

Regular Session, 2013

SENATE BILL NO. 147

BY SENATOR ERDEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC. Prohibits any device from being used to access, read, or post to a social networking site while operating a motor vehicle. (8/1/13)

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AN ACT

To amend and reenact R.S. 32:300.5(A) and the introductory paragraph of R.S. 32:300.5(B), relative to driver distractions; to prohibit social networking while operating a motor vehicle; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:300.5(A) and the introductory paragraph of R.S. 32:300.5(B) are hereby amended and reenacted to read as follows:

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

A.(1) Except as provided in Subsection B of this Section, no person shall operate any 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. For purposes of this Section, a person shall not be deemed to be writing, reading, or sending a text message if the person reads, selects, or enters a telephone number or name in a wireless telecommunications device for the purpose of making a telephone call.

(2) **No person shall operate any motor vehicle upon any public road or**

1 **highway of this state while using a wireless telecommunications device to access,**  
2 **read, or post to a social networking site.**

3 (3)(a) "Wireless telecommunications device" means a cellular telephone, a  
4 text-messaging device, a personal digital assistant, a stand alone computer, or any  
5 other substantially similar wireless device that is readily removable from the vehicle  
6 and is used to write, send, or read text or data through manual input. A "wireless  
7 telecommunications device" shall not include any device or component that is  
8 permanently affixed to a motor vehicle. It does not include citizens band radios,  
9 citizens band radio hybrids, commercial two-way radio communication devices, or  
10 electronic communication devices with a push-to-talk function.

11 (b) "Write, send, or read a text-based communication" means using a wireless  
12 telecommunications device to manually communicate with any person by using a  
13 text-based communication referred to as a text message, instant message, or  
14 electronic mail.

15 (c) **"Access, read, or post to a social networking site" means using a**  
16 **wireless telecommunications device to access, read, or post on such device to any**  
17 **web-based service that allows individuals to construct a profile within a**  
18 **bounded system, articulate a list of other users with whom they share a**  
19 **connection, and communicate with other members of the site.**

20 B. The provisions of this **Paragraph (A)(1) of this** Section shall not apply  
21 to the following:

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The original instrument was prepared by Margaret M. Corley. The following  
digest, which does not constitute a part of the legislative instrument, was  
prepared by Sharon F. Lyles.

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DIGEST

Erdey (SB 147)

Present law prohibits any 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 excepts certain persons from prohibition of using a wireless telecommunications  
device to write, send, or read a text-based communication.

Proposed law retains present law and further prohibits any person from operating a motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to access, read, or post to a social networking site.

Proposed law defines the "access, read, or post to a social networking site" as using a wireless telecommunications device to access, read, or post to any web-based service that allows 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.

Present law provides that any violation of present law shall constitute a moving violation. Proposed law retains present law and provides that using a wireless telecommunications device to access, read, or post to a social networking site shall constitute a moving violation.

Effective August 1, 2013.

(Amends R.S. 32:300.5(A) and 300.5(B)(intro para))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Makes use of any device to access, read, or post to a social networking site while operating a motor vehicle applicable to all persons.
2. Revises definition of "access, read, or post to a social networking site" to mean using a wireless telecommunications device to access, read, or post to any web-based service.