

Regular Session, 2012

HOUSE BILL NO. 787

BY REPRESENTATIVES BARROW AND BADON

MOTOR VEHICLES: Prohibits the use of hand held cell phones while driving

1 AN ACT

2 To amend and reenact R.S. 32:300.5(A)(1) and (2)(b), to enact R.S. 32:300.5(C)(5), and to  
3 repeal R.S. 32:289.1, 300.6, and 300.7, relative to the use of wireless communication  
4 devices while driving; to prohibit the use of wireless communication devices while  
5 driving; to repeal provisions providing for exceptions; to repeal provisions relative  
6 to minors; to provide for penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:300.5(A)(1) and (2)(b) are hereby amended and reenacted and  
9 R.S. 32:300.5(C)(5) is hereby enacted to read as follows:

10 §300.5. Use of certain wireless telecommunications devices ~~for text messaging~~  
11 prohibited

12 A.(1) Except as provided in Subsection B of this Section, no person shall  
13 operate any motor vehicle upon any public road or highway of this state while using  
14 a wireless telecommunications device ~~to write, send, or read a text-based~~  
15 ~~communication. For purposes of this Section, a person shall not be deemed to be~~  
16 ~~writing, reading, or sending a text message if the person reads, selects, or enters a~~  
17 ~~telephone number or name in a wireless telecommunications device for the purpose~~  
18 ~~of making a telephone call.~~

19 \* \* \*

1 (2)

2 \* \* \*

3 (b) ~~"Write, send, or read a text-based communication" means using a~~  
4 ~~wireless telecommunications device to manually communicate with any person by~~  
5 ~~using a text-based communication referred to as a text message, instant message, or~~  
6 ~~electronic mail.~~

7 "Using a wireless telecommunications device" shall include but not be  
8 limited to talking or listening to another person on the telephone, text messaging, or  
9 sending an electronic message via the wireless telephone or electronic  
10 communication device.

11 \* \* \*

12 C.

13 \* \* \*

14 (5) Any violation of this Section shall constitute a secondary offense.

15 Section 2. R.S. 32:289.1, 300.6, and 300.7 are hereby repealed in their entirety.

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#### 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)]

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Barrow

HB No. 787

**Abstract:** Defines and prohibits the use of wireless communication devices while driving for all La. state drivers.

Present law prohibits any person from operating a motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to write, send, or read a text-based communication.

Present law also provides that for the purposes of present law a person shall not be deemed to be writing, reading, or sending a text message if the person reads, selects, or enters a telephone number or name in a wireless telecommunications device for the purpose of making a telephone call.

Proposed law deletes present law.

Proposed law deletes the phrase and definition of "write, send, or read a text-based communication" and replaces it with the phrase "using a wireless telecommunications device" and defines it.

Proposed law defines "use" of a wireless telephone or electronic communication device to include but not be limited to talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

Present law provides that, regardless of age, a person issued a driver's license for the first time shall be prohibited from using a cellular telephone for any purpose while operating a motor vehicle for a period of one year from the date of the issuance of the license. Present law provides for exceptions and penalties.

Proposed law repeals present law.

Present law prohibits the holder of a Class "E" learner's license or intermediate license from using a wireless telecommunications device while driving. Present law provides for exceptions and penalties.

Proposed law repeals present law.

Present law prohibits persons who are 17 years of age or younger from operating a motor vehicle while using any wireless communications device. Present law provides for exceptions and penalties.

Proposed law repeals present law.

Proposed law provides that any violation constitutes a secondary offense.

(Amends R.S. 32:300.5(A)(1) and (2)(b); Adds R.S. 32:300.5(C)(5); Repeals R.S. 32:289.1, 300.6, and 300.7)