

1 HB404  
2 201048-4  
3 By Representative Brown (K)  
4 RFD: Public Safety and Homeland Security  
5 First Read: 11-APR-19

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to motor vehicles; to amend and renumber  
9 Sections 32-5A-351 and 32-5A-352, Code of Alabama 1975, and to  
10 add Sections 32-5A-353 to 32-5A-358, inclusive, to the Code of  
11 Alabama 1975, to provide further for administrative penalties  
12 issued for a violation; to prohibit the use of a wireless  
13 telecommunications device to write, send, or read a text-based  
14 communication or to watch, record, or capture a photograph or  
15 video while operating a motor vehicle; to prohibit the use of  
16 a handheld wireless telecommunications device to engage in a  
17 voice-based communication; to prohibit an individual from  
18 physically holding a wireless telecommunications device while  
19 operating a motor vehicle; to provide further for exceptions;  
20 to amend Section 32-10-8, Code of Alabama 1975, providing  
21 further for uniform accident reports; to provide certain  
22 reporting requirements; to repeal Section 32-5A-350, Code of  
23 Alabama 1975; and in connection therewith would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official Recompilation of the  
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 32-5A-353 to 32-5A-358,  
5 inclusive, are added to Article 16 of Chapter 5A of Title 32,  
6 Code of Alabama 1975, to read as follows:

7 §32-5A-353.

8 This article shall be known and may be cited as  
9 CiCi's Law.

10 §32-5A-354.

11 As used in this article, the following words shall  
12 have the following meanings:

13 (1) TEXT-BASED COMMUNICATION. The term includes, but  
14 is not limited to, a text message, instant message, e-mail, or  
15 Internet data on a wireless telecommunications device.

16 (2) UTILITY SERVICES. Electric, natural gas, water,  
17 wastewater, cable, telephone, or telecommunications services  
18 or the repair, location, relocation, improvement, or  
19 maintenance of utility poles, transmission structures, pipes,  
20 wires, fibers, cables, easements, rights-of-way, or associated  
21 infrastructures.

22 (3) WIRELESS TELECOMMUNICATIONS DEVICE. A cellular  
23 telephone, text-messaging device, personal digital assistant,  
24 standalone computer, or any other substantially similar  
25 wireless device that is used to initiate or receive a wireless  
26 communication with another person. The term does not include a  
27 radio, citizens band radio, citizens band radio hybrid,

1 commercial two-way radio communication device or its  
2 functional equivalent, subscription-based emergency  
3 communication device, prescribed medical device, amateur or  
4 ham radio device, or in-vehicle security, navigation, or  
5 remote diagnostic system.

6 §32-5A-355.

7 Except as provided in Section 32-5A-356, a person  
8 may not operate a motor vehicle on a public road, street, or  
9 highway while doing any of the following:

10 (1) Using a wireless telecommunications device to  
11 write, send, or read a text-based communication.

12 (2) Using a wireless telecommunications device to  
13 watch, record, or capture a photograph or video.

14 (3) Using a handheld wireless telecommunications  
15 device to engage in a voice-based communication.

16 (4) Physically holding or otherwise supporting with  
17 any part of his or her body a wireless telecommunications  
18 device.

19 §32-5A-356.

20 The following uses of a wireless telecommunications  
21 device are not subject to the restrictions of this article:

22 (1) The use of a wireless telecommunications device  
23 to obtain emergency services, including, but not limited to,  
24 an emergency call to a law enforcement agency, health care  
25 provider, fire department, or other emergency services agency  
26 or entity.

1           (2) The use of a wireless telecommunications device  
2 while the motor vehicle is parked on the shoulder of the  
3 highway, road, or street.

4           (3) The use of a wireless telecommunications device  
5 as a global positioning or navigation system to receive  
6 driving directions; provided, however, the manual input of  
7 navigation coordinates while operating a motor vehicle is a  
8 violation of this article.

9           (4) The use of an earpiece, a headphone device,  
10 steering wheel controls, or other device worn on the person or  
11 mounted onto the dashboard, center console, windshield, or  
12 other part of the vehicle to conduct substantially hands-free  
13 voice-based wireless communications.

14           (5) The use of a continuous recording device that  
15 operates within or outside the vehicle, including, but not  
16 limited to, a dash camera or backup camera.

17           (6) The use of a wireless telecommunications device  
18 by an employee or contractor of a utility services provider  
19 within the scope of his or her employment while responding to  
20 a utility emergency or performing other critical utility  
21 services.

22           (7) The use of a wireless telecommunications device  
23 by a law enforcement officer, emergency medical services  
24 personnel, ambulance operator, or other similarly employed  
25 public safety first responder during the performance of his or  
26 her official duties.

1           (8) The use of an ignition interlock device, as  
2 defined in Section 32-5A-191.4.

