

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,  
2 Section 84.400, Line 14, by inserting after all of said section and line the following:

3  
4 "304.820. 1. Except as otherwise provided in this section, no person twenty-one years of  
5 age or younger operating a moving motor vehicle upon the highways of this state shall, by means of  
6 a hand-held electronic wireless [~~communications~~] communication device, send, read, or write a text  
7 message or electronic message.

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

10 3. Except as otherwise provided in this section, no person shall operate a commercial motor  
11 vehicle while using a wireless [~~communications~~] communication device to send, read, or write a text  
12 message or electronic message.

13 4. Except as otherwise provided in this section, no person shall operate a motor vehicle  
14 within a school zone while using a hand-held wireless communication device to make or take part in  
15 a phone call or to send, read, or write a text message or electronic message unless the device is  
16 equipped with technology allowing for hands-free operation or equipped for voice-recognition  
17 hands-free texting and is being used in such manner. For purposes of this subsection, "school zone"  
18 means any area upon or around any street or highway as defined in section 302.010 that is visibly  
19 marked by a sign erected by a county or municipality as an area in which a school building is  
20 located and the sections of street or highway on or adjacent to the school property that are  
21 designated by signs indicating that it is a school zone and showing the posted speed limit.

22 5. The provisions of subsection 1 through subsection [~~3~~] 4 of this section shall not apply to a  
23 person operating:

24 (1) An authorized emergency vehicle; or

25 (2) A moving motor vehicle while using a hand-held electronic wireless [~~communications~~]  
26 communication device to:

27 (a) Report illegal activity;

28 (b) Summon medical or other emergency help;

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

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

32 [~~5-~~] 6. Nothing in this section shall be construed or interpreted as prohibiting a person from  
33 making or taking part in a telephone call, by means of a hand-held electronic wireless  
34 [~~communications~~] communication device, while operating a noncommercial motor vehicle upon the  
35 highways of this state.

36 [~~6-~~] 7. As used in this section, "electronic message" means a self-contained piece of digital

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

4 ~~[7.]~~ 8. As used in this section, "hand-held electronic wireless ~~[communications]~~  
5 communication device" includes any hand-held cellular phone~~[-, palm pilot, blackberry,]~~ or other  
6 mobile electronic device used to communicate verbally or by text or electronic messaging, but shall  
7 not apply to any device that is permanently embedded into the architecture and design of the motor  
8 vehicle.

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

12 ~~[9.]~~ 10. As used in this section, "send, read, or write a text message or electronic message"  
13 means using a hand-held electronic wireless ~~[telecommunications]~~ telecommunication device to  
14 manually communicate with any person by using an electronic message. Sending, reading, or  
15 writing a text message or electronic message does not include reading, selecting, or entering a phone  
16 number or name into a hand-held electronic wireless ~~[communications]~~ communication device for  
17 the purpose of making a telephone call.

18 ~~[10.]~~ 11. A violation of this section shall be deemed an infraction and shall be deemed a  
19 moving violation for purposes of point assessment under section 302.302.

20 ~~[11.]~~ 12. The state preempts the field of regulating the use of hand-held electronic wireless  
21 ~~[communications]~~ communication devices in motor vehicles, and the provisions of this section shall  
22 supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality,  
23 or other political subdivision to regulate the use of hand-held electronic wireless communication  
24 devices by the operator of a motor vehicle.

25 ~~[12.]~~ 13. The provisions of this section shall not apply to:

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

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

30 (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless  
31 ~~[communications]~~ communication devices used to transmit or receive data as part of a digital  
32 dispatch system;

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

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

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.