

January 28, 2009

S 12. BAN MOBILE PHONE USE WHILE DRIVING. Filed 1/28/09. *TO MAKE USING A MOBILE PHONE OR ACCESSING ADDITIONAL TECHNOLOGY UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.*

Amends GS 20-137.4 as title indicates. Adds a definition for *wireless telephone service*.

Amends subsection (b) to apply the existing offense to all motor vehicles (was, school bus).

Narrows the exception for communicating in an emergency situation to communication with (1) an emergency response operator, (2) a hospital, physician's office, or health clinic, (3) a public or privately owned ambulance company or service, (4) a fire department, or (5) a law enforcement agency. Also creates exceptions for (1) communication by any of the following while in the performance of their official duties: (a) a law enforcement officer, (b) a member of a fire department, or (c) the operator of a public or private ambulance and (2) use of a hands-free mobile telephone to make a call and not for the purpose of accessing additional technology.

Makes drivers, other than bus drivers, over 18 years old who are not subject to 20-137.3

(unlawful use of a mobile phone by persons under 18 years of age) that violate this statute subject to a \$100 fine, in addition to court costs. Makes conforming changes throughout. Effective December 1, 2009, and applies to offenses committed on or after that date.

Intro. by Dannelly.

GS 20

July 1, 2010

S 12. BAN MOBILE PHONE USE WHILE DRIVING (NEW). Filed 1/28/09. Senate committee substitute deletes the provisions of the 1st edition and replaces it with *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*. Enacts new GS 20-137.4B to prohibit using a handheld mobile phone while driving on a public street or highway or public vehicular area. Makes exceptions for (1) the use of hands free mobile phones; (2) communicating with named entities during an emergency; and (3) law enforcement officers, members of a fire department, and ambulance operators while in the performance of their official duties. Violations are an infraction punishable by a \$100 fine and court costs. No driver's license points or insurance surcharges are to be assessed for violations. Effective for offenses committed on or after December 1, 2010.

Effective July 1, 2010, appropriates \$10,000 from the General Fund to the Department of Transportation, Division of Motor Vehicles, for 2010-11 to implement the act.

Makes a technical change to the caption of GS 20-137.4.