

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 74

Short Title: No Cell Phone Use While Driving.

(Public)

Sponsors: Representative Bowie.

Referred to: Rules, Calendar, and Operations of the House.

February 8, 2001

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF HANDHELD CELLULAR TELEPHONES  
WHILE OPERATING A VEHICLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a  
new section to read:

**"§ 20-140.6. Cellular telephone or car phone; use of hands-free apparatus.**

(a) The driver of a motor vehicle shall not use a telephone while operating a motor vehicle on a street or highway in this State unless the telephone is equipped with, and the driver uses, an apparatus that allows the driver to talk and listen without holding the handset or receiver while operating the motor vehicle except to enable the apparatus, enter the telephone number, or hang up or turn off the telephone. As used in this section, 'telephone' means a cellular telephone, portable telephone, car phone, or other telephone that may be used from within a moving motor vehicle.

(b) This section shall not apply to any of the following:

(1) A peace officer.

(2) The driver of an ambulance, fire-fighting vehicle, or other emergency vehicle, while on duty.

(3) A taxi cab driver on duty.

(4) Any person for medical emergency reasons.

(5) Any person in physical danger or who reasonably believes himself or herself or another to be in physical danger.

(c) Violation of this section shall be an infraction. For the first violation of this section, the person shall pay a penalty of twenty-five dollars (\$25.00) and the infraction shall have no consequence other than payment of the penalty. A person found responsible for a first violation of this section may not be assessed court costs. For a second or subsequent violation of this section, the penalty for the infraction shall be

1 determined pursuant to G.S. 20-176. A person found responsible for a second or  
2 subsequent violation of this section shall be assessed court costs.

3 (d) No drivers license points or insurance surcharge shall be assessed on account  
4 of violation of this section."

5 **SECTION 2.** This act becomes effective December 1, 2001, and applies to  
6 offenses committed on or after that date.