

HB 441 -- OPERATION OF MOTOR VEHICLES

SPONSOR: Hovis

This bill repeals the current prohibitions against operation of motor vehicles while using hand-held electronic wireless communications devices, as defined by law, and enacts different prohibitions with penalty provisions.

Vehicle operators are required to exercise due care in operating vehicles on any highway of this state and must not engage in any actions that distract the operator from safe operation of the vehicle.

The bill prohibits a number of uses of electronic communication devices while operating motor vehicles, as specified in the bill, including physically holding an electronic communication device; writing, sending, or reading any text-based communication; watching a video or movie; and recording, posting, or broadcasting a video. Exceptions are specified in the bill.

Penalties for violations of the provisions of the bill are specified, including enhanced penalties for repeat offenders, violations occurring in a work zone when workers are present, violations occurring in a school zone, and violations that are the proximate cause of property damage, personal injury, or death.

Law enforcement officers who stop a noncommercial motor vehicle for a violation of the bill must inform the operator of the operator's right to decline a search of their device, and shall not access the device without a warrant or confiscate the device while awaiting issuance of a warrant.

The provisions of the bill are subject to racial bias reporting as required by law.

The state preempts local regulation of the use of electronic communication devices by the operators of vehicles.

Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of the provisions of the bill shall not issue a citation for the violation, and shall only issue a warning.