

SENATE BILL NO. 137

BY SENATOR QUINN

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AN ACT

To amend and reenact R.S. 32:398.10(A)(introductory paragraph) and to enact R.S. 32:300.5, 300.6, and 398.10(A)(6), relative to driver distractions; to prohibit text messaging by any person while operating a motor vehicle; to prohibit the use of certain cellular telephones by certain drivers while operating a motor vehicle; to provide exceptions; to provide penalties for violation; to require law enforcement officers to record certain information at traffic stops; to require the compilation of statistical information on crashes involving the use of cellular telephones and other wireless telecommunications devices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398.10(A)(introductory paragraph) is hereby amended and reenacted and R.S. 32:300.5, 300.6, and 398.10(A)(6) are hereby enacted to read as follows:

§300.5. Use of certain wireless telecommunications devices for text messaging prohibited

A.(1) Except as provided in Subsection B of this Section, no person shall operate any motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to write, send, or read a text-based communication. For purposes of this Section, a person shall not be deemed to be writing, reading, or sending a text message if the person reads, selects, or enters a telephone number or name in a wireless telecommunications device for the purpose of making a telephone call.

1 **(2)(a) "Wireless telecommunications device" means a cellular telephone,**
2 **a text-messaging device, a personal digital assistant, a stand alone computer, or**
3 **any other substantially similar wireless device that is readily removable from**
4 **the vehicle and is used to write, send, or read text or data through manual**
5 **input. A "wireless telecommunications device" shall not include any device or**
6 **component that is permanently affixed to a motor vehicle. It does not include**
7 **citizens band radios, citizens band radio hybrids, commercial two-way radio**
8 **communication devices, or electronic communication devices with a push-to-**
9 **talk function.**

10 **(b) "Write, send, or read a text-based communication" means using a**
11 **wireless telecommunications device to manually communicate with any person**
12 **by using a text-based communication referred to as a text message, instant**
13 **message, or electronic mail.**

14 **B. The provisions of this Section shall not apply to the following:**

15 **(1) Any law enforcement officer, firefighter, or operator of an authorized**
16 **emergency vehicle while engaged in the actual performance of his official duties.**

17 **(2) An operator of a moving motor vehicle using a wireless**
18 **telecommunications device to:**

19 **(a) Report illegal activity.**

20 **(b) Summon medical or other emergency help.**

21 **(c) Prevent injury to a person or property.**

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

24 **(e) Navigate using a global positioning system.**

25 **(3) A physician or other health care provider using a wireless**
26 **telecommunications device to communicate with a hospital, health clinic or the**
27 **office of the physician, or to otherwise provide for the health care of an**
28 **individual or medical emergency through a text-based communication.**

29 **C.(1) The first violation of the provisions of this Section shall be**
30 **punishable by a fine of not more than one hundred seventy-five dollars.**

1 another provision of this Chapter.

2 B. The provisions of this Section shall not apply to a person holding a
3 Class "E" learner's license or intermediate license who uses a wireless
4 telecommunications device to do any of the following:

5 (1) Report a traffic crash, medical emergency, or serious road hazard.

6 (2) Report a situation in which the person believes his or her personal
7 safety is in jeopardy.

8 (3) Report or avert the perpetration or potential perpetration of a
9 criminal act against the driver or another person.

10 (4) Engage in a call while the motor vehicle is lawfully parked.

11 C.(1) A first violation of the provisions of this Section shall be punishable
12 by a fine of not more than one hundred seventy-five dollars.

13 (2) Each subsequent violation shall be punishable by a fine of not more
14 than five hundred dollars.

15 (3) If the person is involved in a crash at the time of violation, then the
16 fine shall be equal to double the amount of the standard fine imposed in this
17 Subsection and the law enforcement officer investigating the crash shall indicate
18 on the written accident form that the person was using a wireless
19 telecommunications device at the time of the crash.

20 * * *

21 §398.10. Collection and reporting of statistical information relating to traffic stops

22 A. All law enforcement officers as defined as a peace officer in R.S. 40:2402
23 shall record and retain the following information:

24 * * *

25 (6) The number of persons stopped for violations of R.S. 32:300.5 and
26 300.6.

27 * * *

28 Section 2. The Louisiana Highway Safety Commission shall collect and compile
29 statistical information on the number of crashes as well as the number of fatalities and
30 injuries incurred in crashes which involve the use of a cellular telephone or other wireless

1 telecommunications device to engage in a call or send, receive, or read any text message.

2 Section 3. This Act shall become effective on July 1, 2008; if vetoed by the governor
3 and subsequently approved by the legislature, this Act shall become effective on July 1,
4 2008, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____