

Regular Session, 2010

HOUSE BILL NO. 863

BY REPRESENTATIVES STIAES AND LEGER

MTR VEHICLE/COMMERCIAL: To prohibit commercial motor vehicle drivers from using hand-held cell phone devices while driving commercial motor vehicles

1 AN ACT

2 To enact R.S. 32:300.5(D) and 300.8, relative to commercial motor vehicles; to prohibit the  
3 use of hand-held wireless telecommunications devices while operating commercial  
4 motor vehicles; to provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:300.5(D) and 300.8 are hereby enacted to read as follows:

7 §300.5. Use of certain wireless telecommunications devices for text messaging  
8 prohibited

9 \* \* \*

10 D. The provisions of this Section shall not apply to persons operating a  
11 commercial motor vehicle as defined by R.S. 32:401(5).

12 \* \* \*

13 §300.8. Commercial motor vehicle; use of hand-held wireless telecommunication  
14 devices prohibited; penalty

15 A. The use of a hand-held wireless telecommunication device to engage in  
16 a call or write, send, or read text-based communication while operating a commercial  
17 motor vehicle, as defined by 32:401(5), is prohibited. A hands-free wireless  
18 telecommunications device may be used to engage in a call or communicate data or  
19 text.

1           B. As used in this Section, the following terms shall have the following  
2           meanings:

3           (3) "Hands-free wireless telecommunications device" shall mean any type  
4           of instrument, device, or machine that is capable of transmitting or receiving  
5           telephonic, electronic, radio, text, or data communications, including but not limited  
6           to a cellular telephone, a text-messaging device, a personal digital assistant, a  
7           computer, or any other similar wireless device that allows a user to engage in a call  
8           or communicate text with an internal feature or function or additional attachment  
9           without the use of either hand.

10           (2) "Hand-held wireless telecommunications device" shall mean any type of  
11           instrument, device, or machine that is capable of transmitting or receiving  
12           telephonic, electronic, radio, text, or data communications, including but not limited  
13           to a cellular telephone, a text-messaging device, a personal digital assistant, a  
14           computer, or any other similar wireless device, that is designed to engage in a call  
15           or communicate text or data using at least one hand. It does not include citizens  
16           band radios, citizens band radio hybrids, or commercial two-way radio  
17           communication devices or any device or component that is permanently affixed to  
18           a motor vehicle.

19           C. Whoever violates the provisions of this Section shall be fined one hundred  
20           twenty-five dollars, in addition to court costs.

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Stiaes

HB No. 863

**Abstract:** Prohibits operators of commercial motor vehicles from using hand-held wireless communication devices and provides for penalties.

Present law provides that all operators of motor vehicles are prohibited from texting while driving and shall be enforced only as a secondary action when the officer detains a driver for another alleged violation.

Proposed law retains present law but states that present law shall not apply to operators of commercial motor vehicles.

Proposed law provides that operators of commercial motor vehicles shall not text or communicate using a hand-held wireless telecommunication device and that the violation shall be enforced as a primary offense.

Proposed law provides for definitions of "hand-held wireless telecommunications device" and "hands-free wireless telecommunications device".

Proposed law provides for penalties.

(Adds R.S. 32:300.5(D) and 300.8)