

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

1 AMEND House Committee Substitute for House Bill No. 1655, Page 1,
 2 In the Title, Line 3, by deleting "motorcycles or motortricycles"
 3 and inserting in lieu thereof "motor vehicles"; and
 4

5 Further amend said bill, Page 2, Section 302.020, Line 37,
 6 by inserting after all of said line the following:

7 "304.820. 1. Except as otherwise provided in this section,
 8 no person [twenty-one years of age or younger] operating a
 9 noncommercial moving motor vehicle upon the highways of this
 10 state shall, by means of a hand-held electronic wireless
 11 communications device, send, read, or write a text message or
 12 electronic message, unless the device is equipped with technology
 13 allowing for voice-recognition hands-free texting and is being
 14 used in such manner.

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

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

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

- 24 (1) An authorized emergency vehicle; or
- 25 (2) A moving motor vehicle while using a hand-held
- 26 electronic wireless communications device to:
- 27 (a) Report illegal activity;
- 28 (b) Summon medical or other emergency help;
- 29 (c) Prevent injury to a person or property; or

Action Taken _____ Date _____

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

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

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

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

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

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

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

36 11. The state preempts the field of regulating the use of
37 hand-held electronic wireless communications devices in motor

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

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

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

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

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

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

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

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