

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 1298, Page 17, Section 301.010, Line 492, by
2 inserting after all of said section and line the following:

3
4 "304.822. 1. This section shall be known as the "Siddens Bening Hands Free Law".

5 2. As used in this section, the following terms shall mean:

6 (1) "Commercial motor vehicle", the same meaning as is ascribed to such term in section
7 302.700;

8 (2) "Electronic communication device", a portable device that is used to initiate, receive,
9 store, or view communication, information, images, or data electronically.

10 (a) Such term shall include but not be limited to: cellular telephones; portable telephones;
11 text-messaging devices; personal digital assistants; pagers; broadband personal communication
12 devices; electronic devices with mobile data access; computers, including but not limited to tablets,
13 laptops, notebook computers, and electronic or video game systems; devices capable of transmitting,
14 retrieving, or displaying a video, movie, broadcast television image, or visual image; and any
15 substantially similar device that is used to initiate or receive communication or store and review
16 information, videos, images, or data.

17 (b) Such term shall not include: radios; citizens band radios; commercial two-way radio
18 communication devices or their functional equivalent; subscription-based emergency
19 communication devices; prescribed medical devices; amateur or ham radio devices; or global
20 positioning system receivers, security, navigation, communication, or remote diagnostics systems
21 permanently affixed to the vehicle;

22 (3) "Highway", the same meaning as is ascribed to such term in section 302.010;

23 (4) "Noncommercial motor vehicle", the same meaning as is ascribed to such term in section
24 302.700;

25 (5) "Operating", the actual physical control of a vehicle;

26 (6) "Operator", a person who is in actual physical control;

27 (7) "School bus", the same meaning as is ascribed to such term in section 302.700;

28 (8) "Voice-operated or hands-free feature or function", a feature or function, whether
29 internally installed or externally attached or connected to an electronic communication device, that
30 allows a person to use an electronic communication device without the use of either hand, except to
31 activate, deactivate, or initiate the feature or function with a single touch or single swipe.

32 3. Except as otherwise provided in this section, while operating a noncommercial motor
33 vehicle or commercial motor vehicle on any highway or property open to the public for vehicular
34 traffic in this state, no operator shall:

35 (1) [~~Physically hold or support, with any part of his or her body, an electronic~~
36 ~~communication device;~~]

Action Taken _____ Date _____

1 ~~[(2)]~~ Write, send, or read any text-based communication, including but not limited to a text
2 message, instant message, email, or social media interaction on an electronic communication device.
3 This subdivision shall not apply to operators of a noncommercial motor vehicle using a voice-
4 operated or hands-free feature or function that converts the message to be sent as a message in a
5 written form, provided that the operator does not divert his or her attention from lawful operation of
6 the vehicle;

7 ~~[(3)]~~ (2) Make any communication on an electronic communication device, including a
8 phone call, voice message, or one-way voice communication; provided however, that this
9 prohibition shall not apply to use of a voice-operated or hands-free feature or function;

10 ~~[(4)]~~ (3) Engage in any form of electronic data retrieval or electronic data communication
11 on an electronic communication device;

12 ~~[(5)]~~ (4) Manually enter letters, numbers, or symbols into any website, search engine, or
13 application on an electronic communication device;

14 ~~[(6)]~~ (5) Watch a video or movie on an electronic communication device, other than
15 watching data related to the navigation of the vehicle; or

16 ~~[(7)]~~ (6) Record, post, send, or broadcast video, including a video conference, on an
17 electronic communication device, provided that this prohibition shall not apply to electronic devices
18 used for the sole purpose of continually monitoring operator behavior by recording or broadcasting
19 video within or outside the vehicle.

20 4. The operator of a school bus shall not use or operate an electronic communication device
21 while the school bus is in motion unless the device is being used in a similar manner as a two-way
22 radio to allow live communication between the operator and school officials or public safety
23 officials. The operator of a school bus shall not use or operate an electronic communication device
24 or a two-way radio while loading or unloading passengers.

