

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1009

By: Perryman

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6 AS INTRODUCED

7 An Act relating to motor vehicles; making certain  
8 acts unlawful; providing exceptions; providing  
9 penalty; authorizing municipalities to enact certain  
ordinances; defining terms; providing for  
codification; and providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 11-901d of Title 47, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. It shall be unlawful for any person to operate a motor  
17 vehicle on any public street or highway of this state while using a  
18 cellular telephone or electronic communication device to compose,  
19 send or read a text-based communication while the motor vehicle is  
20 in motion.

21 B. The provisions of subsection A of this section shall not  
22 apply if the person is using the cellular telephone or electronic  
23 communication device for the sole purpose of communicating with any  
24 of the following regarding an emergency situation:

- 1 1. An emergency response operator;
- 2 2. A hospital, physician's office or health clinic;
- 3 3. A provider of ambulance services;
- 4 4. A provider of firefighting services; or
- 5 5. A law enforcement agency.

6 C. Any person who violates the provisions of subsection A of  
7 this section shall, upon conviction, be punished by a fine and court  
8 costs that shall not exceed Five Hundred Dollars (\$500.00).

9 D. Municipalities may enact, and municipal police officers may  
10 enforce ordinances prohibiting and penalizing conduct under the  
11 provisions of this section, but the provisions of those ordinances  
12 shall be the same as provided for in this section, the enforcement  
13 provisions of those ordinances shall not be more stringent than  
14 those of this section, and the fine and court costs for municipal  
15 ordinance violations shall be the same or a lesser amount as  
16 provided for in this section.

17 E. As used in this section:

18 1. "Cellular telephone" means an analog or digital wireless  
19 telephone authorized by the Federal Communications Commission to  
20 operate in the frequency bandwidth reserved for cellular telephones;

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

1       3. "Electronic communication device" means an electronic device  
2 that permits the user to manually transmit a communication of  
3 written text by means other than through an oral transfer or wire  
4 communication and includes, but is not limited to, a cellular  
5 telephone, personal digital assistant, text messaging device or a  
6 computer. This term does not include a voice-activated global  
7 positioning or navigation system;

8       4. "Text message" includes a text-based message, instant  
9 message, electronic message or electronic mail; and

10       5. "Using a cellular telephone or electronic communication  
11 device" means pressing the buttons on a cellular telephone or  
12 wireless electronic communication device to use any of the functions  
13 of the cellular telephone or wireless electronic communication  
14 device.

15       SECTION 2. This act shall become effective November 1, 2015.

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