

FIRST REGULAR SESSION

HOUSE BILL NO. 134

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FALLERT (Sponsor), HARRIS AND ROORDA (Co-sponsors).

0169L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of wireless communications devices while operating motor vehicles, with penalty provisions.

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 304.820, to read as follows:

304.820. 1. No person shall operate a motor vehicle, as defined in section 301.010,
2 **RSMo, while using a wireless communications device unless that device is specifically**
3 **designed and configured to allow hands-free listening and talking and is used in that**
4 **manner while driving, or the motor vehicle is stationary.**

5 **2. No person shall operate a motor vehicle while using an electronic wireless**
6 **communications device to write, send, or read a text-based communication.**

7 **3. As used in this section, "write, send, or read a text-based communication" means**
8 **using an electronic wireless communications device to manually communicate with any**
9 **person using a text-based communication, including, but not limited to, communications**
10 **referred to as a text message, instant message, or electronic mail.**

11 **4. For purposes of this section, a person shall not be deemed to be writing, reading,**
12 **or sending a text-based communication if the person reads, selects, or enters a telephone**
13 **number or name in an electronic wireless communications device for the purpose of**
14 **making or receiving a telephone call.**

15 **5. The provisions of this section shall not apply to an emergency services**
16 **professional using an electronic wireless communications device while operating an**
17 **emergency vehicle within the course and scope of his or her duties.**

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.

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

20 **7. 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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