

FIRST REGULAR SESSION

HOUSE BILL NO. 26

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), WALLACE, NANCE,
SCHARNHORST AND BIVINS (Co-sponsors).

0181L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to wireless telephone use, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be
2 known as section 304.815, to read as follows:

**304.815. 1. No person shall operate a motor vehicle, as defined in section 301.010,
2 RSMo, while using a wireless telephone unless that telephone is specifically designed and
3 configured to allow hands-free listening and talking and is used in that manner while
4 driving, or the motor vehicle is stationary.**

5 2. The provisions of this section shall not apply to:

6 (1) Motor vehicles operated on private property;

**7 (2) A person using a wireless telephone for emergency purposes, including, but not
8 limited to, an emergency call to a law enforcement agency, healthcare provider, fire
9 department, or other emergency services agency or entity;**

**10 (3) An emergency services professional using a wireless telephone while operating
11 an authorized emergency vehicle in the course and scope of his or her duties; or**

**12 (4) A person using a digital two-way radio that utilizes a wireless telephone that
13 operates by depressing a push-to-talk feature and does not require immediate proximity
14 to the ear of the user, and the person is driving one of the following vehicles:**

**15 (a) A commercial motor vehicle, as defined in section 301.010, RSMo, excluding
16 pickup trucks; or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(b) A wrecker or tow truck, as defined in section 301.010, RSMo.**
18 **3. Violation of this section shall be deemed an infraction punishable by a twenty**
19 **dollar fine for a first offense, and a fifty dollar fine for a second offense.**

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