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## DIGEST

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HB 619 Original

2018 Regular Session

Huval

**Abstract:** Modifies provisions applicable to the use of a wireless communications device while operating a motor vehicle.

Present law prohibits the use of wireless telecommunications devices in school zones.

Proposed law extends the prohibition to include the general usage of wireless telecommunications devices while driving.

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

Proposed law modifies present law by defining the term "engage in a call" as talking or listening during a voice transmission on a wireless telecommunications device or manually entering names or phone numbers to initiate a call.

Present law specifies that operating a wireless telecommunications device includes engaging in a call; writing, sending, or reading a text-based communication; and accessing, reading, or posting to a social networking site.

Proposed law adds to present law the use of any other application or feature of such a device by making manual entries of letters, numbers, symbols, or any combination thereof.

Proposed law provides exceptions for operating a wireless telecommunication device while operating a motor vehicle upon any public road or highway for law enforcement officers, firefighters, and operators of authorized emergency vehicles.

Present law provides exceptions for operating a wireless telecommunication device while operating a motor vehicle upon any public road or highway for a person who uses a wireless telecommunication device: to report a traffic collision, medical emergency, or serious road hazard; to report a situation in which the person believes his personal safety is in jeopardy; to report or avert the perpetration or potential perpetration of a criminal act against the driver or another person; or while the motor vehicle is in park.

Proposed law modifies the exception in present law by specifying that it applies to a person using a wireless telecommunications device: to report an other emergency; to report a situation in which the person believes that an individual is in jeopardy of serious or death; to relay information between

a transit or for-hire operator, including a transportation network company driver, and that operator's dispatcher, in which the device is affixed to the vehicle; and to navigate using a global positioning system. Proposed law removes the exceptions for a person using a wireless telecommunications device to: report a situation in which the person believes his person safety is in jeopardy; or report or avert the perpetration or potential perpetration of a criminal act against the driver or another person.

Present law requires that a person involved in a collision at the time of the violation of present law be fined equal to double the amount of the standard fine imposed in present law.

Proposed law clarifies that a person involved in a collision at the time of the violation of present law must be fined equal the amount of the standard fine imposed in present law regardless of whether the violation is the legal cause of the collision.

Present law establishes an affirmative defense against an alleged violation of present law by allowing the person to produce documentary or other evidence that the wireless telecommunications device that is the basis of the alleged violation was used for emergency purposes as provided for in present law.

Proposed law modifies present law by specifying that use of a wireless telecommunications device for any of the exceptions provided for in present law is an affirmative defense to a violation of present law in support of which the alleged violator may produce documentary or other evidence.

Present law specifies that the provisions of present law only apply within a school zone upon a public road or highway during posted hours when signs are located in a visible manner in each direction that indicate the use of hand held wireless communications device is prohibited while operating a motor vehicle.

Proposed law repeals this provision in present law.

(Amends R.S. 32:300.5; Repeals R.S. 32:300.6, 300.7, and 300.8)