

**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 "304.823. 1. The provisions of this section shall be known  
 5 as the "Fair Fare Passenger Safety Act of 2013".

6 2. Except as otherwise provided in this section, no person  
 7 operating a moving motor vehicle upon the highways or other  
 8 public roadways of this state who is receiving compensation for  
 9 the transportation of one or more passengers who are currently  
 10 occupying said motor vehicle shall, by means of a hand-held  
 11 electronic wireless communications device, send, read, or write a  
 12 text message or electronic message or make or take part in a  
 13 telephone call, by means of a hand-held electronic wireless  
 14 communications device.

15 3. The provisions of subsection 1 of this section shall not  
 16 apply to a person operating:

17 (1) An authorized emergency vehicle; or

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

20 (a) Report illegal activity;

21 (b) Summon medical or other emergency help;

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

23 (d) Relay information between a transit or for-hire  
 24 operator and that operator's dispatcher, in which the device is  
 25 permanently affixed to the vehicle.

26 4. Nothing in this section shall be construed or  
 27 interpreted as prohibiting a person from making or taking part in  
 28 a telephone call, by means of a hands-free electronic wireless  
 29 communications device, while operating a motor vehicle upon the

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1 highways of this state.

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

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

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

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

26 9. As used in this section, the terms "one or more  
27 passengers" does not include the driver as a passenger.

28 10. As used in this section, the term "receiving  
29 compensation" means the driver either has already received, is  
30 currently receiving, or will in the future receive compensation  
31 from either the passenger or passengers personally, the employer  
32 of said driver, a contractual agreement, or any other agreed upon  
33 method of payment.

34 11. A violation of this section shall be deemed an  
35 infraction and shall be deemed a moving violation for purposes of  
36 point assessment under section 302.302.

37 12. Any city or county shall have the authority to adopt

1 ordinances or regulations which are equivalent to, but not more  
2 restrictive than, the provisions of this section.

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

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

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

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

12 (4) The use of voice-operated technology to make or take  
13 part in a phone call;

14 (5) The use of two-way radio transmitters or receivers by a  
15 licensee of the Federal Communications Commission in the Amateur  
16 Radio Service;

17 (6) A person using a handheld mobile telephone in  
18 conjunction with a voice-operated or hands-free device. The term  
19 "voice-operated or hands-free device" for purposes of this  
20 subdivision shall mean a device that allows the user to write,  
21 send, or read a text message without the use of either hand  
22 except to activate or deactivate a feature or function."; and

23  
24 Further amend said title, enacting clause and intersectional  
25 references accordingly.