

2016 Regular Session

SENATE BILL NO. 91

BY SENATORS COLOMB, BARROW, BISHOP, BOUDREAUX, BROWN, CARTER,  
GATTI, MORRELL, TARVER, THOMPSON AND WALSWORTH

TRAFFIC. Increases penalties for texting or using social media while driving. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 32:300.5(C)(1) and (2), 300.6(C)(1) and (2), 300.7(E)(1)(a) and  
3 (b), and 300.8(D)(2)(a) and (b), relative to the prohibition against using wireless  
4 communications devices for text messaging and social networking while driving; to  
5 increase the penalties for violations of this prohibition by the general public, by  
6 holders of certain special licenses, by minors, and in school zones; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:300.5(C)(1) and (2), 300.6(C)(1) and (2), 300.7(E)(1)(a) and (b),  
10 and 300.8(D)(2)(a) and (b) are hereby amended and reenacted to read as follows:

11 §300.5. Use of certain wireless telecommunications devices for text messaging and  
12 social networking prohibited

13 \* \* \*

14 C.(1) The first violation of the provisions of this Section shall be punishable  
15 by a fine of not more than ~~one hundred seventy-five~~ **five hundred** dollars.

16 (2) Each subsequent violation shall be punishable by a fine of not more than  
17 ~~five hundred~~ **one thousand** dollars.

\* \* \*

§300.6. Use of wireless telecommunications devices by certain drivers prohibited;

exceptions

\* \* \*

C.(1) A first violation of the provisions of this Section shall be punishable by a fine of not more than ~~one hundred seventy-five~~ **five hundred** dollars.

(2) Each subsequent violation shall be punishable by a fine of not more than ~~five hundred~~ **one thousand** dollars.

\* \* \*

§300.7. Use of certain wireless telecommunications devices by minors while driving

prohibited; exceptions

\* \* \*

E.(1)(a) A first violation of the provisions of this Section shall be punishable by a fine of not more than ~~one hundred~~ **two hundred fifty** dollars.

(b) Each subsequent violation shall be punishable by a fine of not more than ~~two hundred fifty~~ **five hundred** dollars **and a suspension of his driver's license for a sixty-day period.**

\* \* \*

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

exceptions

\* \* \*

D.(1)

\* \* \*

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

(b) Each subsequent violation shall be punishable by a fine of not more than ~~five hundred~~ **one thousand** dollars **and a suspension of his driver's license for a sixty-day period.**

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature  
 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 4 effective on the day following such approval.

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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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## DIGEST

SB 91 Reengrossed

2016 Regular Session

Colomb

Present law prohibits a person from operating a motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to write, send, or read a text-based communication. Present law further provides that a first violation of present law is punishable by a fine of up to \$175, and each subsequent violation is punishable by a fine of up to \$500.

Proposed law makes a first violation of present law punishable by a fine of up to \$500, and each subsequent violation punishable by a fine of up to \$1,000. Proposed law otherwise retains present law.

Present law prohibits a person who holds a Class "E" learner's license or intermediate license under present law from operating a motor vehicle on any public road or highway of this state while using any wireless telecommunications device to engage in a call, unless the wireless telecommunications device is a hands-free wireless telephone. Present law further provides that a first violation of present law is punishable by a fine of up to \$175, and each subsequent violation is punishable by a fine of up to \$500.

Proposed law makes a first violation of present law punishable by a fine of up to \$500, and each subsequent violation punishable by a fine of up to \$1,000. Proposed law otherwise retains present law.

Present law provides that, except in a driver emergency, no person 17 years of age or younger can operate a motor vehicle on any public road or highway in this state while using any wireless telecommunications device to engage in a call or write, send or read a text-based communication. Present law further provides that a first violation of present law is punishable by a fine of up to \$100, and each subsequent violation is punishable by a fine of up to \$250.

Proposed law makes a first violation of present law punishable by a fine of up to \$250, and each subsequent violation punishable by a fine of up to \$500 plus suspension of one's driver license for a 60-day period. Proposed law otherwise retains present law.

Present law prohibits a person from using any wireless telecommunications device while operating a motor vehicle upon any public road or highway during the posted hours within a school zone on a public road or highway. Present law further provides that a first violation of present law is punishable by a fine of up to \$175, and each subsequent violation is punishable by a fine of up to \$500.

Proposed law makes a first violation of present law punishable by a fine of up to \$500, and each subsequent violation punishable by a fine of up to \$1,000 plus suspension of one's driver license for a 60-day period. Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:300.5(C)(1) and (2), 300.6(C)(1) and (2), 300.7(E)(1)(a) and (b), and 300.8(D)(2)(a) and (b))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds a sixty-day suspension of one's driver license as a penalty for any subsequent violations of the crime of using certain wireless telecommunications devices by minors or in school zones.