

HOUSE

AMENDMENT NO. _____

Offered by

of

1 AMEND [Corrected] House Committee Substitute for House Bill No.
2 388, Page 13, Section 304.180, Line 151, by inserting after all
3 of said line the following:

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

12 2. Except as otherwise provided in this section, no person
13 shall operate a commercial motor vehicle while using a hand-held
14 mobile telephone.

15 3. Except as otherwise provided in this section, no person
16 shall operate a commercial motor vehicle while using a wireless
17 communications device to send, read, or write a text message or
18 electronic message.

19 4. The provisions of subsection 1 through subsection 3 of
20 this section shall not apply to a person operating:

21 (1) An authorized emergency vehicle; or

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

24 (a) Report illegal activity;

25 (b) Summon medical or other emergency help;

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

27 (d) Relay information between a transit or for-hire
28 operator and that operator's dispatcher, in which the device is

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1 permanently affixed to the vehicle.

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

7 6. As used in this section, "electronic message" means a
8 self-contained piece of digital communication that is designed or
9 intended to be transmitted between hand-held electronic wireless
10 communication devices. "Electronic message" includes, but is not
11 limited to, electronic mail, a text message, an instant message,
12 or a command or request to access an internet site.

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

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

23 9. As used in this section, "send, read, or write a text
24 message or electronic message" means using a hand-held electronic
25 wireless telecommunications device to manually communicate with
26 any person by using an electronic message. Sending, reading, or
27 writing a text message or electronic message does not include
28 reading, selecting, or entering a phone number or name into a
29 hand-held electronic wireless communications device for the
30 purpose of making a telephone call.

31 10. A violation of this section shall be deemed an
32 infraction and shall be deemed a moving violation for purposes of
33 point assessment under section 302.302.

34 11. The state preempts the field of regulating the use of
35 hand-held electronic wireless communications devices in motor
36 vehicles, and the provisions of this section shall supercede any
37 local laws, ordinances, orders, rules, or regulations enacted by

1 a county, municipality, or other political subdivision to
2 regulate the use of hand-held electronic wireless communication
3 devices by the operator of a motor vehicle.

4 12. The provisions of this section shall not apply to:

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

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

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

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

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

17
18 Further amend said title, enacting clause and intersectional
19 references accordingly.