25 5. This section shall not apply to:

26 (1) Law enforcement officers or operators of emergency vehicles, as such term is defined in
27 section 304.022, who are both using the electronic communication device and operating the
28 emergency vehicle in the performance of their official duties;

29 (2) Operators using an electronic communication device for the sole purpose of reporting an
30 emergency situation and continuing communication with emergency personnel during the
31 emergency situation;

32 (3) Operators of noncommercial motor vehicles using an electronic communication device
33 solely through a voice-operated or hands-free feature or function;

34 (4) Operators of commercial motor vehicles using a voice-operated or hands-free feature or
35 function, as long as the operator remains seated and is restrained by a seat belt as required by law;

36 (5) Operators of commercial motor vehicles reading a message displayed on a permanently
37 installed communication device designed for a commercial motor vehicle with a screen that does not
38 exceed ten inches tall by ten inches wide in size;

39 (6) Operators using electronic communication devices while the vehicle is lawfully stopped
40 or parked;

41 (7) Commercial motor vehicles that are responding to a request for roadside assistance,
42 when such response is conducted by a motor club as defined in section 385.450 or a towing
43 company as defined in section 304.001;

44 (8) The use of an electronic communication device to relay information between a transit or
45 for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to
46 the vehicle;

47 (9) The use of an electronic communication device to access or view a map for navigational
48 purposes;

49 (10) The use of an electronic communication device to access or listen to an audio broadcast

1 or digital audio recording; or

2 (11) The use of an electronic communication device to relay information through a
3 transportation network company's digital network to a transportation network company driver,
4 provided the device is mounted or affixed to the vehicle.

5 6. (1) Except as otherwise provided in this subsection, violation of this section shall be an
6 infraction. Penalties for violations of this section shall be as provided in this subsection. Prior
7 convictions shall be pleaded and proven in the same manner as required under section 558.021.

8 (2) For a conviction under this section where there is no prior conviction under this section
9 within the preceding twenty-four months, the court shall impose a fine of up to one hundred fifty
10 dollars.

11 (3) For a conviction under this section where there is one prior conviction under this section
12 within the preceding twenty-four months, the court shall impose a fine of up to two hundred fifty
13 dollars.

14 (4) For a conviction under this section where there are two or more prior convictions under
15 this section in the preceding twenty-four months, the court shall impose a fine of up to five hundred
16 dollars.

17 (5) For a conviction under this section where the violation occurred in a work zone when
18 workers are present, as such terms are defined in section 304.580, or for a conviction under this
19 section where the violation occurred in an area designated as a school zone and marked in any way
20 that would alert a reasonably prudent operator to the presence of the school zone, the court shall
21 impose a fine of up to five hundred dollars.

22 (6) A violation of this section that is the proximate cause of damage to property in excess of
23 five thousand dollars shall be a class D misdemeanor.

24 (7) A violation of this section that is the proximate cause of serious physical injury to
25 another person shall be a class B misdemeanor.

26 (8) A violation of this section that is the proximate cause of the death of another person shall
27 be a class D felony.

28 (9) A violation of this section while operating a commercial motor vehicle shall be deemed
29 a serious traffic violation, as such term is defined in section 302.700, for purposes of commercial
30 driver's license disqualification under section 302.755.

31 7. A law enforcement officer who stops a noncommercial motor vehicle for a violation of
32 this section shall inform the operator of the operator's right to decline a search of their electronic
33 communication device. No warrant shall be issued to confiscate or access an electronic
34 communication device based on a violation of this section unless the violation results in serious
35 bodily injury or death.

36 8. A violation of this section shall not be used to establish probable cause for any other
37 violation.

38 9. The provisions of this section shall be subject to the reporting requirements set forth in
39 section 590.650.

40 10. The state preempts the field of regulating the use of electronic communication devices
41 by the operators of commercial and noncommercial motor vehicles. The provisions of this section
42 shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county,
43 municipality, or other political subdivision to regulate the use of electronic communication devices
44 by the operator of a commercial or noncommercial motor vehicle.

45 11. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor
46 vehicle for a violation of this section shall not issue a citation for a violation of this section and shall
47 only issue a warning.

48 12. No person shall be stopped, inspected, or detained solely for a violation of this section.";
49 and

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- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.