

# HOUSE BILL NO. 103

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT (52).

0117H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the use of a hand-held wireless communication device while in a school zone, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 304.820, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.820, to read as follows:

304.820. 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless ~~[communications]~~ **communication** device, send, read, or write a text message or electronic message.

2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless ~~[communications]~~ **communication** device to send, read, or write a text message or electronic message.

4. **Except as otherwise provided in this section, no person shall operate a motor vehicle within a school zone while using a hand-held wireless communication device to make or take part in a phone call or to send, read, or write a text message or electronic message unless the device is equipped with technology allowing for hands-free operation or equipped for voice-recognition hands-free texting and is being used in such manner. For purposes of this subsection, "school zone" means any area upon or around any street or highway as defined in section 302.010 that is visibly marked by a sign erected by a**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **county or municipality as an area in which a school building is located and the sections of**  
18 **street or highway on or adjacent to the school property that are designated by signs**  
19 **indicating that it is a school zone and showing the posted speed limit.**

20 **5.** The provisions of subsection 1 through subsection ~~[3]~~ **4** of this section shall not apply  
21 to a person operating:

22 (1) An authorized emergency vehicle; or

23 (2) A moving motor vehicle while using a hand-held electronic wireless  
24 ~~[communications]~~ **communication** device to:

25 (a) Report illegal activity;

26 (b) Summon medical or other emergency help;

27 (c) Prevent injury to a person or property; or

28 (d) Relay information between a transit or for-hire operator and that operator's  
29 dispatcher, in which the device is permanently affixed to the vehicle.

30 ~~[5-]~~ **6.** Nothing in this section shall be construed or interpreted as prohibiting a person  
31 from making or taking part in a telephone call, by means of a hand-held electronic wireless  
32 ~~[communications]~~ **communication** device, while operating a noncommercial motor vehicle upon  
33 the highways of this state.

34 ~~[6-]~~ **7.** As used in this section, "electronic message" means a self-contained piece of  
35 digital communication that is designed or intended to be transmitted between hand-held  
36 electronic wireless communication devices. "Electronic message" includes, but is not limited  
37 to, electronic mail, a text message, an instant message, or a command or request to access an  
38 internet site.

39 ~~[7-]~~ **8.** As used in this section, "hand-held electronic wireless ~~[communications]~~  
40 **communication** device" includes any hand-held cellular phone~~[-, palm pilot, blackberry,]~~ or other  
41 mobile electronic device used to communicate verbally or by text or electronic messaging, but  
42 shall not apply to any device that is permanently embedded into the architecture and design of  
43 the motor vehicle.

44 ~~[8-]~~ **9.** As used in this section, "making or taking part in a telephone call" means listening  
45 to or engaging in verbal communication through a hand-held electronic wireless communication  
46 device.

47 ~~[9-]~~ **10.** As used in this section, "send, read, or write a text message or electronic  
48 message" means using a hand-held electronic wireless ~~[telecommunications]~~ **telecommunication**  
49 device to manually communicate with any person by using an electronic message. Sending,  
50 reading, or writing a text message or electronic message does not include reading, selecting, or  
51 entering a phone number or name into a hand-held electronic wireless ~~[communications]~~  
52 **communication** device for the purpose of making a telephone call.

53           ~~[10.]~~ **11.** A violation of this section shall be deemed an infraction and shall be deemed  
54 a moving violation for purposes of point assessment under section 302.302.

55           ~~[11.]~~ **12.** The state preempts the field of regulating the use of hand-held electronic  
56 wireless ~~[communications]~~ **communication** devices in motor vehicles, and the provisions of this  
57 section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a  
58 county, municipality, or other political subdivision to regulate the use of hand-held electronic  
59 wireless communication devices by the operator of a motor vehicle.

60           ~~[12.]~~ **13.** The provisions of this section shall not apply to:

61           (1) The operator of a vehicle that is lawfully parked or stopped;

62           (2) Any of the following while in the performance of their official duties: a law  
63 enforcement officer; a member of a fire department; or the operator of a public or private  
64 ambulance;

65           (3) The use of factory-installed or aftermarket global positioning systems (GPS) or  
66 wireless ~~[communications]~~ **communication** devices used to transmit or receive data as part of  
67 a digital dispatch system;

68           (4) The use of voice-operated technology;

69           (5) The use of two-way radio transmitters or receivers by a licensee of the Federal  
70 Communications Commission in the Amateur Radio Service.

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