

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1111, Page 6, Section 304.155, Line
2 180, by inserting after all of said section 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
22 wireless communication devices. "Electronic message" includes, but is not limited to, electronic
23 mail, a text message, an instant message, or a command or request to access an internet site.

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

28 6. As used in this section, "making or taking part in a telephone call" means listening to or

1 engaging in verbal communication through a hand-held electronic wireless communication
2 device.

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

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

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

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

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

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

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

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

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

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.