

FIRST REGULAR SESSION

HOUSE BILL NO. 317

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES EL-AMIN (Sponsor) AND HUBBARD (Co-sponsor).

Read 1st time January 10, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0229L.01I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to cellular telephone use, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be
2 known as section 304.800, to read as follows:

**304.800. 1. Beginning July 1, 2009, no person shall operate a motor vehicle while
2 using a cellular telephone unless that telephone is specifically designed and configured to
3 allow hands-free listening and talking, and is used in that manner while driving.**

4 2. A "cellular telephone" is any device used to access wireless telephone service.

5 3. The provisions of this section shall not apply to:

**6 (1) A person using a cellular telephone for emergency purposes, including, but not
7 limited to, an emergency call to a law enforcement agency, health care provider, fire
8 department, or other emergency services agency or entity;**

**9 (2) An emergency services professional using a cellular telephone while operating
10 an authorized emergency vehicle in the course and scope of his or her duties; or**

**11 (3) A person using a digital two-way radio that utilizes a cellular telephone that
12 operates by depressing a push-to-talk feature and does not require immediate proximity
13 to the ear of the user, and the person is driving one of the following vehicles:**

**14 (a) A commercial motor vehicle, as defined in section 301.010, RSMo, excluding
15 pickup trucks;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (b) A farm tractor as defined in section 301.010, RSMo; or

17 (c) A wrecker or tow truck, as defined in section 301.010, RSMo.

18 **4. The provisions of this section shall not apply to motor vehicles operated on**
19 **private property.**

20 **5. Violation of this section shall be deemed an infraction punishable by a twenty**
21 **dollar fine for a first offense, and a fifty dollar fine for a second offense.**

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