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

(2) WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION.
Using a wireless telecommunication device to manually
communicate with any person using text-based communication,
including, but not limited to, communications referred to as a
text message, instant message, or electronic mail. The term
does not include reading, selecting, or entering a telephone
number or name in a cell or wireless telephone or
communication device for the purpose of making a telephone
call.

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

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

(1) Twenty-five dollars ($25) for a first violation.
(2) Fifty dollars ($50) for a second violation.
(3) Seventy-five dollars ($75) for a third or
subsequent violation.

(d) Law enforcement officers enforcing this section
may treat a violation of this section as the primary or sole
reason for issuing a citation to a driver.
(e) The following uses of wireless communication
devices shall not be subject to the restrictions in this
section:

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

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

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

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

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

(b) Each state, county, and municipal law
enforcement agency shall maintain statistical information on
traffic stops made pursuant to this act on minority groups and
report that information monthly to the Department of Public Safety.

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

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

Kay Ivey
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

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Amended and Passed
Passed, as amended by Conference Committee Report
Passed, as amended by Conference Committee Report

APPROVED May 8, 2012
TIME 11:00 am

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2012-291
Bill Num....: H-2
Recvd 05/08/12 02:29pmSLF
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 23 NAYS 0

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees


SENATE ACTION

DATE: 3-21-2012
RD 1 RFD 1

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

Chairperson

DATE: 4-15-2012
RF 54-1 RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED

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