

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 1309, Page 2, Section 304.028, Line 21,  
2 by inserting immediately after said 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, unless the device is equipped with technology allowing for voice-recognition  
8 hands-free texting and is being used in such manner.

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

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

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

16 (1) An authorized emergency vehicle; or

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

19 (a) Report illegal activity;

20 (b) Summon medical or other emergency help;

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

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

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

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

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

36 8. As used in this section, "making or taking part in a telephone call" means listening to or

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1 engaging in verbal communication through a hand-held electronic wireless communication device.

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

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

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

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

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

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

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

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

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

23  
24 Further amend said bill by amending the title, enacting clause, and intersectional references  
25 accordingly.