

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 293
99TH GENERAL ASSEMBLY

0933H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of hand-held electronic wireless communications devices by persons operating motor vehicles for compensation while transporting passengers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.823, to read as follows:

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

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

3. The provisions of subsection 2 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;

(b) Summon medical or other emergency help;

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

34 8. As used in this section, "send or write a text message or electronic message"
35 means using a hand-held electronic wireless communications device to manually
36 communicate with any person by using an electronic message.

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

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

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

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

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

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

49 (2) Any of the following while in the performance of his or her official duties: a law
50 enforcement officer, a member of a fire department, or the operator of a public or private
51 ambulance;

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

55 **(4) The use of voice-operated technology to make or take part in a phone call;**

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

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

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