
DIGEST

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Thompson

HB No. 370

Abstract: Prohibits the use of wireless telecommunications devices while traveling through school zones during posted hours.

Proposed law prohibits the operation of wireless telecommunications devices while traveling through a school zone during posted hours. "Operation of a wireless telecommunication device" to include the following:

- (1) Engaging in a call.
- (2) Accessing, reading, or posting to a social networking site.
- (3) Writing, sending, or reading a text-based communication.

Proposed law defines "wireless communications device" as a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input. Proposed law specifies that definition excludes citizens band radios, citizens band radio hybrids, commercial two-way radio communications devices, two-way radio transmitters or receivers used by licensees of the Federal Communication Commission in the Amateur Radio Service, or electronic communication devices with a push-to-talk-function.

Proposed law defines "engage in a call" as talking or listening on a wireless telecommunications device.

Proposed law defines "write, send, or read a text-based communication" as using a wireless telecommunications device to manually communicate with any person by using a text-based communication referred to as a text message, instant message, or electronic mail. Defines "access, read, or post to a social networking site" as using a wireless telecommunications device to access, read, or post on such device to any web-based service that allow individuals to construct a profile within a bounded system, articulate a list of other users with whom they share a connection, and communicate with other members of the site.

Proposed law specifies that the wireless telecommunications prohibition in proposed law does not apply to the following situations:

- (1) Reporting a traffic crash, medical emergency, or serious road hazard.

- (2) Reporting a situation in which the person believes his personal safety is in jeopardy.
- (3) Reporting or averting the perpetration or potential perpetration of a criminal act against the driver or another person.
- (4) Operating a telecommunications device while the motor vehicle is lawfully parked.
- (5) Using a wireless communications device in an official capacity as an operator of an authorized emergency vehicle.

Proposed law provides for persons convicted of unlawfully using a wireless telecommunications device while traveling through a school zone during posted hours are subject to a moving violation and the following penalties apply:

- (1) First violation: fined not more than one hundred seventy-five dollars.
- (2) Each subsequent violation: fined not more than five hundred dollars.
- (3) Involvement in a crash at the time of violation: fine shall be equal to double the amount of the standard fine imposed and the law enforcement officer investigating the crash shall indicate on the written accident form that the person was using a wireless telecommunications device at the time of the crash.

Proposed law provides that the production of documentary or other evidence proving that the wireless telecommunications device was used for emergency purposes is an affirmative defense against the alleged violation.

(Adds R.S. 32:300.8)