

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
FOR

5 HOUSE BILL NO. 2263

By: Miller and Luttrell of the
House

6 and

7 Gollihare of the Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; defining terms;
12 making certain use of cellular telephones and
13 electronic devices unlawful on certain stretches of
road; creating penalty for violation; making certain
exceptions; authorizing municipalities to enact
certain ordinances; providing details for certain
ordinances; requiring the Department of Public Safety
not assess certain points for violations; prohibiting
confiscation of certain devices and information;
making certain exceptions; providing for
codification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified

21 in the Oklahoma Statutes as Section 11-901e of Title 47, unless
22 there is created a duplication in numbering, reads as follows:

23 A. For the purpose of this section:

24 1. "Cellular telephone" means an analog or digital wireless

telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message

means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:

- a. a device that is physically or electronically integrated into a motor vehicle,
- b. a voice-operated global positioning or navigation system that is affixed to a motor vehicle,
- c. a hands-free or voice-operated device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function,
- d. an ignition interlock device that has been installed on a motor vehicle, or
- e. amateur radio use or operation; and

4. "Text message" includes a text-based message, instant

message, electronic message, photo, video or electronic mail.

B. Where any portion of a road, street, or highway is a

properly marked school zone, as indicated with appropriate warning

1 signs placed in accordance with the latest edition of the Manual on
2 Uniform Traffic Control Devices, and a reduced speed limit is
3 properly posted that is in effect during certain times due to the
4 presence or potential presence of school children, or in a road
5 construction zone, and while a motor vehicle is in motion, it shall
6 be unlawful for any person to operate a motor vehicle on any street
7 or highway within this state while:

- 8 1. Using a hand-held electronic communication device or
9 cellular telephone to manually compose, send or read an electronic
10 text message; or
- 11 2. Holding or using a hand-held cellular telephone.

12 C. Any person who violates the provisions of subsection B of
13 this section shall, upon conviction, be punished by a fine of not
14 more than One Hundred Dollars (\$100.00).

15 D. The provisions of subsection B of this section shall not
16 apply if the person is using the cellular telephone or electronic
17 communication device:

- 18 1. In conjunction with hands-free or voice-operated technology;
19 or
- 20 2. For the sole purpose of communicating with any of the
21 following regarding an imminent emergency situation:
 - 22 a. an emergency response operator,
 - 23 b. a hospital, physician's office or health clinic,
 - 24 c. a provider of ambulance services,

- 1 d. a provider of firefighting services, or
2 e. a law enforcement agency.

3 E. Municipalities may enact and municipal police officers may
4 enforce ordinances prohibiting and penalizing conduct under the
5 provisions of this section. The provisions of such ordinances shall
6 be the same as provided for in this section; the enforcement
7 provisions of those ordinances shall not be more stringent than
8 those of this section; and the total fine and court costs for
9 municipal ordinance violations shall not exceed One Hundred Dollars
10 (\$100.00).

11 F. The Department of Public Safety shall not record or assess
12 points for violations of this section on any license holder's
13 traffic record maintained by Service Oklahoma.

14 G. A law enforcement officer shall not, without the consent of
15 the person:

16 1. Confiscate a cellular telephone or electronic communication
17 device for the purpose of determining compliance with this section;

18 2. Confiscate a cellular telephone or electronic communication
19 device and retain it as evidence pending trial for a violation of
20 this section; or

21 3. Extract or otherwise download information from a cellular
22 telephone or electronic communication device for a violation of this
23 section unless:

- 1 a. the law enforcement officer has probable cause to
2 believe that the cellular telephone or electronic
3 communication device has been used in the commission
4 of a crime,
5 b. the information is extracted or otherwise downloaded
6 under a valid search warrant, or
7 c. otherwise authorized by law.

8 SECTION 2. This act shall become effective November 1, 2025.
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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
OVERSIGHT, dated 03/03/2025 - DO PASS, As Amended.
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