



1 person may not operate a motor vehicle while writing, sending or  
2 reading a text message by means of a wireless communications  
3 device.

4 (b) The provisions of this section do not apply to a driver  
5 who is writing, sending or reading a text message by means of a  
6 wireless communications device while operating a motor vehicle  
7 when:

8 (1) The driver is writing, sending or reading a text message  
9 by means of a wireless communications device when is necessary for  
10 the driver to contact law-enforcement officials or other emergency  
11 services ; or

12 (2) Acting in the course and scope of his or her employment  
13 as an emergency services personnel, the driver is responding to an  
14 emergency situation while operating an authorized emergency  
15 vehicle, as defined in section six, article one of this chapter.

16 (c) The provisions of this section do not apply to any person  
17 under the age of eighteen with a level one or level two graduated  
18 driver's license who operates a motor vehicle pursuant to section  
19 three-a, article two, chapter seventeen-b of this code.

20 (d) As used in this section:

21 (1) "Driving" or "operating a motor vehicle" means operating  
22 a motor vehicle, with the motor running, including while  
23 temporarily stationary because of traffic, a traffic control  
24 device, or other momentary delays, but does not include operating

1 a motor vehicle when the driver moved the vehicle to the side of,  
2 or off, a highway and halted in a location where the vehicle can  
3 safely remain stationary;

4 (2) "Electronic device" means and includes, but is not limited  
5 to, a cellular telephone, personal digital assistant, pager,  
6 computer, or any other device used to input, write, send, receive,  
7 or read text. An "electronic device" does not include:

8 (A) Voice radios, mobile radios, land mobile radios,  
9 commercial mobile radios or two-way radios with the capability to  
10 transmit and receive voice transmissions utilizing a "push to talk"  
11 or "press to transmit" function; or

12 (B) Other voice radios used by a law-enforcement officer, an  
13 emergency services provider, an employee or agent of public safety  
14 organizations, first responders, Amateur Radio Operators (HAM)  
15 licensed by the Federal Communications Commission and school bus  
16 operators;

17 (3) "Writing, sending or reading a text message by means of  
18 a wireless communications device" means manually entering  
19 alphanumeric text into, or reading text from, an electronic device,  
20 including, but not limited to, short message service, e-mailing,  
21 instant messaging, a command or request to access a World Wide Web  
22 page, or engaging in any other form of electronic text revival or  
23 entry, for present or future communication, but does not include:

24 (A) Reading, selecting or entering a telephone number, an

1 extension number, or voicemail retrieval codes and commands into an  
2 electronic device for the purpose of initiating or receiving a  
3 phone call or using voice commands to initiate or receive a  
4 telephone call;

5 (B) Inputting, selecting, or reading information on a global  
6 positioning system or navigation system; or

7 (C) Using a device capable of performing multiple functions,  
8 including fleet management systems, dispatching devices, smart  
9 phones, citizens band radios, music players, for a purpose that is  
10 not otherwise prohibited in this section.

11 (e) Any person who violates the provisions of subsection (a)  
12 of this section is guilty of a misdemeanor and, upon conviction  
13 thereof, shall for a first offense be fined \$50; for a second  
14 offense be fined \$100; and for a third or subsequent offense be  
15 fined \$200. No court costs or other fees shall be assessed for a  
16 violation of subsection (a).

17 (f) Notwithstanding any other provision of this code to the  
18 contrary, points may not be entered on any driver's record  
19 maintained by the Division of Motor Vehicles as a result of a  
20 violation of this section.

NOTE: The purpose of this bill is to create the misdemeanor offense of operating a motor vehicle while writing, sending or reading a text message by means of a wireless communications device.

This section is new; therefore, it has been completely underscored.