

FIRST REGULAR SESSION

# SENATE BILL NO. 3

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0459S.01I

## AN ACT

To repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the use of electronic wireless communications devices while operating a motor vehicle, with existing 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Section A. Section 304.820, RSMo, is repealed and one new section  
2 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  
2 [twenty-one years of age or younger] operating a moving motor vehicle upon the  
3 highways of this state shall[, by means of a hand-held electronic wireless  
4 communications device, send, read, or write a text message or electronic message]  
5 **use an electronic wireless communications device.**

6 2. Except as otherwise provided in this section, no person shall operate  
7 a commercial motor vehicle while using [a hand-held mobile telephone] **an**  
8 **electronic wireless communications device.**

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

12 4.] The provisions of subsection 1 [through] **and** subsection [3] **2** of this  
13 section shall not apply to a person operating:

14 (1) An authorized emergency vehicle; or

15 (2) **A moving motor vehicle while using an electronic wireless**  
16 **communications device in hands-free or voice-operated mode, which**  
17 **may include the use of a headset; or**

18 (3) A moving motor vehicle while using a [hand-held] electronic wireless

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 communications device to:

- 20 (a) Report illegal activity;
- 21 (b) Summon medical or other emergency help;
- 22 (c) Prevent injury to a person or property; or
- 23 (d) Relay information between a transit or for-hire operator and that  
24 operator's dispatcher, in which the device is permanently affixed to the vehicle.

25 [5. Nothing in this section shall be construed or interpreted as prohibiting  
26 a person from making or taking part in a telephone call, by means of a hand-held  
27 electronic wireless communications device, while operating a noncommercial  
28 motor vehicle upon the highways of this state.

29 6. As used in this section, "electronic message" means a self-contained  
30 piece of digital communication that is designed or intended to be transmitted  
31 between hand-held electronic wireless communication devices. "Electronic  
32 message" includes, but is not limited to, electronic mail, a text message, an  
33 instant message, or a command or request to access an internet site.

34 7.] 4. As used in this section, "[hand-held] electronic wireless  
35 communications device" includes any [hand-held] cellular phone, palm pilot,  
36 blackberry, or other mobile electronic device used to communicate verbally or by  
37 text or electronic messaging, but shall not apply to any device that is  
38 permanently embedded into the architecture and design of the motor vehicle.

39 [8. As used in this section, "making or taking part in a telephone call"  
40 means listening to or engaging in verbal communication through a hand-held  
41 electronic wireless communication device.

42 9. As used in this section, "send, read, or write a text message or  
43 electronic message" means using a hand-held electronic wireless  
44 telecommunications device to manually communicate with any person by using  
45 an electronic message. Sending, reading, or writing a text message or electronic  
46 message does not include reading, selecting, or entering a phone number or name  
47 into a hand-held electronic wireless communications device for the purpose of  
48 making a telephone call.

49 10.] 5. A violation of this section shall be deemed an infraction and shall  
50 be deemed a moving violation for purposes of point assessment under section  
51 302.302.

52 [11.] 6. The state preempts the field of regulating the use of [hand-held]  
53 electronic wireless communications devices in motor vehicles, and the provisions  
54 of this section shall supercede any local laws, ordinances, orders, rules, or

55 regulations enacted by a county, municipality, or other political subdivision to  
56 regulate the use of [hand-held] electronic wireless communication devices by the  
57 operator of a motor vehicle.

58 [12.] 7. The provisions of this section shall not apply to:

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

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

63 (3) The use of factory-installed or aftermarket global positioning systems  
64 (GPS) or wireless communications devices used to transmit or receive data as part  
65 of a digital dispatch system;

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

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

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Bill

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