

1 **SENATE FLOOR VERSION**

2 March 26, 2015

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1965

6 By: O'Donnell, Rogers,
7 Perryman, Christian,
8 Sherrer, Virgin, Brown,
9 Shelton, Montgomery,
10 McDaniel (Jeannie), Hoskin,
11 and Denney of the House

12 and

13 Committee on Public Safety
14 of the Senate

15 An Act relating to texting while driving; creating
16 the Trooper Nicholas Dees and Trooper Keith Burch Act
17 of 2015; making it unlawful to operate a motor
18 vehicle while manually composing, sending or reading
19 an electronic text message; providing penalty;
20 providing exceptions; providing for codification;
21 providing for noncodification; and providing an
22 effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Trooper
Nicholas Dees and Trooper Keith Burch Act of 2015".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11-901d of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. It shall be unlawful for any person to operate a motor
5 vehicle on any street or highway within this state while using a
6 hand-held electronic communication device to manually compose, send
7 or read an electronic text message while the motor vehicle is in
8 motion.

9 B. Any person who violates the provisions of subsection A of
10 this section shall, upon conviction, be punished by a fine of not
11 more than One Hundred Dollars (\$100.00).

12 C. The enforcement of this section by state or local law
13 enforcement agencies must be accomplished only as a secondary action
14 when an operator of a motor vehicle has been detained for a
15 suspected violation of another traffic law provided for in this
16 title.

17 D. The Department of Public Safety shall not record or assess
18 points for violations of this section on any license holder's
19 traffic record maintained by the Department.

20 E. The provisions of subsection A of this section shall not
21 apply if the person is using the cellular telephone or electronic
22 communication device for the sole purpose of communicating with any
23 of the following regarding an imminent emergency situation:

24 1. An emergency response operator;

1 2. A hospital, physician's office or health clinic;

2 3. A provider of ambulance services;

3 4. A provider of firefighting services; or

4 5. A law enforcement agency.

5 F. Municipalities may enact and municipal police officers may
6 enforce ordinances prohibiting and penalizing conduct under the
7 provisions of this section. The provisions of such ordinances shall
8 be the same as provided for in this section; the enforcement
9 provisions of those ordinances shall not be more stringent than
10 those of this section; and the fine and court costs for municipal
11 ordinance violations shall be the same or a lesser amount as
12 provided for in this section.

13 G. For the purpose of this section:

14 1. "Cellular telephone" means an analog or digital wireless
15 telephone authorized by the Federal Communications Commission to
16 operate in the frequency bandwidth reserved for cellular telephones;

17 2. "Compose", "send" or "read" with respect to a text message
18 means the manual entry, sending or retrieval of a text message to
19 communicate with any person or device;

20 3. "Electronic communication device" means an electronic device
21 that permits the user to manually transmit a communication of
22 written text by means other than through an oral transfer or wire
23 communication. This term does not include a voice-activated global
24 positioning or navigation system that is affixed to a motor vehicle

1 or an ignition interlock device that has been installed on a motor
2 vehicle; and

3 4. "Text message" includes a text-based message, instant
4 message, electronic message, photo, video or electronic mail.

5 SECTION 3. This act shall become effective November 1, 2015.

6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
7 March 26, 2015 - DO PASS AS AMENDED

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