

FIRST REGULAR SESSION

HOUSE BILL NO. 694

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor), GATSCHENBERGER, FRAME, WEBBER,
COLONA, HUMMEL, TORPEY, MCCAHERTY, HIGDON, NETH AND HINSON (Co-sponsors).

1525L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of hand-held electronic communications devices by persons operating motor vehicles for compensation while transporting passengers.

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 304.823, to read as follows:

**304.823. 1. The provisions of this section shall be known as the "Fair Fare
2 Passenger Safety Act of 2013".**

**3 2. Except as otherwise provided in this section, no person operating a moving motor
4 vehicle upon the highways or other public roadways of this state who is receiving
5 compensation for the transportation of one or more passengers who are currently
6 occupying said motor vehicle shall, by means of a hand-held electronic wireless
7 communications device, send, read, or write a text message or electronic message or make
8 or take part in a telephone call, by means of a hand-held electronic wireless
9 communications device.**

**10 3. The provisions of subsection 1 of this section shall not apply to a person
11 operating:**

12 (1) An authorized emergency vehicle; or

**13 (2) A moving motor vehicle while using a hand-held electronic wireless
14 communications device to:**

15 (a) Report illegal activity;

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.

- 16 **(b) Summon medical or other emergency help;**
17 **(c) Prevent injury to a person or property; or**
18 **(d) Relay information between a transit or for-hire operator and that operator's**
19 **dispatcher, in which the device is permanently affixed to the vehicle.**
- 20 **4. Nothing in this section shall be construed or interpreted as prohibiting a person**
21 **from making or taking part in a telephone call, by means of a hands-free electronic**
22 **wireless communications device, while operating a motor vehicle upon the highways of this**
23 **state.**
- 24 **5. As used in this section, "electronic message" means a self-contained piece of**
25 **digital communication that is designed or intended to be transmitted between hand-held**
26 **electronic wireless communications devices. "Electronic message" includes, but is not**
27 **limited to, electronic mail, a text message, an instant message, or a command or request to**
28 **access an internet site.**
- 29 **6. As used in this section, "hand-held electronic wireless communications device"**
30 **includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic**
31 **device used to communicate verbally or by text or electronic messaging, but shall not apply**
32 **to any device that is permanently embedded into the architecture and design of the motor**
33 **vehicle.**
- 34 **7. As used in this section, "making or taking part in a telephone call" means**
35 **listening to or engaging in verbal communication through a hand-held electronic wireless**
36 **communications device.**
- 37 **8. As used in this section, "send, read, or write a text message or electronic**
38 **message" means using a hand-held electronic wireless telecommunications device to**
39 **manually communicate with any person by using an electronic message. Sending, reading,**
40 **or writing a text message or electronic message does not include reading, selecting, or**
41 **entering a phone number or name into a hand-held electronic wireless communications**
42 **device for the purpose of making a telephone call.**
- 43 **9. As used in this section, the terms "one or more passengers" does not include the**
44 **driver as a passenger.**
- 45 **10. As used in this section, the term "receiving compensation" means the driver**
46 **either has already received, is currently receiving, or will in the future receive**
47 **compensation from either the passenger or passengers personally, the employer of said**
48 **driver, a contractual agreement, or any other agreed upon method of payment.**
- 49 **11. A violation of this section shall be deemed an infraction and shall be deemed a**
50 **moving violation for purposes of point assessment under section 302.302.**

51 **12. Any city or county shall have the authority to adopt ordinances or regulations**
52 **which are equivalent to, but not more restrictive than, the provisions of this section.**

53 **13. The provisions of this section shall not apply to:**

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

55 **(2) Any of the following while in the performance of their official duties: a law**
56 **enforcement officer; a member of a fire department; or the operator of a public or private**
57 **ambulance;**

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

61 **(4) The use of voice-operated technology to make or take part in a phone call;**

62 **(5) The use of two-way radio transmitters or receivers by a licensee of the Federal**
63 **Communications Commission in the Amateur Radio Service;**

64 **(6) A person using a handheld mobile telephone in conjunction with a voice-**
65 **operated or hands-free device. The term "voice-operated or hands-free device" for**
66 **purposes of this subdivision shall mean a device that allows the user to write, send, or read**
67 **a text message without the use of either hand except to activate or deactivate a feature or**
68 **function.**

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