

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Bill No. 73, Page 1,
 2 Section A, Line 2, by inserting after all of said line the
 3 following:

4 "304.820. 1. Except as otherwise provided in this section,
 5 no person [twenty-one years of age or younger] operating a moving
 6 motor vehicle upon the highways of this state shall, by means of
 7 a hand-held electronic wireless communications device, send,
 8 read, or write a text message or electronic message, unless the
 9 device is equipped with technology allowing for voice-recognition
 10 hands-free texting and is being used in such manner.

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

- 13 (1) An authorized emergency vehicle; or
- 14 (2) A moving motor vehicle while using a hand-held
 15 electronic wireless communications 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
 20 operator and that operator's dispatcher, in which the device is
 21 permanently affixed to the vehicle.

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

27 4. As used in this section, "electronic message" means a
 28 self-contained piece of digital communication that is designed or
 29 intended to be transmitted between hand-held electronic wireless

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1 communication devices. "Electronic message" includes, but is not
2 limited to, electronic mail, a text message, an instant message,
3 or a command or request to access an internet site.

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

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

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

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

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

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

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

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

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

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

5 (5) The use of two-way radio transmitters or receivers by a
6 licensee of the Federal Communications Commission in the Amateur
7 Radio Service."; and

8
9 Further amend said title, enacting clause and intersectional
10 references accordingly.