

By Senator Dockery

15-00385-10

2010328

1 A bill to be entitled
2 An act relating to state uniform traffic control;
3 creating s. 316.3035, F.S.; prohibiting the use of an
4 electronic communication device to send or receive
5 text-based communications while operating a motor
6 vehicle; defining the term "text-based communication";
7 providing exceptions; providing for enforcement;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 316.3035, Florida Statutes, is created
13 to read:

14 316.3035 Use of electronic communication devices.-

15 (1) (a) A person may not operate a motor vehicle on any
16 highway while using an electronic communication device to
17 compose, send, read, or view a text-based communication while
18 the vehicle is on a roadway, as defined in s. 316.003(42).

19 (b) As used in this section, the term "text-based
20 communication" means a digital communication that is manually
21 created to be electronically transmitted between physical
22 devices, and includes text messaging, e-mail, instant messaging,
23 paging, or a command or request to access an Internet page.

24 (2) This section does not apply to:

25 (a) A law enforcement officer or emergency medical services
26 personnel in the performance of their official duties.

27 (b) A person requesting medical or emergency assistance.

28 (c) A person reporting illegal activity, a traffic
29 accident, a traffic crash, or a road hazard that threatens

15-00385-10

2010328__

30 drivers.

31 (d) A member of the Armed Forces of the United States while
32 operating a military vehicle.

33 (e) A person in a vehicle that is at rest in a shoulder
34 lane or that is lawfully parked.

35 (3) This section does not authorize the seizure and
36 forfeiture of a wireless communication device unless otherwise
37 provided by law.

38 (4) A violation of this section is a noncriminal traffic
39 infraction, punishable as a nonmoving violation as provided in
40 chapter 318.

41 Section 2. This act shall take effect July 1, 2010.