

Regular Session, 2014

HOUSE BILL NO. 370

BY REPRESENTATIVE THOMPSON

1 AN ACT

2 To enact R.S. 32:300.8, relative to the prohibition of the use of wireless telecommunications  
3 devices in active school zones; to prohibit the use of wireless telecommunications  
4 in school zones during posted hours; to provide for exceptions; to provide for  
5 penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:300.8 is hereby enacted to read as follows:

8 §300.8. Use of wireless telecommunications devices in school zones prohibited;  
9 exceptions

10 A. As used in this Section, the following terms shall have the meanings  
11 ascribed to them in this Section, unless the context clearly indicates a different  
12 meaning:

13 (1) "Wireless telecommunications device" means a cellular telephone, a text-  
14 messaging device, a personal digital assistant, a stand-alone computer, or any other  
15 substantially similar wireless device that is readily removable from the vehicle and  
16 is used to write, send, or read text or data through manual input. A "wireless  
17 telecommunications device" shall not include any device or component that is  
18 permanently affixed to a motor vehicle. It does not include a hands-free wireless  
19 telephone, an electronic communication device used hands-free, citizens band radios,  
20 citizens band radio hybrids, commercial two-way radio communications devices,  
21 two-way radio transmitters or receivers used by licensees of the Federal  
22 Communication Commission in the Amateur Radio Service, or electronic  
23 communication devices with a push-to-talk function.

1           (2) "Engage in a call" means talking or listening on a wireless  
2           telecommunications device.

3           (3) "Write, send, or read a text-based communication" means using a  
4           wireless telecommunications device to manually communicate with any person by  
5           using a text-based communication including but not limited to a text message, instant  
6           message, or electronic mail.

7           (4) "Access, read, or post to a social networking site" means using a wireless  
8           telecommunications device to access, read, or post on such device to any web-based  
9           service that allows individuals to construct a profile within a bounded system,  
10          articulate a list of other users with whom they share a connection, and communicate  
11          with other members of the site.

12           B. Except as provided in Subsection C of this Section, no person shall  
13           operate any wireless telecommunications device while operating a motor vehicle  
14           upon any public road or highway during the posted hours within a school zone on  
15           such public road or highway. Operating a wireless telecommunications device shall  
16           include:

17                   (1) Engaging in a call.

18                   (2) Writing, sending, or reading a text-based communication.

19                   (3) Accessing, reading, or posting to a social networking site.

20           C. The provisions of Subsection B of this Section shall not apply to a person  
21           who uses a wireless telecommunications device and does any of the following:

22                   (1) Reports a traffic collision, medical emergency, or serious road hazard.

23                   (2) Reports a situation in which the person believes his personal safety is in  
24           jeopardy.

25                   (3) Reports or averts the perpetration or potential perpetration of a criminal  
26           act against the driver or another person.

27                   (4) Operates a wireless telecommunications device while the motor vehicle  
28           is lawfully parked.

29                   (5) Uses a wireless telecommunications device in an official capacity as an  
30           operator of an authorized emergency vehicle.

1                    D.(1) Any violation of this Section shall constitute a moving violation.

2                    (2)(a) The first violation of the provisions of this Section shall be punishable  
3                    by a fine of not more than one hundred seventy-five dollars.

4                    (b) Each subsequent violation shall be punishable by a fine of not more than  
5                    five hundred dollars.

6                    (c) If a person is involved in a collision at the time of the violation, then the  
7                    fine shall be equal to double the amount of the standard fine imposed in this  
8                    Subsection and the law enforcement officer investigating the collision shall indicate  
9                    on the written accident report that the person was using a wireless  
10                   telecommunications device at the time of the collision.

11                   (3) It shall be an affirmative defense against an alleged violation for the  
12                   person to produce documentary or other evidence that the wireless  
13                   telecommunications device that is the basis of the alleged violation was used for  
14                   emergency purposes as provided in Subsection C of this Section.

15                   E. The provisions of this Section shall only apply within a school zone upon  
16                   a public road or highway during posted hours when signs are located in a visible  
17                   manner in each direction that indicate the use of a hand-held wireless  
18                   communications device is prohibited while operating a motor vehicle.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_