

**HOUSE AMENDMENT NO. \_\_\_\_**

**TO**

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**Offered By**

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1 AMEND House Amendment No. \_\_\_\_ to House Committee Substitute for Senate Substitute for  
2 Senate Committee Substitute for Senate Bill No. 0470 Page \_\_\_\_ Line \_\_\_\_, by inserting after  
3 all of said line the following:  
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5 “Further amend said bill, Page 25, Section 304.190, Line 57, by inserting after all of said  
6 line the following:

7 “ 304.820. 1. Except as otherwise provided in this section, no person [twenty-one years  
8 of age or younger] operating a moving motor vehicle upon the highways of this state shall, by  
9 means of a hand-held electronic wireless communications device, send, read, or write a text  
10 message or electronic message, unless the device is equipped with technology allowing for voice-  
11 recognition hands-free texting and is being used in such manner.

12 2. The provisions of subsection 1 of this section shall not apply to a person operating:

13 (1) An authorized emergency vehicle; or

14 (2) A moving motor vehicle while using a hand-held electronic wireless communications  
15 device to:

16 (a) Report illegal activity;

17 (b) Summon medical or other emergency help;

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

19 (d) Relay information between a transit or for-hire operator and that operator's dispatcher,

1 in which the device is permanently affixed to the vehicle.

2 3. Nothing in this section shall be construed or interpreted as prohibiting a person from  
3 making or taking part in a telephone call, by means of a hand-held electronic wireless  
4 communications device, while operating a motor vehicle upon the highways of this state.

5 4. As used in this section, "electronic message" means a self-contained piece of digital  
6 communication that is designed or intended to be transmitted between hand-held electronic  
7 wireless communication devices. "Electronic message" includes, but is not limited to, electronic  
8 mail, a text message, an instant message, or a command or request to access an internet site.

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

13 6. As used in this section, "making or taking part in a telephone call" means listening to or  
14 engaging in verbal communication through a hand-held electronic wireless communication  
15 device.

16 7. As used in this section, "send, read, or write a text message or electronic message"  
17 means using a hand-held electronic wireless telecommunications device to manually communicate  
18 with any person by using an electronic message. Sending, reading, or writing a text message or  
19 electronic message does not include reading, selecting, or entering a phone number or name into a  
20 hand-held electronic wireless communications device for the purpose of making a telephone call.

21 8. A violation of this section shall be deemed an infraction and shall be deemed a moving  
22 violation for purposes of point assessment under section 302.302, RSMo.

23 9. The state preempts the field of regulating the use of hand-held electronic wireless  
24 communications devices in motor vehicles, and the provisions of this section shall supercede any  
25 local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other  
26 political subdivision to regulate the use of hand-held electronic wireless communication devices

1 by the operator of a motor vehicle.

2 10. The provisions of this section shall not apply to:

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

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

7 (3) The use of factory-installed or aftermarket global positioning systems (GPS) or  
8 wireless communications devices used to transmit or receive data as part of a digital dispatch  
9 system;

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

11 (5) The use of two-way radio transmitters or receivers by a licensee of the Federal  
12 Communications Commission in the Amateur Radio Service.”; and”; and  
13

14 Further amend said bill by amending the title, enacting clause, and intersectional references  
15 accordingly.