

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 22
Judiciary II Committee Substitute Adopted 4/1/09

Short Title: Ban Texting While Driving.

(Public)

Sponsors:

Referred to:

February 3, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR
3 TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR
4 HIGHWAY OR PUBLIC VEHICULAR AREA.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-137.3(a)(1) reads as rewritten:

7 "(1) Additional technology. – Any technology that provides access to digital
8 media ~~such as including~~, but not limited to, a camera, ~~electronic mail~~, music,
9 the Internet, or games. The term does not include electronic mail or text
10 messaging."

11 **SECTION 2.** Chapter 20 of the General Statutes is amended by adding a new
12 section to read:

13 **"§ 20-137.4A. Unlawful use of mobile telephone for text messaging or electronic mail.**

14 (a) Offense. – It shall be unlawful for any person to operate a vehicle on a public street
15 or highway or public vehicular area while using a mobile telephone to:

16 (1) Manually enter multiple letters or text in the device as a means of
17 communicating with another person; or

18 (2) Read any electronic mail or text message transmitted to the device or stored
19 within the device, provided that this prohibition shall not apply to any name
20 or number stored in the device nor to any caller identification information.

21 (b) Exceptions. – The provisions of this section shall not apply to:

22 (1) The operator of a vehicle that is lawfully parked or stopped.

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

26 (3) The use of factory-installed or aftermarket global positioning systems (GPS)
27 or wireless communications devices used to transmit or receive data as part
28 of a digital dispatch system.

29 (4) The use of voice operated technology.

30 (c) Penalty. – A violation of this section while operating a school bus, as defined in
31 G.S. 20-137.4(a)(4), shall be a Class 2 misdemeanor and shall be punishable by a fine of not
32 less than one hundred dollars (\$100.00). Any other violation of this section shall be an
33 infraction and shall be punishable by a fine of one hundred dollars (\$100.00) and the costs of
34 court.

35 No drivers license points or insurance surcharge shall be assessed as a result of a violation
36 of this section. Failure to comply with the provisions of this section shall not constitute



1 negligence per se or contributory negligence by the operator in any action for the recovery of
2 damages arising out of the operation, ownership, or maintenance of a vehicle."

3 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
4 offenses committed on or after that date.