

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 636, Page 16, Section 211.444, Line
2 25, by inserting after all of said line the following:

3 “304.820. 1. Except as otherwise provided in this section, no person [twenty-one years of
4 age or younger] operating a moving motor vehicle upon the highways of this state shall, by means
5 of a hand-held electronic wireless communications device, send, read, or write a text message or
6 electronic message, unless the device is equipped with technology allowing for voice-recognition
7 hands-free texting and is being used in such manner.

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

9 (1) An authorized emergency vehicle; or

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

12 (a) Report illegal activity;

13 (b) Summon medical or other emergency help;

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

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

17 3. Nothing in this section shall be construed or interpreted as prohibiting a person from
18 making or taking part in a telephone call, by means of a hand-held electronic wireless
19 communications device, while operating a motor vehicle upon the highways of this state.

20 4. As used in this section, "electronic message" means a self-contained piece of digital
21 communication that is designed or intended to be transmitted between hand-held electronic

1 wireless communication devices. "Electronic message" includes, but is not limited to, electronic
2 mail, a text message, an instant message, or a command or request to access an internet site.

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

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

10 7. As used in this section, "send, read, or write a text message or electronic message"
11 means using a hand-held electronic wireless telecommunications device to manually communicate
12 with any person by using an electronic message. Sending, reading, or writing a text message or
13 electronic message does not include reading, selecting, or entering a phone number or name into a
14 hand-held electronic wireless communications device for the purpose of making a telephone call.

15 8. A violation of this section shall be deemed an infraction and shall be deemed a moving
16 violation for purposes of point assessment under section 302.302, RSMo.

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

22 10. The provisions of this section shall not apply to:

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

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

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

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

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

7

8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.