

1 **SENATE FLOOR VERSION**
2 April 17, 2025

3 ENGROSSED HOUSE
4 BILL NO. 2263

By: Miller and Luttrell of the
House

5 and

6 Gollihare of the Senate

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8
9 An Act relating to motor vehicles; defining terms;
10 making certain use of cellular telephones and
11 electronic devices unlawful on certain stretches of
12 road; creating penalty for violation; making certain
13 exceptions; authorizing municipalities to enact
14 certain ordinances; providing details for certain
15 ordinances; requiring the Department of Public Safety
16 not assess certain points for violations; prohibiting
17 confiscation of certain devices and information;
18 making certain exceptions; providing for
19 codification; and providing an effective date.

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

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

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

25 A. For the purpose of this section:

26 1. "Cellular telephone" means an analog or digital wireless
27 telephone authorized by the Federal Communications Commission to
28 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 signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit is

properly posted that is in effect during certain times due to the presence or potential presence of school children, or in a road construction zone, and while a motor vehicle is in motion, it shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while:

1. Using a hand-held electronic communication device or cellular telephone to manually compose, send, or read an electronic text message; or

2. Holding or using a hand-held cellular telephone.

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

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

1. In conjunction with hands-free or voice-operated technology; or

2. For the sole purpose of communicating with any of the following regarding an imminent emergency situation:

a. an emergency response operator,

b. a hospital, physician's office, or health clinic,

c. a provider of ambulance services,

d. a provider of firefighting services, or

e. a law enforcement agency.

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

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

12 G. A law enforcement officer shall not, without the consent of
13 the person:

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

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

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

22 a. the law enforcement officer has probable cause to
23 believe that the cellular telephone or electronic

1 communication device has been used in the commission
2 of a crime,

- 3 b. the information is extracted or otherwise downloaded
4 under a valid search warrant, or
5 c. otherwise authorized by law.

6 SECTION 2. This act shall become effective November 1, 2025.

7 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY AND TELECOMMUNICATIONS
April 17, 2025 - DO PASS

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