

Regular Session, 2010

SENATE BILL NO. 9

BY SENATOR B. GAUTREAUX

TRAFFIC. Makes texting while driving by all drivers and using a cell phone while driving by those seventeen and under a primary offense for which a driver may be stopped. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 32:300.5(C)(4) and R.S. 32:300.7(D), relative to texting while
3 driving a motor vehicle; to provide for the use of certain wireless
4 telecommunications devices for text messaging; to change the violation to a primary
5 offense; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:300.5(C)(4) is hereby amended and reenacted to read as follows:

8 §300.5. Use of certain wireless telecommunications devices for text messaging
9 prohibited

10 * * *

11 C. * * *

12 (4) Any violation of this Section shall constitute a moving violation. ~~A law~~
13 ~~enforcement officer shall enforce the provisions of this Section only as a secondary~~
14 ~~action when the officer detains a driver for an alleged violation of another provision~~
15 ~~of this Chapter.~~

16 * * *

17 §300.7. Use of certain wireless telecommunications devices by minors while

1 driving prohibited; exceptions

2 * * *

3 D. Any violation of this Section shall constitute a ~~non-moving~~ **moving**
4 violation. ~~A law enforcement officer shall enforce the provisions of this Section as~~
5 ~~a secondary action and a driver may be cited only if stopped for a moving violation.~~

6 * * *

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

B. Gautreaux (SB 9)

Present law provides that the traffic violation of texting while driving a motor vehicle shall be enforced only as a "secondary action" when the officer detains a driver for another alleged violation.

Proposed law prohibits persons 17 years of age or younger to operate a motor vehicle while using any "wireless telecommunications device" to engage in a call or write, send or read a text-based communication as a non-moving violation, and also authorizes enforcement only as a "secondary action".

Proposed law removes these provisions, thereby making them a primary offense for which a driver may be stopped.

Effective August 15, 2010.

(Amends R.S. 32:300.5(C)(4) and 300.7(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Also makes using a "wireless telecommunications device" by persons 17 years of age or younger while operating a motor vehicle a primary offense.