

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1124, Page 9, Section 301.010, Line 282,
2 by inserting after all of said section and line the following:

3
4 "304.820. 1. Except as otherwise provided in this section, no person [twenty-one years of
5 age or younger] operating a moving motor vehicle upon the highways of this state shall, by means of
6 a hand-held electronic wireless communications device, send, read, or write a text message or
7 electronic message.

8 2. Except as otherwise provided in this section, no person shall operate a commercial motor
9 vehicle while using a hand-held mobile telephone.

10 3. Except as otherwise provided in this section, no person shall operate a commercial motor
11 vehicle while using a wireless communications device to send, read, or write a text message or
12 electronic message.

13 4. The provisions of subsection 1 through subsection 3 of this section shall not apply to a
14 person operating:

15 (1) An authorized emergency vehicle; or

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

18 (a) Report illegal activity;

19 (b) Summon medical or other emergency help;

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

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

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

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

31 7. As used in this section, "hand-held electronic wireless communications device" includes

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1 any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to
2 communicate verbally or by text or electronic messaging, but shall not apply to any device that is
3 permanently embedded into the architecture and design of the motor vehicle.

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

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

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

13 11. The state preempts the field of regulating the use of hand-held electronic wireless
14 communications devices in motor vehicles, and the provisions of this section shall supercede any
15 local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other
16 political subdivision to regulate the use of hand-held electronic wireless communication devices by
17 the operator of a motor vehicle.

18 12. The provisions of this section shall not apply to:

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

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

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

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

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

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.
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