

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

734S0339

SENATE BILL NO. 71

Introduced by: Senators Tieszen, Lederman, Nygaard, and Vehle and Representatives Bolin, Conzet, Jones, Romkema, Stricherz, White, and Willadsen

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain handheld electronic wireless
2 devices for electronic messaging while driving.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may operate a motor vehicle on a highway while using a handheld electronic
7 wireless communication device to write, send, or read a text-based communication. This section
8 does not apply to a person who is using a handheld electronic wireless communication device:

- 9 (1) While the vehicle is lawfully parked;
- 10 (2) To contact an emergency response vehicle;
- 11 (3) To write, read, select, or enter a telephone number or name in an electronic wireless
12 communications device for the purpose of making or receiving a telephone call; or
- 13 (4) When using voice operated or hands free technology.

14 Any person who operates a motor vehicle in violation of this section is guilty of a Class 2
15 misdemeanor.



1 Section 2. Terms used in this Act mean:

2 (1) "Electronic wireless communication device," a mobile communication device that
3 uses short-wave analog or digital radio transmissions or satellite transmissions
4 between the device and a transmitter to permit wireless telephone communications
5 to and from the user of the device within a specified area;

6 (2) "Emergency response vehicle," any ambulance, fire department, law enforcement, or
7 civil defense vehicle, or other vehicle used primarily for emergency purposes;

8 (3) "Voice operated or hands free technology," technology that allows a user to write,
9 send, or read a text-based communication without the use of either hand except to
10 activate, deactivate, or initiate a feature or function; and

11 (4) "Write, send, or read a text-based communication," using an electronic wireless
12 communications device to manually communicate with any person using text-based
13 communication including communications referred to as a text message, instant
14 message, or electronic mail.