

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 147 By Senator Erdey**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

TRAFFIC. Prohibits any device from being used to access, read, or post to a social networking site while operating a motor vehicle and requires tests administered to driver's license applicants include the applicant's knowledge of distracted driving issues. (8/1/13)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Add provision that "wireless telecommunications device" does not include two-way radio transmitters or receivers used by licensees of the Federal Communications Commission in the Amateur Radio Service.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law prohibits a person from operating a motor vehicle on any public road or highway while using a wireless telecommunications device to write, send, or read a text-based communication. Provides that a person is not 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.

Proposed law retains these provisions but further prohibits a person from operating a motor vehicle on a public road or highway while using a wireless communications device to assess, read, or post to a social networking site.

Present law defines a "wireless telecommunications device" to be 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 but does not include any device or component that is permanently affixed to a motor vehicle nor citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, or electronic communication devices with a push-to-talk function.

Proposed law retains these provisions but also provides that a "wireless telecommunications device" does not include two-way radio transmitters or receivers used by licensees of the Federal Communications Commission in the Amateur Radio Service.

Proposed law defines "access, read, or post to a social networking site" to mean using a wireless telecommunications device to access, read, or post on the device 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 prohibitions do not apply to the following:

- (1) Any law enforcement officer, firefighter, or operator of an authorized emergency vehicle while engaged in the actual performance of his official duties.
- (2) An operator of a moving motor vehicle using a wireless telecommunications device to:
 - (a) Report illegal activity.
 - (b) Summon medical or other emergency help.
 - (c) Prevent injury to a person or property.
 - (d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
 - (e) Navigate using a global positioning system.
- (3) A physician or other health care provider using a wireless telecommunications device to communicate with a hospital, health clinic or the office of the physician, or to

otherwise provide for the health care of an individual or medical emergency through a text-based communication.

Proposed law retains these exceptions but limits their application to persons writing, sending, or reading a text-based communication while operating a motor vehicle on any public road or highway. Proposed law provides not exception for persons operating a vehicle while using a wireless telecommunications device to access, read, or post to a social networking site.

Present law requires that individuals, as part of the application procedure to obtain a license to operate a motor vehicle, to pass a road knowledge test which includes rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety. Proposed law retains these provisions but requires that the road knowledge test include knowledge of distracted driving issues.

Effective August 1, 2013.

(Amends R.S. 32:300.5(A), 300.5(B)(intro para), 407(A)(2)(a), and 408(A)(1))

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