

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 12  
PROPOSED COMMITTEE SUBSTITUTE S12-PCS85380-RV-62

Short Title: Ban Mobile Phone Use While Driving.

(Public)

Sponsors:

Referred to:

January 29, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO USE A HANDHELD MOBILE PHONE WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The catch line of G.S. 20-137.4 reads as rewritten:

"§ 20-137.4. Unlawful use of a mobile phone. phone by school bus drivers."

**SECTION 2.** Article 3, Part 9 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-137.4B. Unlawful use of a handheld mobile phone.**

(a) Definitions. – For purposes of this section, the following terms shall mean:

(1) Emergency situation. – Circumstances such as medical concerns, unsafe road conditions, matters of public safety, or mechanical problems that create a risk of harm for the operator or passengers of a motor vehicle.

(2) Mobile telephone. – As defined in G.S. 20-137.3(a)(2).

(b) Offense. – Except as otherwise provided in this section, no person shall operate a motor vehicle on a public street or highway or public vehicular area while using a handheld mobile telephone while the vehicle is in motion. This prohibition shall not apply to the use of a handheld mobile telephone in a stationary vehicle.

(c) Seizure. – The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile telephone, unless otherwise provided by law.

(d) Exceptions. – The provisions of subsection (b) of this section shall not apply to the following:

(1) The use of a handheld mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office, or health clinic; a public or privately owned ambulance company or service; a fire department; or a law enforcement agency.

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance.

(3) The use of a hands-free mobile telephone.

(e) Local Ordinances. – No local government may pass any ordinance regulating the use of handheld mobile telephones if the ordinance is in contradiction to this law.



\* S 1 2 - P C S 8 5 3 8 0 - R V - 6 2 \*

1       (f) Penalty. – Unless a different penalty is prescribed under G.S. 20-137.3 or  
2 G.S. 20-137.4 for the offense in question, a violation of this section shall be an infraction and  
3 shall be punishable by a fine of one hundred dollars (\$100.00) and the cost of court. No drivers  
4 license points or insurance surcharge shall be assessed as a result of a violation of this section.  
5 Failure to comply with the provisions of this section shall not constitute negligence per se or  
6 contributory negligence by the operator in any action for the recovery of damages arising out of  
7 the operation, ownership, or maintenance of a motor vehicle."

8               **SECTION 3.** There is appropriated from the General Fund to the Department of  
9 Transportation, Division of Motor Vehicles, the sum of ten thousand dollars (\$10,000) for the  
10 2010-2011 fiscal year for the implementation of Section 1 of this act.

11               **SECTION 4.** Section 2 of this act becomes effective December 1, 2010, and  
12 applies to offenses committed on or after that date. Section 3 of this act becomes effective July  
13 1, 2010. The remainder of this act is effective when it becomes law.