

THE STATE SENATE
Thursday, February 11, 2010

Committee Substitute for
Senate Bill No. 1908

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1908 - By: Sykes of the Senate and Tibbs of the House.

An Act relating to motor vehicles; amending Section 3, Chapter 108, O.S.L. 2003 (47 O.S. Supp. 2009, Section 11-901b), which relates to full attention to driving; defining terms; prohibiting distracted driving; establishing penalties; prohibiting certain routine stops; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 108, O.S.L. 2003 (47 O.S. Supp. 2008, Section 11-901b), is amended to read as follows:

Section 11-901b. A. The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

~~No law enforcement officer shall issue a citation under this section unless the operator of the vehicle is involved in an accident~~

B. For the purposes of this section:

1. "Distracted driving" means inattentive driving of any vehicle being operated in violation of any provisions of this title, or any other law regulating the operation of a vehicle, that is caused by reading, writing, performing personal grooming,

1 interacting with pets or unsecured cargo, using a personal
2 communication device, or engaging in any other activity which causes
3 distractions;

4 2. "Personal communication device" means a cellular, analog,
5 wireless, satellite mobile or digital telephone capable of sending
6 or receiving telephone calls or text messages without an access line
7 for service; and

8 3. "Use" of a wireless telephone or personal communication
9 device shall include, but not be limited to, text messaging, or
10 sending an electronic message via the wireless telephone or
11 electronic communication device.

12 C. Distracted driving shall be unlawful. A person found guilty
13 of distracted driving shall be subject to the fine and penalty set
14 forth in subsection D of this section.

15 D. The penalty for violating this section shall be a fine of
16 One Hundred Dollars (\$100.00) and court costs, not to exceed Thirty-
17 five Dollars (\$35.00).

18 E. Subsection C of this section shall not apply to:

19 1. The use of a wireless telephone for the sole purpose of
20 communicating with any of the following persons regarding an
21 emergency situation: an emergency response operator, a hospital, a
22 physician's office or health clinic;

1 2. Any law enforcement, public safety or police officers,
2 emergency services officials, first aid, emergency medical
3 technicians and personnel, or any fire safety officials in the
4 performance of duties arising out of and in the course of their
5 employment as such; or

6 3. The use of a hands-free wireless telephone when being used
7 in a hands-free manner.

8 F. No law enforcement officer shall make routine stops of
9 motorists for the purpose of enforcing this act.

10 SECTION 2. This act shall become effective November 1, 2010.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
12 dated 2-9-10 - DO PASS, As Amended and Coauthored.