officer employed by the Department of Public
22 Safety all fines shall be allocated to the State General Fund.

23 (b) Each state, county, and municipal law
24 enforcement agency shall maintain statistical information on
25 traffic stops made pursuant to this act on minority groups and

1 report that information monthly to the Department of Public
2 Safety.

3 Section 4. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 5. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-FEB-12, as amended.

Greg Pappas
Clerk

Senate	<hr/> 24-APR-12 <hr/>	Amended and Passed
House	26-APR-12	Passed, as amended by Conference Com- mittee Report
Senate	<hr/> 26-APR-12 <hr/>	Passed, as amended by Conference Com- mittee Report