- 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	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to the operation of motor vehicles; to
9	prohibit any person from operating a motor vehicle on a public
10	street, road, or highway while also text messaging on a
11	handheld cell phone or other handheld wireless
12	telecommunication device; to provide penalties; to provide
13	exceptions; and in connection therewith would have as its
14	purpose or effect the requirement of a new or increased
15	expenditure of local funds within the meaning of Amendment 621
16	of the Constitution of Alabama of 1901, now appearing as
17	Section 111.05 of the Official Recompilation of the
18	Constitution of Alabama of 1901, as amended.
19	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
20	Section 1. (a) For purposes of this act, the
21	following words have the following meanings:
22	(1) WIRELESS TELECOMMUNICATION DEVICE. A handheld
23	cellular telephone, a text-messaging device, a personal
24	digital assistant, a stand alone computer, or any other
25	similar wireless device that is readily removable from a
26	vehicle and is used to write, send, or read text or data
27	through manual input. The term "wireless telecommunication

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

- Using a wireless telecommunication device to manually communicate with any person using text-based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail. The term does not include reading, selecting, or entering a telephone number or name in a cell or wireless telephone or communication device for the purpose of making a telephone call.
 - (b) A person may not operate a motor vehicle on a public road, street, or highway in Alabama while using a wireless telecommunication device to write, send, or read a text-based communication.
 - (c) A person who violates subsection (b) is subject
 to fines as follows:
 - (1) Twenty-five dollars (\$25) for a first violation.
 - (2) Fifty dollars (\$50) for a second violation.
 - (3) Seventy-five dollars (\$75) for a third or subsequent violation.
 - (d) Law enforcement officers enforcing this section may treat a violation of this section as the primary or sole reason for issuing a citation to a driver.

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

Section 3. (a) In any case brought by a law enforcement officer employed by the Department of Public Safety all $\frac{\text{fines}}{\text{shall}}$ shall be allocated to the State General Fund.

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

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

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

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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on Public Safety and Homeland Security
9 10 11	Read for the second time and placed on the calendar 1 amendment 08-FEB-12
12 13 14	Read for the third time and passed as amended 21-FEB-12 Yeas 92, Nays 0, Abstains 0
15 16 17 18	Greg Pappas Clerk