

FIRST REGULAR SESSION

HOUSE BILL NO. 306

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor) AND
KELLEY (126) (Co-sponsor).

0607L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of wireless communications devices in construction and work zones.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be
2 known as section 304.865, to read as follows:

304.865. 1. Except as otherwise provided in this section, no person operating a
2 motor vehicle within a construction zone or work zone, as defined in section 304.580, shall
3 use a hand-held electronic wireless communication device.

4 2. The provisions of subsection 1 of this section shall not apply to a person
5 operating:

6 (1) An authorized emergency vehicle; or

7 (2) A moving motor vehicle while using a hand-held electronic wireless
8 communications device to:

9 (a) Report illegal activity;

10 (b) Summon medical or other emergency help;

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

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

14 3. As used in this section, "hand-held electronic wireless communications device"
15 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic
16 device used to communicate verbally or by text or electronic messaging, but shall not apply

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 to any device that is permanently embedded into the architecture and design of the motor
18 vehicle.

19 4. A violation of this section shall be deemed an infraction and shall be deemed a
20 moving violation for purposes of point assessment under section 302.302.

21 5. The state preempts the field of regulating the use of hand-held electronic wireless
22 communications devices in motor vehicles, and the provisions of this section shall
23 supercede any local laws, ordinances, orders, rules, or regulations enacted by a county,
24 municipality, or other political subdivision to regulate the use of hand-held electronic
25 wireless communications devices by the operator of a motor vehicle.

26 6. The provisions of this section shall not apply to:

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

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

31 (3) The use of factory-installed or aftermarket global positioning systems (GPS) or
32 wireless communications devices used to transmit or receive data as part of a digital
33 dispatch system.