

## S.B. 140

The Governor approved S.B. 140 that will prohibit all drivers from texting or using hand-held cell phones while driving. The law will go into effect October 1, 2011.

Violation of the law would be punishable by a fine of up to \$50 for a first offense; \$100 for a second offense within seven years; and \$250 for a third offense within seven years. Higher fines would be imposed on drivers who violate this law while driving in traffic control zones. The law instructs law enforcement officers to give warnings to those who violate the law beginning October 1, 2011. After January 1, 2012 law enforcement officers will begin issuing tickets for violations.

The texting ban will prohibit drivers from using a cell phone or other wireless communications device to access or search the Internet, to type, enter, send, or read any non-voice communication, including text messages, instant messages (IM), or email. The ban also applies to drivers using cell phones or other wireless communications devices to make or receive phone calls, unless they have and use hands-free equipment.

## SAM 1320 – Texting While Driving a State Vehicle

1. A person shall not drive a state motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication.
  - a) As used in this section “write, send, or read a text-based communication” means using an electronic wireless communications device to manually communicate with any person using a text-based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail.
  - b) For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text-based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.
2. This does not apply to a driver who is:
  - a) Receiving messages related to the operation or navigation of a motor vehicle; safety-related information including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio.
  - b) Using a device or system for navigation purposes.
  - c) Conducting hands-free wireless interpersonal voice only communication that does not require manual entry, except to activate, deactivate, or initiate a feature or function.
  - d) Operating an emergency vehicle.