



1 Section 11-901d. A. It shall be unlawful for any person to  
2 operate a motor vehicle on any street or highway within this state  
3 while using a hand-held electronic communication device to manually  
4 compose, send or read an electronic text message while the motor  
5 vehicle is in motion.

6 B. Any person who violates the provisions of ~~subsection~~  
7 subsections A and C of this section shall, upon conviction, be  
8 punished by a fine of not more than One Hundred Dollars (\$100.00).

9 C. It shall be unlawful for any person operating a motor  
10 vehicle on any street or highway in this state to use a handheld  
11 electronic communications device, while the vehicle is in motion, in  
12 a school zone, during normal school hours, unless the device is used  
13 with an accessory which allows the person to communicate without the  
14 use of his or her hands, other than to activate, deactivate or  
15 initiate a feature or function of the device.

16 D. The Department of Public Safety shall not record or assess  
17 points for violations of this section on any license holder's  
18 traffic record maintained by the Department.

19 ~~D.~~ E. The provisions of ~~subsection~~ subsections A and C of this  
20 section shall not apply if the person is using the cellular  
21 telephone or electronic communication device for the sole purpose of  
22 communicating with any of the following regarding an imminent  
23 emergency situation:

24 1. An emergency response operator;

1 2. A hospital, physician's office or health clinic;

2 3. A provider of ambulance services;

3 4. A provider of firefighting services; or

4 5. A law enforcement agency.

5 ~~E.~~ F. Municipalities may enact and municipal police officers  
6 may enforce ordinances prohibiting and penalizing conduct under the  
7 provisions of this section. The provisions of such ordinances shall  
8 be the same as provided for in this section; the enforcement  
9 provisions of those ordinances shall not be more stringent than  
10 those of this section; and the fine and court costs for municipal  
11 ordinance violations shall be the same or a lesser amount as  
12 provided for in this section.

13 ~~F.~~ G. For the purpose of this section:

14 1. "Cellular telephone" means an analog or digital wireless  
15 telephone authorized by the Federal Communications Commission to  
16 operate in the frequency bandwidth reserved for cellular telephones;

17 2. "Compose", "send" or "read" with respect to a text message  
18 means the manual entry, sending or retrieval of a text message to  
19 communicate with any person or device;

20 3. "Electronic communication device" means an electronic device  
21 that permits the user to manually search the Internet or transmit a  
22 communication of written text by means other than through an oral  
23 transfer or wire communication. This term does not include:  
24

- 1 a. a device that is physically or electronically  
2 integrated into a motor vehicle,  
3 b. a voice-operated global positioning or navigation  
4 system that is affixed to a motor vehicle,  
5 c. a hands-free device that allows the user to write,  
6 send or read a text message without the use of either  
7 hand except to activate, deactivate or initiate a  
8 feature or function, or  
9 d. an ignition interlock device that has been installed  
10 on a motor vehicle; and

11 4. "Text message" includes a text-based message, instant  
12 message, electronic message, photo, video or electronic mail.

13 SECTION 3. It being immediately necessary for the preservation  
14 of the public peace, health or safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

17  
18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/04/2019 -  
19 DO PASS.  
20  
21  
22  
23  
24