

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 SENATE BILL NO. 17

By: Dossett

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6 An Act relating to usage of handheld electronic
7 devices while driving; creating the Bobbi White Act
8 of 2019; amending Section 2, Chapter 248, O.S.L.
9 2015, as amended by Section 1, Chapter 186, O.S.L.
10 2016 (47 O.S. Supp. 2018, Section 11-901d), which
relates to text messaging; specifying prohibited
acts; prescribing certain fines; modifying
definitions; providing for noncodification; and
declaring an emergency.

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

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

16 This act shall be known and may be cited as the "The Bobbi White
17 Act of 2019".

18 SECTION 2. AMENDATORY Section 2, Chapter 248, O.S.L.
19 2015, as amended by Section 1, Chapter 186, O.S.L. 2016 (47 O.S.
20 Supp. 2018, Section 11-901d), is amended to read as follows:

21 Section 11-901d. A. It shall be unlawful for any person to
22 operate a motor vehicle on any street or highway within this state
23 while using a hand-held electronic communication device to manually
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1 compose, send or read an electronic text message while the motor
2 vehicle is in motion.

3 B. Any person who violates the provisions of ~~subsection~~
4 subsections A and C of this section shall, upon conviction, be
5 punished by a fine of not more than One Hundred Dollars (\$100.00).

6 C. It shall be unlawful for any person operating a motor
7 vehicle on any street or highway in this state to use a handheld
8 electronic communications device, while the vehicle is in motion, in
9 a school zone, during normal school hours, unless the device is used
10 with an accessory which allows the person to communicate without the
11 use of his or her hands, other than to activate, deactivate or
12 initiate a feature or function of the device.

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

16 ~~D.~~ E. The provisions of ~~subsection~~ subsections A and C of this
17 section shall not apply if the person is using the cellular
18 telephone or electronic communication device for the sole purpose of
19 communicating with any of the following regarding an imminent
20 emergency situation:

- 21 1. An emergency response operator;
- 22 2. A hospital, physician's office or health clinic;
- 23 3. A provider of ambulance services;
- 24 4. A provider of firefighting services; or

1 5. A law enforcement agency.

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

10 ~~F.~~ G. For the purpose of this section:

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

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

17 3. "Electronic communication device" means an electronic device
18 that permits the user to manually search the Internet or transmit a
19 communication of written text by means other than through an oral
20 transfer or wire communication. This term does not include:

21 a. a device that is physically or electronically
22 integrated into a motor vehicle,

23 b. a voice-operated global positioning or navigation
24 system that is affixed to a motor vehicle,

1 c. a hands-free device that allows the user to write,
2 send or read a text message without the use of either
3 hand except to activate, deactivate or initiate a
4 feature or function, or

5 d. an ignition interlock device that has been installed
6 on a motor vehicle; and

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

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
14 February 18, 2019 - DO PASS
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