

FIRST REGULAR SESSION

# HOUSE BILL NO. 92

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EL-AMIN.

0227L.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to cellular 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 known as section 304.800, to read as follows:

**304.800. 1. Beginning July 1, 2011, no person shall operate a motor vehicle while using a cellular telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.**

**2. A "cellular telephone" is any device used to access wireless telephone service.**

**3. The provisions of this section shall not apply to:**

**(1) A person using a cellular telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity;**

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

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

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

**(b) A farm tractor as defined in section 301.010, RSMo; or**

**(c) A wrecker or tow truck, as defined in section 301.010, RSMo.**

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.

18           **4. The provisions of this section shall not apply to motor vehicles operated on**  
19 **private property.**

20           **5. Violation of this section shall be deemed an infraction punishable by a twenty**  
21 **dollar fine for a first offense, and a fifty dollar fine for a second offense.**

✓