

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 338 by Representative Stiaes

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 32:300.8" insert "and to repeal R.S. 32:300.5 and 300.6"

AMENDMENT NO. 2

On page 1, at the beginning of line 4, insert "to repeal current prohibitions on texting while driving and use of wireless telecommunication devices by certain drivers;

AMENDMENT NO. 3

On page 2, between lines 11 and 12, insert the following:

"(8) Navigate using a global positioning system.

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

AMENDMENT NO. 4

On page 2, between lines 16 and 17, insert the following:

"(1) 'Engage in a call' means talking or listening on a hands-free telecommunication device or a hand-held wireless telecommunication device. However, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the hands-free wireless telecommunication device."

AMENDMENT NO. 5

On page 2, line 17, change "(1)" to "(2)" and on line 24, change "(2)" to "(3)"

AMENDMENT NO. 6

On page 3, line 1 after "hybrids," and before "or" insert "devices with a push-to-talk function,"

AMENDMENT NO. 7

On page 3, delete lines 4 and 5 in their entirety and insert the following:

"(4) "Text-based communication" shall mean using a hand-held wireless telecommunications device to manually communicate with any person or business by communication referred to as a text message, instant message, or electronic mail.

E. (1) Whoever violates the provisions of this Section shall be fined one hundred twenty-five dollars, in addition to court costs.

(2) If a person is involved in a crash at the time of a violation, then the fine shall be equal to double the amount of the standard fine imposed in this Subsection and the law enforcement officer investigating the crash shall indicate on the written

1 accident form that the person was using a hand-held wireless telecommunication  
2 device at the time of the crash.

3 F. In any action to recover damages arising out of the ownership, common  
4 maintenance, or operation of a motor vehicle, use of a hand-held wireless  
5 telecommunication device in violation of this Section shall not be considered  
6 evidence of comparative negligence. Use of a hand-held wireless telecommunication  
7 device in violation of this Section shall not be admitted to mitigate damages.

8 G. The provisions of this Section shall not apply to persons seventeen years  
9 of age or younger.

10 Section 2. R.S. 32:300.5 and 300.6 are hereby repealed in their entirety."