

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 659, Page 1, Section title, Line 3,

2 of the title, by striking "autocycles" and inserting in lieu  
 3 thereof the following: "certain modes of transportation"; and

4 Further amend said bill and page, Section 304.005, Line 19  
 5 of said page, by inserting after all of said line the following:

6 "304.820. 1. Except as otherwise provided in this section,  
 7 no person [twenty-one years of age or younger] operating a moving  
 8 motor vehicle upon the highways of this state shall, by means of  
 9 a hand-held electronic wireless communications device, send,  
 10 read, or write a text message or electronic message.

11 2. Except as otherwise provided in this section, no person  
 12 shall operate a commercial motor vehicle while using a hand-held  
 13 mobile telephone.

14 3. Except as otherwise provided in this section, no person  
 15 shall operate a commercial motor vehicle while using a wireless  
 16 communications device to send, read, or write a text message or  
 17 electronic message.

18 4. The provisions of subsection 1 through subsection 3 of  
 19 this section shall not apply to a person operating:

20 (1) An authorized emergency vehicle; or

21 (2) A moving motor vehicle while using a hand-held

1 electronic wireless communications device to:

2 (a) Report illegal activity;

3 (b) Summon medical or other emergency help;

4 (c) Prevent injury to a person or property; or

5 (d) Relay information between a transit or for-hire  
6 operator and that operator's dispatcher, in which the device is  
7 permanently affixed to the vehicle.

8 5. Nothing in this section shall be construed or  
9 interpreted as prohibiting a person from making or taking part in  
10 a telephone call, by means of a hand-held electronic wireless  
11 communications device, while operating a noncommercial motor  
12 vehicle upon the highways of this state.

13 6. As used in this section, "electronic message" means a  
14 self-contained piece of digital communication that is designed or  
15 intended to be transmitted between hand-held electronic wireless  
16 communication devices. "Electronic message" includes, but is not  
17 limited to, electronic mail, a text message, an instant message,  
18 or a command or request to access an internet site.

19 7. As used in this section, "hand-held electronic wireless  
20 communications device" includes any hand-held cellular phone,  
21 palm pilot, blackberry, or other mobile electronic device used to  
22 communicate verbally or by text or electronic messaging, but  
23 shall not apply to any device that is permanently embedded into  
24 the architecture and design of the motor vehicle.

25 8. As used in this section, "making or taking part in a  
26 telephone call" means listening to or engaging in verbal  
27 communication through a hand-held electronic wireless  
28 communication device.

29 9. As used in this section, "send, read, or write a text

1 message or electronic message" means using a hand-held electronic  
2 wireless telecommunications device to manually communicate with  
3 any person by using an electronic message. Sending, reading, or  
4 writing a text message or electronic message does not include  
5 reading, selecting, or entering a phone number or name into a  
6 hand-held electronic wireless communications device for the  
7 purpose of making a telephone call.

8 10. A violation of this section shall be deemed an  
9 infraction and shall be deemed a moving violation for purposes of  
10 point assessment under section 302.302.

11 11. The state preempts the field of regulating the use of  
12 hand-held electronic wireless communications devices in motor  
13 vehicles, and the provisions of this section shall supercede any  
14 local laws, ordinances, orders, rules, or regulations enacted by  
15 a county, municipality, or other political subdivision to  
16 regulate the use of hand-held electronic wireless communication  
17 devices by the operator of a motor vehicle.

18 12. The provisions of this section shall not apply to:

19 (1) The operator of a vehicle that is lawfully parked or  
20 stopped;

21 (2) Any of the following while in the performance of their  
22 official duties: a law enforcement officer; a member of a fire  
23 department; or the operator of a public or private ambulance;

24 (3) The use of factory-installed or aftermarket global  
25 positioning systems (GPS) or wireless communications devices used  
26 to transmit or receive data as part of a digital dispatch system;

27 (4) The use of voice-operated technology;

28 (5) The use of two-way radio transmitters or receivers by a  
29 licensee of the Federal Communications Commission in the Amateur

1 Radio Service."; and

2 Further amend the title and enacting clause accordingly.