

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2320, Page 1, In the Title, Line 3, by
2 deleting the words "towing companies" and inserting in lieu thereof the words "motor vehicles"; and
3

4 Further amend said bill, Page 4, Section 304.154, Line 42, by inserting after all of said section and
5 line the following:
6

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

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

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

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

19 (1) An authorized emergency vehicle; or

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

22 (a) Report illegal activity;

23 (b) Summon medical or other emergency help;

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

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

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

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

35 7. As used in this section, "hand-held electronic wireless communications device" includes
36 any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to

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1 communicate verbally or by text or electronic messaging, but shall not apply to any device that is
2 permanently embedded into the architecture and design of the motor vehicle.

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

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

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

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

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

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

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

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

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

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

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