

SENATE BILL NO. 147

BY SENATOR ERDEY

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

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AN ACT

To amend and reenact R.S. 32:300.5(A), the introductory paragraph of 300.5(B), 407(A)(2)(a), and 408(A)(1), relative to driver distractions; to prohibit social networking while operating a motor vehicle; to provide for exclusions from certain definitions; to provide for penalties; to provide for knowledge of driver distractions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:300.5(A), the introductory paragraph of 300.5(B), 407(A)(2)(a), and 408(A)(1) are hereby amended and reenacted to read as follows:

§300.5. Use of certain wireless telecommunications devices for text messaging **and social networking** prohibited

A.(1) Except as provided in Subsection B of this Section, no person shall operate any 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. For purposes of this Section, 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.

(2) **No person shall operate any motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to access, read, or post to a social networking site.**

(3)(a) "Wireless telecommunications device" means a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is readily removable from the vehicle

1 and is used to write, send, or read text or data through manual input. A "wireless
 2 telecommunications device" shall not include any device or component that is
 3 permanently affixed to a motor vehicle. It does not include citizens band radios,
 4 citizens band radio hybrids, commercial two-way radio communication devices, two-
 5 way radio transmitters or receivers used by licensees of the Federal
 6 Communication Commission in the Amateur Radio Service, or electronic
 7 communication devices with a push-to-talk function.

8 (b) "Write, send, or read a text-based communication" means using a wireless
 9 telecommunications device to manually communicate with any person by using a
 10 text-based communication referred to as a text message, instant message, or
 11 electronic mail.

12 (c) "Access, read, or post to a social networking site" means using a
 13 wireless telecommunications device to access, read, or post on such device to any
 14 web-based service that allows individuals to construct a profile within a
 15 bounded system, articulate a list of other users with whom they share a
 16 connection, and communicate with other members of the site.

17 B. The provisions of this Paragraph (A)(1) of this Section shall not apply
 18 to the following:

19 * * *

20 §407. Application of minors; revocation; applications of persons less than twenty-
 21 one years of age

22 A.(1) * * *

23 (2)(a) Upon completion of a driver's education course approved by the
 24 Department of Public Safety and Corrections, public safety services, and upon
 25 passing a visual examination and a road knowledge test, including rules of the road,
 26 signs, and signals, sharing the road with motorcycles and tractor/trailer trucks,
 27 knowledge of distracted driving issues, and not less than two questions relative to
 28 railroad and highway grade railroad safety, an applicant at least fifteen years of age,
 29 but less than seventeen years of age, applying for the first time may be issued a Class
 30 "E" learner's license. The license may be issued for a four-year period at the same fee

1 as a Class "E" driver's license and must be maintained for at least one hundred eighty
 2 days, unless prior to such time the driver reaches seventeen years of age, prior to
 3 being converted to a Class "E" intermediate driver's license. The Class "E" learner's
 4 license shall authorize the holder to drive while being accompanied by a licensed
 5 parent, guardian, adult at least age twenty-one or older, or licensed sibling at least
 6 age eighteen or older.

7 * * *

8 §408. Examination of applicants required; classes of licenses

9 A.(1) Except as otherwise provided, every applicant must pass a written
 10 knowledge and skills test for a motor vehicle representative of the type of motor
 11 vehicle he operates or expects to operate, or provide evidence on a form approved
 12 by the department that he has successfully passed the written knowledge test and a
 13 driving or skills test administered by an authorized third party. In addition to the
 14 specialized knowledge and skills tests, each such examination shall include: a test
 15 of the applicant's eyesight; his ability to understand highway signs regulating,
 16 warning, and directing traffic; his knowledge of railroad and highway grade crossing
 17 safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks;
 18 his knowledge of the economic effects of littering; **his knowledge of distracted**
 19 **driving issues;** and his knowledge of all relevant traffic regulations.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____