

HB 1123 -- TEXTING WHILE DRIVING

SPONSOR: Gosen

Currently, an individual 21 years of age or younger and any individual operating a commercial motor vehicle are prohibited from sending, reading, or writing a text message or electronic message from a hands-held electronic wireless communications device while operating a moving motor vehicle on any highway in this state. A violation of this provision is an infraction and is deemed a moving violation for the purposes of point assessment. This bill increases the penalty for texting while driving and prohibits a person from wearing a head-mounted optic display while operating a motor vehicle and modifies any violations of this.

For a first offense of texting while driving or wearing a head-mounted optic display, the offender is guilty of a class B misdemeanor and his or her driving privilege will be suspended for 30 days followed by a 60-day period of restricted driving privilege.

For a second offense, the offender is guilty of a class A misdemeanor and imprisoned for a minimum of five days. As a condition of probation or parole, he or she must perform 240 hours of community service. The offender's driving privilege will be revoked for one year unless the second offense is within five years of the first. If the second offense is within five years of the first offense, the revocation of the offender's driving privilege will be five years.

For a third or subsequent offense, the offender is guilty of a class D felony and imprisoned for a minimum of 10 days. As a condition of probation or parole, he or she must perform 480 hours of community service. The offender's driving privilege will be revoked for 10 years, and the offender will be required to pass both the written and driving portions of the driver's examination in order to have his or her driving privilege reinstated.

Eight points will be assessed against a driver for a first offense of texting while driving and 12 points will be assessed for the second and each subsequent offense.