

1 HB102
2 125469-3
3 By Representatives McClendon, Williams (P), Mask, Davis,
4 Sanderford, McClurkin, Love, Williams (J), Canfield, Fincher,
5 Barton, Bridges, Boothe, McMillan, McCutcheon, Clouse,
6 Buttram, Henry, Rich, Hubbard (J), Wood, Long, Weaver,
7 Galliher, Ball, Johnson (W), Nordgren, Boman and Johnson (K)
8 RFD: Public Safety and Homeland Security
9 First Read: 01-MAR-11

1 device" does not include a device which is voice-operated and
2 which allows the user to send or receive a text-based
3 communication without the use of either hand except to
4 activate or deactivate a feature or function.

5 (2) WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION.

6 Using a wireless telecommunication device to manually
7 communicate with any person using text-based communication,
8 including, but not limited to, communications referred to as a
9 text message, instant message, or electronic mail. The term
10 does not include reading, selecting, or entering a telephone
11 number or name in a cell or wireless telephone or
12 communication device for the purpose of making a telephone
13 call.

14 (b) A person may not operate a motor vehicle on a
15 public road, street, or highway in Alabama while using a
16 wireless telecommunication device to write, send, or read a
17 text-based communication.

18 (c) A person who violates subsection (b) is subject
19 to fines as follows:

20 (1) Twenty-five dollars (\$25) for a first violation.

21 (2) Fifty dollars (\$50) for a second violation.

22 (3) Seventy-five dollars (\$75) for a third or
23 subsequent violation.

24 (d) Law enforcement officers enforcing this section
25 may treat a violation of this section as the primary or sole
26 reason for issuing a citation to a driver.

1 Section 2. A conviction of this act shall be entered
2 on the driving record of any individual charged under this act
3 as a two-point violation.

4 Section 3. (a) In any case brought by a law
5 enforcement officer employed by the Department of Public
6 Safety, ~~60 percent of the funds generated shall be allocated~~
7 ~~to the Department of Public Safety, Law Enforcement Division.~~
8 ~~The remaining 40 percent of the all funds shall be allocated~~
9 to the State General Fund.

10 (b) Each state, county, and municipal law
11 enforcement agency shall maintain statistical information on
12 traffic stops made pursuant to this act on minority groups and
13 report that information monthly to the Department of Public
14 Safety ~~and the Attorney General.~~

15 Section 4. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill defines a new crime or amends the definition of an
22 existing crime.

23 Section 5. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 01-MAR-11

Read for the second time and placed
on the calendar 1 amendment 09-MAR-11

Read for the third time and passed
as amended..... 31-MAR-11

Yeas 86, Nays 2, Abstains 3

Greg Pappas
Clerk