3           (9) For persons 18 years of age or older who are  
4 engaged in the transportation of persons or property for  
5 compensation or payment of a fee, the use of a wireless  
6 telecommunications device in a manner that requires the  
7 physical use of a person's hand while operating a motor  
8 vehicle if both of the following occur:

9           a. The device is mounted to the vehicle, including  
10 the windshield, dashboard, or center console of the vehicle,  
11 and the device does not create an unsafe obstruction of the  
12 person's view of the road.

13           b. The person's hand is used to activate or  
14 deactivate a feature or function of the device with the motion  
15 of one swipe or tap of the person's finger, and the swipe or  
16 tap does not activate the camera, video, or gaming features or  
17 functions for viewing, recording, amusement, or other  
18 non-navigational functions, other than functions or features  
19 related to the transportation of persons or property for  
20 compensation or payment of a fee.

21           (10) The use of a wireless telecommunications device  
22 by a licensed physician while responding to an emergency  
23 medical situation.

24           §32-5A-357.

25           (a) A law enforcement officer enforcing this article  
26 may treat a violation of the article as the primary or sole

1 reason for issuing a citation to the operator of a motor  
2 vehicle.

3 (b) A law enforcement officer enforcing this article  
4 may not search a motor vehicle or the operator or passenger of  
5 the motor vehicle solely because of a violation of this  
6 article.

7 §32-5A-358.

8 A person who violates this article is guilty of a  
9 traffic infraction and is subject to the following fines:

10 (1) On a first violation, a fine of fifty dollars  
11 (\$50).

12 (2) On a second violation, a fine of one hundred  
13 dollars (\$100).

14 (3) On a third or subsequent violation, a fine of  
15 one hundred fifty dollars (\$150).

16 Section 2. Sections 32-5A-351 and 32-5A-352, Code of  
17 Alabama 1975, are amended and renumbered to read as follows:

18 "~~§32-5A-351.~~ §32-5A-359.

19 "(a) A first or second conviction of this article  
20 Section 32-5A-355 shall be entered on the driving record of  
21 any the individual charged under this article as a two-point  
22 violation.

23 "(b) A third or subsequent conviction of Section  
24 32-5A-355 shall be entered on the driving record of the  
25 individual charged as a three-point violation.

26 "~~§32-5A-352.~~ §32-5A-360.

1           "(a) In any case brought by a law enforcement  
2 officer employed by the ~~Department of Public Safety~~ Alabama  
3 State Law Enforcement Agency, all fines shall be allocated to  
4 the State General Fund.

5           "(b) Each state, county, and municipal law  
6 enforcement agency shall maintain statistical information on  
7 all traffic stops made pursuant to this article, including  
8 traffic stops made on minority groups, and shall report that  
9 information on a monthly basis to the ~~Department of Public~~  
10 ~~Safety~~ Alabama State Law Enforcement Agency."

11           Section 3. Section 32-10-8, Code of Alabama 1975, is  
12 amended to read as follows:

13           "§32-10-8.

14           "(a) The ~~director~~ Secretary of the Alabama State Law  
15 Enforcement Agency shall prepare and upon request supply to  
16 police departments, coroners, sheriffs, garages, and other  
17 suitable agencies or individuals, uniform accident report  
18 forms required under this chapter. The required written  
19 accident report or citation to be made by persons involved in  
20 accidents or charged with a moving violation and by  
21 investigating officers shall call for sufficiently detailed  
22 information, to disclose with reference to a traffic accident,  
23 including, but not limited to, the location of the accident,  
24 probable cause, injuries to persons, property damage, deaths  
25 of persons, the registration of vehicles involved including  
26 license numbers, the name, address, and driver's license  
27 number of the operator, highway design and maintenance,



1 including lighting, markings, and road surface, ~~and~~ the names  
2 and addresses of any witnesses, and whether the operator was  
3 operating as a TNC driver, as defined under Section 32-7C-1,  
4 at the time of the traffic accident.

5 "(b) Every accident report required to be made in  
6 writing shall be made on the uniform accident report form  
7 approved and supplied by the ~~director~~ Secretary of the Alabama  
8 State Law Enforcement Agency and shall contain all available  
9 information required therein."

10 Section 4. The Secretary of the Alabama State Law  
11 Enforcement Agency shall review all accident reports prepared  
12 under Section 32-10-8, Code of Alabama 1975, and report the  
13 number and probable cause of accidents involving a person  
14 operating as a TNC driver, as defined under Section 32-7C-1,  
15 Code of Alabama 1975. The secretary shall annually provide the  
16 report to the Public Service Commission and the Legislature  
17 not later than the third legislative day of the regular  
18 session.

19 Section 5. Section 32-5A-350, Code of Alabama 1975,  
20 is repealed.

21 Section 6. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621, now  
25 appearing as Section 111.05 of the Official Recompilation of  
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 7. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Public Safety  
and Homeland Security..... 11-APR-19

Read for the second time and placed  
on the calendar 1 amendment ..... 18-APR-19

Read for the third time and passed  
as amended..... 21-MAY-19

Yeas 77, Nays 9, Abstains 9

Jeff Woodard  
Clerk