

HOUSE

AMENDMENT NO. ____

Offered by

of

AMEND House Committee Substitute for House Bill No. 1309, Page 1,
In the Title, Lines 2 and 3, by deleting the words "the brain
injury fund" and inserting in lieu thereof the words "the
operation of motor vehicles"; and

Further amend said bill, Page 2, Section 304.028, Line 21,
by inserting after all of said line the following:

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

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

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

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

(1) An authorized emergency vehicle; or

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

(a) Report illegal activity;

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1 (b) Summon medical or other emergency help;
2 (c) Prevent injury to a person or property; or
3 (d) Relay information between a transit or for-hire
4 operator and that operator's dispatcher, in which the device is
5 permanently affixed to the vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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."; and

21
22 Further amend said title, enacting clause and intersectional
23 references accordingly.