

2015 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVE TIM BURNS

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

MOTOR VEHICLES: Prohibits drivers from using certain wireless telecommunications devices while traveling on the Lake Pontchartrain Causeway Bridge

1 AN ACT

2 To enact R.S. 32:300.9, relative to the prohibition of the use of wireless telecommunications
3 devices on the Lake Pontchartrain Causeway Bridge; to prohibit the use of wireless
4 telecommunications devices by motorists on the Lake Pontchartrain Causeway
5 Bridge; to provide for definitions; to provide for exceptions; to provide for penalties;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:300.9 is hereby enacted to read as follows:

9 §300.9. Use of wireless telecommunications devices on Lake Pontchartrain
10 Causeway Bridge; prohibited; exceptions; penalties

11 A. As used in this Section, the following terms shall have the meanings
12 ascribed to them in this Section, unless the context clearly indicates a different
13 meaning:

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

19 (2) "Engage in a call" means talking or listening on a wireless
20 telecommunications device.

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

12 (4) "Write, send, or read a text-based communication" means using a
13 wireless telecommunications device to manually communicate with any person by
14 using a text-based communication including but not limited to a text message, instant
15 message, or electronic mail.

16 B. Except as provided in Subsection C of this Section, no person shall
17 operate any wireless telecommunications device while operating a motor vehicle on
18 the Lake Pontchartrain Causeway Bridge. Operating a wireless telecommunications
19 device shall include:

20 (1) Engaging in a call.

21 (2) Writing, sending, or reading a text-based communication.

22 (3) Accessing, reading, or posting to a social networking site.

23 C. The provisions of Subsection B of this Section shall not apply to a person
24 who uses a wireless telecommunications device and does any of the following:

25 (1) Reports a traffic collision, medical emergency, or serious road hazard.

26 (2) Reports a situation in which the person believes his personal safety is in
27 jeopardy.

28 (3) Reports or averts the perpetration or potential perpetration of a criminal
29 act against the driver or another person.

1 (4) Operates a wireless telecommunications device while the motor vehicle
2 is lawfully parked.

3 (5) Uses a wireless telecommunications device in his official capacity as an
4 operator of an authorized emergency vehicle.

5 D.(1) Any violation of this Section shall constitute a moving violation.

6 (2)(a) The first violation of the provisions of this Section shall be punishable
7 by a fine of not more than two hundred fifty dollars.

8 (b) Each subsequent violation shall be punishable by a fine of not more than
9 five hundred dollars.

10 (c) If a person is involved in a collision at the time of the violation, then the
11 fine shall be equal to double the amount of the standard fine imposed in this
12 Subsection and the law enforcement officer investigating the collision shall indicate
13 on the written accident report that the person was using a wireless
14 telecommunications device at the time of the collision.

15 (3) It shall be an affirmative defense against an alleged violation for the
16 person to produce documentary or other evidence that the wireless
17 telecommunications device that is the basis of the alleged violation was used for
18 emergency purposes as provided in Subsection C of this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 38 Original

2015 Regular Session

Tim Burns

Abstract: Prohibits the use of wireless telecommunications devices while traveling on the Lake Pontchartrain Causeway Bridge.

Proposed law prohibits the operation of wireless telecommunications devices while traveling on the Lake Pontchartrain Causeway Bridge. "Operation of a wireless telecommunications device" includes the following:

- (1) Engaging in a call.
- (2) Writing, sending, or reading a text-based communication.
- (3) Accessing, reading, or posting to a social networking site.

Proposed law defines "wireless telecommunications device" as 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. Proposed law specifies that definition excludes citizens band radios, citizens band radio hybrids, commercial two-way radio communications devices, two-way radio transmitters or receivers used by licensees of the Federal Communication Commission in the Amateur Radio Service, or electronic communication devices with a push-to-talk-function.

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

Proposed law defines "write, send, or read a text-based communication" as using a wireless telecommunications device to manually communicate with any person by using a text-based communication referred to as a text message, instant message, or electronic mail. Defines "access, read, or post to a social networking site" as using a wireless telecommunications device to access, read, or post on such 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.

Proposed law specifies that the wireless telecommunications prohibition in proposed law does not apply to the following situations:

- (1) Reporting a traffic collision, medical emergency, or serious road hazard.
- (2) Reporting a situation in which the person believes his personal safety is in jeopardy.
- (3) Reporting or averting the perpetration or potential perpetration of a criminal act against the driver or another person.
- (4) Operating a wireless telecommunications device while the motor vehicle is lawfully parked.
- (5) Using a wireless telecommunications device in an official capacity as an operator of an authorized emergency vehicle.

Proposed law provides for persons convicted of unlawfully using a wireless telecommunications device while traveling on the Lake Pontchartrain Causeway Bridge are subject to a moving violation and the following penalties apply:

- (1) First violation: fined not more than \$250.
- (2) Each subsequent violation: fined not more than \$500.
- (3) Involvement in a collision at the time of violation: fine shall be equal to double the amount of the standard fine imposed and the law enforcement officer investigating the collision shall indicate on the written accident form that the person was using a wireless telecommunications device at the time of the collision.

Proposed law provides that the production of documentary or other evidence proving that the wireless telecommunications device was used for emergency purposes is an affirmative defense against the alleged violation.

(Adds R.S. 32:300.9)