



HOUSE BILL 558: Study/Texting While Driving Enforcement.

2017-2018 General Assembly

Committee:	House Judiciary II	Date:	April 25, 2017
Introduced by:	Reps. Ross, Faircloth, Hardister, McNeill	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H558-CSBK-18		Jessica Sammons Committee Co-Counsel

OVERVIEW: *The proposed committee substitute (PCS) for House Bill 558 would direct the Department of Public Safety, in consultation with others, to study how to improve enforcement of the laws prohibiting the unlawful use of a mobile phone while operating a motor vehicle, with a report due by March 1, 2018.*

CURRENT LAW: North Carolina law currently prohibits the use of a mobile telephone by a person under the age of 18 while operating a motor vehicle (G.S. 20-137.3), by a person operating a school bus (G.S. 20-137.4), and by anyone other than police, fire, or EMS personnel while reading or manually sending emails or text messages (G.S. 20-137.4A), with certain limited exceptions. See chart under Background for additional details.

BILL ANALYSIS: The PCS for House Bill 558 would direct the Department of Public Safety, in consultation with the Department of Transportation, the Conference of District Attorneys, the Administrative Office of the Courts, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, to study how to improve enforcement of the laws prohibiting the unlawful use of a mobile phone while operating a motor vehicle. The study must consider all of the following:

- The number of charges, conviction, and dismissals for violations of G.S. 20-137.3, 20-137.4, and 20-137.4A between 2009 and 2016.
- The issues preventing enforcement of these offenses.
- The issues preventing the prosecution for these offenses.
- The resources (including any legislative resources) that would aid law enforcement and the courts in addressing any identified issues regarding the enforcement of and prosecution for these offenses and any issues with highway safety in general.
- A survey of how other states address the unlawful use of a mobile phone while operating a motor vehicle, including identifying any relevant laws.
- An identification of any new technologies that cause distraction for drivers and that are not included in these violations.
- Any other issues the Department of Public Safety determines to be relevant to the study.

The Department of Public Safety would be required to report its finding, with legislative recommendations, to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Transportation Oversight Committee by March 1, 2018.

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EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND:

	Prohibition	Exceptions	Penalty
G.S. 20-137.3	Persons under the age of 18 may not use mobile phone or associated technology while operating a motor vehicle while the vehicle is in motion.	<ul style="list-style-type: none">• In emergency situation to call emergency response operator; hospital, physician, or health clinic; ambulance; law enforcement• To call parent, legal guardian, or spouse	<ul style="list-style-type: none">• Infraction• \$25 fine• No driver's license points, insurance surcharge, or court costs
G.S. 20-137.4	Person operating a school bus, activity bus, or any vehicle transporting school children for compensation may not use mobile phone or associated technology while the vehicle is in motion.	<ul style="list-style-type: none">• In an emergency situation, defined as circumstances such as medical concerns, unsafe road conditions, matters of public safety, or mechanical problems that create a risk of harm for operator or passengers	<ul style="list-style-type: none">• Class 2 misdemeanor (1-30 days community punishment with no prior convictions)• Minimum \$100 fine• No driver's license points or insurance surcharge
G.S. 20-137.4A	(1) Person may not use mobile phone to manually enter multiple letters or text to communicate or read any electronic mail or text message transmitted to or stored within the device. (2) Person operating a commercial motor vehicle may not use a mobile phone or other electronic device.	<ul style="list-style-type: none">• When vehicle is lawfully parked or stopped• By law enforcement officer, firefighter, and ambulance driver in performance of their official duties• Using GPS or wireless communication device to transmit or receive data• Using voice operated technology	<ul style="list-style-type: none">• School bus operator: Class 2 misdemeanor; minimum \$100 fine• All others: Infraction; minimum \$100 fine plus court costs• No driver's license points or insurance surcharge

Wendy Ray, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.