

FIRST REGULAR SESSION

HOUSE BILL NO. 869

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MEADOWS.

17191.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the use of hand-held electronic communications devices by persons operating motor vehicles for compensation while transporting passengers.

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 304.823, to read as follows:

304.823. 1. The provisions of this section shall be known as the "Fair Fare Passenger Safety Act of 2011".

2. Except as otherwise provided in this section, no person operating a moving motor vehicle upon the highways or other public roadways of this state who is receiving compensation for the transportation of one or more passengers who are currently occupying said motor vehicle shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message or make or take part in a telephone call, by means of a hand-held electronic wireless communications device.

3. The provisions of subsection 1 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

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.

- 19 (c) Prevent injury to a person or property; or
20 (d) Relay information between a transit or for-hire operator and that operator's
21 dispatcher, in which the device is permanently affixed to the vehicle.
- 22 4. Nothing in this section shall be construed or interpreted as prohibiting a person
23 from making or taking part in a telephone call, by means of a hands-free electronic
24 wireless communications device, while operating a motor vehicle upon the highways of this
25 state.
- 26 5. As used in this section, "electronic message" means a self-contained piece of
27 digital communication that is designed or intended to be transmitted between hand-held
28 electronic wireless communications devices. "Electronic message" includes, but is not
29 limited to, electronic mail, a text message, an instant message, or a command or request to
30 access an internet site.
- 31 6. As used in this section, "hand-held electronic wireless communications device"
32 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic
33 device used to communicate verbally or by text or electronic messaging, but shall not apply
34 to any device that is permanently embedded into the architecture and design of the motor
35 vehicle.
- 36 7. As used in this section, "making or taking part in a telephone call" means
37 listening to or engaging in verbal communication through a hand-held electronic wireless
38 communications device.
- 39 8. As used in this section, "send, read, or write a text message or electronic
40 message" means using a hand-held electronic wireless telecommunications device to
41 manually communicate with any person by using an electronic message. Sending, reading,
42 or writing a text message or electronic message does not include reading, selecting, or
43 entering a phone number or name into a hand-held electronic wireless communications
44 device for the purpose of making a telephone call.
- 45 9. As used in this section, the terms "one or more passengers" does not include the
46 driver as a passenger.
- 47 10. As used in this section, the term "receiving compensation" means the driver
48 either has already received, is currently receiving, or will in the future receive
49 compensation from either the passenger or passengers personally, the employer of said
50 driver, a contractual agreement, or any other agreed upon method of payment.
- 51 11. A violation of this section shall be deemed an infraction and shall be deemed a
52 moving violation for purposes of point assessment under section 302.302.
- 53 12. Any city or county shall have the authority to adopt ordinances or regulations
54 which are equivalent to, but not more restrictive than, the provisions of this section.

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

56 **(1) The operator of a vehicle that is lawfully parked or stopped;**

57 **(2) Any of the following while in the performance of their official duties: a law**
58 **enforcement officer; a member of a fire department; or the operator of a public or private**
59 **ambulance;**

60 **(3) The use of factory-installed or aftermarket global positioning systems (GPS) or**
61 **wireless communications devices used to transmit or receive data as part of a digital**
62 **dispatch system;**

63 **(4) The use of voice-operated technology to make or take part in a phone call;**

64 **(5) The use of two-way radio transmitters or receivers by a licensee of the Federal**
65 **Communications Commission in the Amateur Radio Service;**

66 **(6) A person using a handheld mobile telephone in conjunction with a voice-**
67 **operated or hands-free device. The term "voice-operated or hands-free device" for**
68 **purposes of this subdivision shall mean a device that allows the user to write, send, or read**
69 **a text message without the use of either hand except to activate or deactivate a feature or**
70 **function.**