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## DIGEST

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Stiaes

HB No. 338

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

Present law provides that texting while driving is prohibited for all drivers and that the violation is enforced as a primary offense.

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

Present law provides that no person who holds a Class "E" learner's license or intermediate license shall operate a motor vehicle while using any wireless telecommunications device to engage in a call, unless the wireless telecommunications device is a hands-free wireless telephone and that the violation is enforced as a primary offense.

Proposed law repeals present law and provides that all operators of motor vehicles shall not communicate using a hand-held wireless telecommunications device and that the violation shall be enforced as a primary offense.

Proposed law provides for definitions of "engage in a call", "hand-held wireless telecommunications device", "hands-free wireless telecommunications device", and "text-based communication".

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

Proposed law provides for penalties.

Proposed law provides that 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 proposed law and the law enforcement officer investigating the crash shall indicate on the written accident form that the person was using a hand-held wireless telecommunication device at the time of the crash.

Proposed law provides that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, use of a hand-held wireless telecommunication device in violation of proposed shall not be considered evidence of

comparative negligence. Use of a hand-held wireless telecommunication device in violation of proposed law shall not be admitted to mitigate damages.

Present law provides that drivers 17 years of age or younger shall not operate a motor vehicle on any public road or highway in this state while using any wireless telecommunications device to engage in a call or write, send, or read a text-based communication.

Proposed law retains present law and provides that the provisions of proposed law shall not apply to persons 17 years of age or younger.

(Adds R.S. 32:300.8; Repeals R.S. 32:300.5 and 300.6)

#### Summary of Amendments Adopted by House

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

1. Added that a hand-held wireless telecommunication device can be used to navigate using a global positioning system and to relay information between a transit or for-hire operator and that operator's dispatcher, in which the device to communicate with the dispatcher is permanently affixed to the vehicle.
2. Defined "engage in a call" and "text-based communication".
3. Added that devices with a push-to talk function are not included in the definition of "hand-held wireless telecommunications device".
4. Provided that 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 proposed law and the law enforcement officer investigating the crash shall indicate on the written accident form that the person was using a hand-held wireless telecommunication device at the time of the crash.
5. Provided that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, use of a hand-held wireless telecommunication device in violation of proposed law shall not be considered evidence of comparative negligence. Use of a hand-held wireless telecommunication device in violation of proposed law shall not be admitted to mitigate damages.
6. Provided that the provisions of proposed law shall not apply to persons 17 years of age or younger.
7. Repealed current prohibitions on texting while driving for all drivers and using hand-held wireless telecommunication device to engage in a call while driving by persons who hold Class "E" learner's licenses or intermediate licenses.

