

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

1 AMEND House Committee Substitute for House Bill Nos. 1235 & 1214,
 2 Page 1, In the Title, Lines 2 and 3, by deleting "weight
 3 limitations for vehicles hauling livestock and agricultural
 4 products" and inserting in lieu thereof "transportation"; and
 5

6 Further amend said bill, Page 5, Section 304.180, Line 134,
 7 by inserting after all of said line the following:

8 "304.823. 1. The provisions of this section shall be known
 9 as the "Fair Fare Passenger Safety Act of 2014".

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

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

21 (1) An authorized emergency vehicle; or

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

24 (a) Report illegal activity;

25 (b) Summon medical or other emergency help;

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

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

Action Taken _____ Date _____

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

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

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

18 7. As used in this section, "making or taking part in a
19 telephone call" means listening to or engaging in verbal
20 communication through a hand-held electronic wireless
21 communications device.

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

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

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

1 11. A violation of this section shall be deemed an
2 infraction and shall be deemed a moving violation for purposes of
3 point assessment under section 302.302.

4 12. Any city or county shall have the authority to adopt
5 ordinances or regulations which are equivalent to, but not more
6 restrictive than, the provisions of this section.

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

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

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

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

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

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

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

27
28 Further amend said title, enacting clause and intersectional
29 references accordingly.