

Regular Session, 2011

HOUSE BILL NO. 338

BY REPRESENTATIVES STIAES AND BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES: Prohibits drivers from using handheld cellular devices while driving

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. This Section does not apply to the use of a hand-held wireless
14 telecommunications device for the following purposes:

15 (1) Communicating with an emergency system response operator, 911 public
16 safety communications dispatcher, or school administrator about an emergency
17 situation.

18 (2) Communicating with a hospital or emergency room about an emergency
19 situation.

1 (3) Communicating with a physician's office or health clinic about an
2 emergency situation.

3 (4) Communicating with emergency response personnel while in the
4 performance of their duty, including firefighters of fire departments, fire protection
5 districts, or volunteer fire departments, emergency medical service personnel, and
6 law enforcement or peace officers about an emergency situation.

7 (5) Reporting a traffic crash.

8 (6) Reporting a situation in which the person believes his personal safety is
9 in jeopardy.

10 (7) Reporting or averting the perpetration or potential perpetration of a
11 criminal act against the driver or another person.

12 C. This Section shall not apply to a person engaging in a call or writing,
13 sending, or reading a text-based communication while the motor vehicle is lawfully
14 parked.

15 D. As used in this Section, the following terms shall have the following
16 meanings:

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

24 (2) "Hand-held wireless telecommunications device" shall mean any type of
25 instrument, device, or machine that is capable of transmitting or receiving
26 telephonic, electronic, radio, text, or data communications, including but not limited
27 to a cellular telephone, a text-messaging device, a personal digital assistant, a
28 computer, or any other similar wireless device, that is designed to engage in a call
29 or communicate text or data using at least one hand. It does not include citizens

1 band radios, citizens band radio hybrids, or commercial two-way radio
2 communication devices or any device or component that is permanently affixed to
3 a motor vehicle.

4 E. Whoever violates the provisions of this Section shall be fined one hundred
5 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. 338

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 exceptions for using a hand-held wireless telecommunications device while driving.

Proposed law provides for penalties.

(Adds R.S. 32:300.8)