

ACT NO. 2012-291

1 HB2  
2 141807-2  
3 By Representative McClendon  
4 RFD: Public Safety and Homeland Security  
5 First Read: 07-FEB-12  
6 PFD: 09/15/2011



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ENROLLED, An Act,

Relating to the operation of motor vehicles; to prohibit any person from operating a motor vehicle on a public street, road, or highway while also text messaging on a handheld cell phone or other handheld wireless telecommunication device; to provide penalties; to provide exceptions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this act, the following words have the following meanings:

(1) WIRELESS TELECOMMUNICATION DEVICE. A handheld cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other similar wireless device that is readily removable from a vehicle and is used to write, send, or read text or data through manual input. The term "wireless telecommunication device" does not include a device which is voice-operated and which allows the user to send or receive a text-based

1 communication without the use of either hand except to  
2 activate or deactivate a feature or function.

3 (2) WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION.

4 Using a wireless telecommunication device to manually  
5 communicate with any person using text-based communication,  
6 including, but not limited to, communications referred to as a  
7 text message, instant message, or electronic mail. The term  
8 does not include reading, selecting, or entering a telephone  
9 number or name in a cell or wireless telephone or  
10 communication device for the purpose of making a telephone  
11 call.

12 (b) A person may not operate a motor vehicle on a  
13 public road, street, or highway in Alabama while using a  
14 wireless telecommunication device to write, send, or read a  
15 text-based communication.

16 (c) A person who violates subsection (b) is subject  
17 to fines as follows:

18 (1) Twenty-five dollars (\$25) for a first violation.

19 (2) Fifty dollars (\$50) for a second violation.

20 (3) Seventy-five dollars (\$75) for a third or  
21 subsequent violation.

22 (d) Law enforcement officers enforcing this section  
23 may treat a violation of this section as the primary or sole  
24 reason for issuing a citation to a driver.

1           (e) The following uses of wireless communication  
2 devices shall not be subject to the restrictions in this  
3 section:

4           (1) An individual using a wireless communication  
5 device to obtain emergency services including, but not limited  
6 to, an emergency call to a law enforcement agency, health care  
7 provider, fire department, or other emergency services agency  
8 or entity.

9           (2) An individual using a wireless communication  
10 device while the motor vehicle is parked on the shoulder of  
11 the highway, road, or street.

12           (3) An individual using a wireless communication  
13 device as a global positioning or navigation system to receive  
14 driving directions which has been pre-programmed with the  
15 desired coordinates. The programming of coordinates while  
16 operating a vehicle remains a violation of this section.

17           Section 2. A conviction of this act shall be entered  
18 on the driving record of any individual charged under this act  
19 as a two-point violation.

20           Section 3. (a) In any case brought by a law  
21 enforcement officer employed by the Department of Public  
22 Safety all fines shall be allocated to the State General Fund.

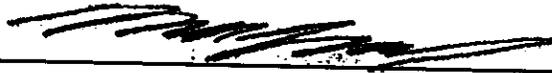
23           (b) Each state, county, and municipal law  
24 enforcement agency shall maintain statistical information on  
25 traffic stops made pursuant to this act on minority groups and

1 report that information monthly to the Department of Public  
2 Safety.

3 Section 4. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, now  
7 appearing as Section 111.05 of the Official Recompilation of  
8 the Constitution of Alabama of 1901, as amended, because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

11 Section 5. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives



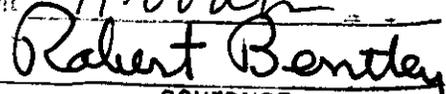
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 21-FEB-12, as amended.

Greg Pappas  
Clerk

Senate	24-APR-12	Amended and Passed
House	26-APR-12	Passed, as amended by Conference Committee Report
Senate	26-APR-12	Passed, as amended by Conference Committee Report

APPROVED May 8, 2012  
TIME 11:00 am  
  
GOVERNOR

Alabama Secretary Of State  
Act Num....: 2012-291  
Bill Num....: H-2

SPONSOR

*E. Clemens*

SPONSORS

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 2

YEAS 73 NAYS 0

GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_

SENATE ACTION

DATE: \_\_\_\_\_

2012

RD 1 RFD \_\_\_\_\_

This Bill was referred to the Standing Committee of the Senate on July

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of

yeas 7 nays 1 abstain 0

this 4 day of April 2012

Sam Wiley, Chairperson

DATE: \_\_\_\_\_

2012

RF \_\_\_\_\_

RD 2 CAL \_\_\_\_\_

DATE: \_\_\_\_\_

2012

RE-REFERRED

RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 2

YEAS 24 NAYS 2

PATRICK HARRIS, Secretary

DATE: 7/23/78 RD 3 at 1

PASSED  PASSED AS AMENDED

YEAS 21 NAYS 7

And was ordered returned forthwith to the H

PATRICK HA

Sec

DATE:

INDEFINITELY POSTPONED YEAS NAY

DATE:

RECONSIDERED YEAS NAY

CONFERENCE COMMITTEE

Senate Conferees

This bill having been referred to the Commi Rules pursuant to Senate Rule 23 is reported Senate for assignment to the Committee on:

This day of \_\_\_\_\_, 20

Chair

Date:

Rereferred

Committee: