

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 878

By: Barrington

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6 AS INTRODUCED

7 An Act relating to texting while driving; amending
8 Section 2, Chapter 248, O.S.L. 2015 (47 O.S. Supp.
9 2015, Section 11-901d), which relates to the offense
of texting while driving; modifying penalty; and
declaring an emergency.

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

13 SECTION 1. AMENDATORY Section 2, Chapter 248, O.S.L.
14 2015 (47 O.S. Supp. 2015, Section 11-901d), is amended to read as
15 follows:

16 Section 11-901d. A. It shall be unlawful for any person to
17 operate a motor vehicle on any street or highway within this state
18 while using a hand-held electronic communication device to manually
19 compose, send or read an electronic text message while the motor
20 vehicle is in motion.

21 B. Any person who violates the provisions of subsection A of
22 this section shall, upon conviction, be punished by a fine ~~of not~~
23 more than, which, including all court costs and fees, shall not
24 exceed One Hundred Dollars (\$100.00).

1 C. The Department of Public Safety shall not record or assess
2 points for violations of this section on any license holder's
3 traffic record maintained by the Department.

4 D. The provisions of subsection A of this section shall not
5 apply if the person is using the cellular telephone or electronic
6 communication device for the sole purpose of communicating with any
7 of the following regarding an imminent emergency situation:

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

13 E. Municipalities may enact and municipal police officers may
14 enforce ordinances prohibiting and penalizing conduct under the
15 provisions of this section. The provisions of such ordinances shall
16 be the same as provided for in this section; the enforcement
17 provisions of those ordinances shall not be more stringent than
18 those of this section; and the fine and court costs for municipal
19 ordinance violations shall be the same or a lesser amount as
20 provided for in this section.

21 F. For the purpose of this section:

- 22 1. "Cellular telephone" means an analog or digital wireless
23 telephone authorized by the Federal Communications Commission to
24 operate in the frequency bandwidth reserved for cellular telephones;

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

4 3. "Electronic communication device" means an electronic device
5 that permits the user to manually transmit a communication of
6 written text by means other than through an oral transfer or wire
7 communication. This term does not include a device that is
8 physically or electronically integrated into a motor vehicle or a
9 voice-operated global positioning or navigation system that is
10 affixed to a motor vehicle, or a hands-free device that allows the
11 user to write, send or read a text message without the use of either
12 hand except to activate, deactivate or initiate a feature or
13 function; and

14 4. "Text message" includes a text-based message, instant
15 message, electronic message, photo, video or electronic mail.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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