

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 683, Page 6, Section 304.180, Line 172, by inserting immediately after all of said
2 section and line the following:

3
4 "304.822. 1. As used in this section, the following terms mean:

5 (1) "Electronic message", a self-contained piece of digital communication that is designed or
6 intended to be transmitted via an electronic wireless communication device, which includes, but is not
7 limited to, electronic mail, a text message, an instant message, or a command or request to access an internet
8 site;

9 (2) "Electronic wireless communication device", includes, but is not limited to, a cell phone,
10 personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband
11 personal communication device, electronic game, or portable computing device. An "electronic wireless
12 communication device" shall not include:

13 (a) A global navigation satellite system receiver used for positioning, emergency notification, or
14 navigation purposes; and

15 (b) Two-way or citizen band radio services;

16 (3) "Hands-free electronic wireless communication device", a wireless communication device that
17 has an internal feature or function, or that is equipped with an attachment or addition, regardless of whether
18 permanently part of such mobile electronic device, by which a user engages with the device without the use
19 of either hand; provided, however, this definition shall not preclude the use of either hand merely to activate,
20 deactivate, or initiate a function of the device;

21 (4) "Highway", any public thoroughfare for vehicles, including state roads, county roads, public
22 streets, avenues, boulevards, parkways, or alleys in any municipality;

23 (5) "Operating", physically driving or operating a motor vehicle on a highway, including operation
24 while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. A person is not
25 "operating" a motor vehicle for purposes of this section when the vehicle has pulled over to the side of, or
26 off, a highway and has stopped in a location where it can safely remain stationary.

27 2. Except as otherwise provided in this section, no person shall operate a noncommercial motor
28 vehicle, as such term is defined in section 302.700, upon the highways of this state while using any hand-
29 held electronic wireless communication device. Prohibited uses shall include, but not be limited to: reading,
30 composing, viewing, or posting any electronic message; initiating, receiving, or conducting a conversation;
31 or manually typing data into any electronic wireless communication device.

32 3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle,
33 as that term is defined in section 302.700, while using a hand-held mobile telephone.

34 4. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle,
35 as that term is defined in section 302.700, while using an electronic wireless communication device to send,
36 read, or write a text message or electronic message.

37 5. The provisions of subsections 2 to 4 of this section shall not apply to a person operating:

38 (1) An authorized emergency vehicle as defined in section 304.022;

39 (2) A motor vehicle that is responding to another motor vehicle's request for roadside assistance

Action Taken _____ Date _____

1 upon the highways of this state when such response is conducted in the course and scope of a commercial
 2 activity; or

3 (3) A motor vehicle while using a hand-held electronic wireless communication device to:

4 (a) Contact emergency services; or

5 (b) Relay information between a transit or for-hire motor vehicle operator and that operator's
 6 dispatcher when the device is affixed to the motor vehicle.

7 6. Nothing contained in subsection 2 of this section shall be construed or interpreted to prohibit a
 8 person operating a noncommercial motor vehicle, as such term is defined in section 302.700, on the
 9 highways of this state from using a hands-free electronic wireless communication device when the operator is
 10 not holding the hands-free electronic wireless communication device in the operator's hand or hands, except
 11 the operator shall not have his or her attention diverted from the lawful operation of the noncommercial
 12 motor vehicle. The provisions of subsection 2 shall not prohibit the use of either hand merely to activate,
 13 deactivate, or initiate a function of a hands-free electronic wireless communication device while operating a
 14 noncommercial motor vehicle.

15 7. A violation of this section shall be deemed an infraction punishable by a fifty-dollar fine. A
 16 violation of this section while operating a motor vehicle in a work zone, as defined in section 304.580; when
 17 highway workers, as defined in section 304.580, are present; or in areas designated as a school zone that are
 18 visibly marked by traffic control devices shall be deemed an infraction punishable by a one hundred-dollar
 19 fine. A violation of subsection 2 of this section shall not be deemed a moving violation for purposes of point
 20 assessment under section 302.302; however, a violation of subsection 3 or 4 of this section shall be deemed a
 21 serious traffic violation, as defined in 302.700, for purposes of commercial driver's license disqualification
 22 under section 302.755.

23 8. The provisions of this section shall not preclude the adoption of any law, ordinance, order, rule, or
 24 regulation not in conflict with this section, or at least as strict as this section by any county, municipality, or
 25 other political subdivision.

26 9. Notwithstanding any provision in this section to the contrary, no person less than eighteen years
 27 of age, or with an instruction permit or intermediate license regardless of age, shall use an electronic wireless
 28 communication device, regardless of whether such device is hands-free, while operating a motor vehicle on
 29 the highways of this state, except to contact emergency services.

30 ~~[304.820. 1. Except as otherwise provided in this section, no person twenty-one years of~~
 31 ~~age or younger operating a moving motor vehicle upon the highways of this state shall, by~~
 32 ~~means of a hand-held electronic wireless communications device, send, read, or write a text~~
 33 ~~message or electronic message.~~

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

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

39 ~~4. The provisions of subsection 1 through subsection 3 of this section shall not apply to a~~
 40 ~~person operating: _____~~

41 ~~(1) An authorized emergency vehicle; or~~

42 ~~(2) A moving motor vehicle while using a hand-held electronic wireless communications~~
 43 ~~device to:~~

44 ~~(a) Report illegal activity;~~

45 ~~(b) Summon medical or other emergency help;~~

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

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

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

53 ~~6. As used in this section, "electronic message" means a self-contained piece of digital~~

1 communication that is designed or intended to be transmitted between hand-held electronic
2 wireless communication devices. "Electronic message" includes, but is not limited to,
3 electronic mail, a text message, an instant message, or a command or request to access an
4 internet site.

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

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

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

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

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

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

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

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

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

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

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

35
36
37 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.