

1 HB2  
2 133084-2  
3 By Representative McClendon  
4 RFD: Public Safety and Homeland Security  
5 First Read: 07-FEB-12  
6 PFD: 09/15/2011



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 all ~~funds~~ fines shall be allocated to the State General  
7 Fund.

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

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

21           Section 5. This act shall become effective on the  
22 first day of the third month following its passage and  
23 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..... . . . . . 07-FEB-12

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 08-FEB-12

Read for the third time and passed  
as amended..... . . . . . 21-FEB-12

Yeas 92, Nays 0, Abstains 0

Greg Pappas  
Clerk