

Regular Session, 2010

HOUSE BILL NO. 863

BY REPRESENTATIVES STIAES AND LEGER

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

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:300.8 is hereby enacted to read as follows:

7 §300.8. Motor vehicle; use of hand-held wireless telecommunication devices
8 prohibited; penalty

9 A. The use of a hand-held wireless telecommunication device to engage in
10 a call or write, send, or read text-based communication while operating a motor
11 vehicle is prohibited. A hands-free wireless telecommunications device may be used
12 to engage in a call or communicate data or text.

13 B. As used in this Section, the following terms shall have the following
14 meanings:

15 (1) "Hands-free wireless telecommunications device" shall mean any type
16 of instrument, device, or machine that is capable of transmitting or receiving
17 telephonic, electronic, radio, text, or data communications, including but not limited
18 to a cellular telephone, a text-messaging device, a personal digital assistant, a
19 computer, or any other similar wireless device that allows a user to engage in a call

1 or communicate text with an internal feature or function or additional attachment
2 without the use of either hand.

3 (2) "Hand-held wireless telecommunications device" shall mean any type of
4 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 is designed to engage in a call
8 or communicate text or data using at least one hand. It does not include citizens
9 band radios, citizens band radio hybrids, or commercial two-way radio
10 communication devices or any device or component that is permanently affixed to
11 a motor vehicle.

12 C. Whoever violates the provisions of this Section shall be fined one hundred
13 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 motor vehicles from using hand-held wireless communication devices and provides for penalties.

Proposed law provides that operators of 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. 32:300.8)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the engrossed bill.

1. Removed all references to "commercial motor vehicles" and provided that the use of hand-held wireless telecommunication devices while operating any motor vehicle is prohibited.