

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 399,
2 Page 50, Section 304.180, Line 160, by inserting immediately after said section and line the
3 following:

4
5 "304.823. 1. The provisions of this section shall be known as the "Fair Fare Passenger
6 Safety Act of 2017".

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

13 3. The provisions of subsection 2 of this section shall not apply to a person operating:

14 (1) An authorized emergency vehicle; or

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

17 (a) Report illegal activity;

18 (b) Summon medical or other emergency help;

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

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

22 4. Nothing in this section shall be construed or interpreted as prohibiting a person from
23 making or taking part in a telephone call by means of a hands-free electronic wireless
24 communications device while operating a motor vehicle upon the highways of this state.

25 5. As used in this section, "electronic message" means a self-contained piece of digital
26 communication that is designed or intended to be transmitted from a hand-held electronic wireless
27 communications device. "Electronic message" includes, but is not limited to, electronic mail, a text
28 message, an instant message, or a command or request to access an internet site but shall not include
29 a ride confirmation.

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

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

36 8. As used in this section, "read, send, or write a text message or electronic message" means

Action Taken _____ Date _____

1 using a hand-held electronic wireless communications device to manually communicate with any
2 person by using an electronic message.

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

5 10. As used in this section, the term "receiving compensation" means the driver has already
6 received, is currently receiving, or will in the future receive compensation from either the passenger
7 or passengers personally, the employer of such driver, a contractual agreement, or any other agreed
8 upon method of payment.

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

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

13 13. The provisions of this section shall not apply to:

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

15 (2) Any of the following while in the performance of his or her official duties: a law
16 enforcement officer, a member of a fire department, or the operator of a public or private
17 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 to make or take part in a phone call;

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;

23 (6) A person using a hand-held electronic wireless communications device in conjunction
24 with a voice-operated or hands-free device. The term "voice-operated or hands-free device" for
25 purposes of this subdivision shall mean a device that allows the user to write, send, or read a text
26 message without the use of either hand, except to activate or deactivate a feature or function."; and
27

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