

SECOND REGULAR SESSION

SENATE BILL NO. 887

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DEMPSEY AND BRAY.

Pre-filed December 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3604S.011

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of wireless telephones while operating motor vehicles, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.815, to read as follows:

304.815. 1. No person shall operate a motor vehicle, as defined in section 301.010, RSMo, while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking and is used in that manner while driving, or the motor vehicle is stationary.

2. The provisions of this section shall not apply to:

(1) Motor vehicles operated on private property;

(2) A person using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, healthcare provider, fire department, or other emergency services agency or entity;

(3) An emergency services professional using a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties; or

(4) A person using a digital two-way radio that utilizes a wireless telephone that operates by depressing a push-to-talk feature and does not require immediate proximity to the ear of the user, and the person is driving one of the following vehicles:

(a) A commercial motor vehicle, as defined in section 301.010, RSMo, excluding pickup trucks; or

(b) A wrecker or tow truck, as defined in section 301.010, RSMo.

22 **3. A violation of this section shall be deemed an infraction**
23 **punishable by a twenty dollar fine for a first offense, and a fifty dollar**
24 **fine for a second or subsequent offense.**

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