

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1402, Page 2, Section 304.120, Line  
2 42, by adding one new section following said line to read as follows:

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

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

10 (1) An authorized emergency vehicle; or

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

13 (a) Report illegal activity;

14 (b) Summon medical or other emergency help;

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

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

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

21 4. As used in this section, "electronic message" means a self-contained piece of digital

1 communication that is designed or intended to be transmitted between hand-held electronic  
2 wireless communication devices. "Electronic message" includes, but is not limited to, electronic  
3 mail, a text message, an instant message, or a command or request to access an internet site.

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

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

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

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

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

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

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

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

1 ambulance;

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

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

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

8

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