

HOUSEAMENDMENT NO. \_\_\_\_Offered byof

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

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

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

20 (1) An authorized emergency vehicle; or

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

23 (a) Report illegal activity;

24 (b) Summon medical or other emergency help;

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

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

29 4. Nothing in this section shall be construed or

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1 interpreted as prohibiting a person from making or taking part in  
2 a telephone call, by means of a hands-free electronic wireless  
3 communications device, while operating a motor vehicle upon the  
4 highways of this state.

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

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

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

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

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

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

37 11. A violation of this section shall be deemed an

1 infraction and shall be deemed a moving violation for purposes of  
2 point assessment under section 302.302.

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

6 13. 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 to make or take  
16 part in a phone call;

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

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

26  
27 Further amend said title, enacting clause and intersectional  
28 references accordingly.