



HOUSE BILL 144: Hands Free NC.

2019-2020 General Assembly

Committee:	House Transportation. If favorable, re-refer to Insurance. If favorable, re-refer to Judiciary. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 12, 2019
Introduced by:	Reps. Corbin, Torbett, Hardister, Pierce	Prepared by:	Wendy Ray Staff Attorney
Analysis of:	PCS to First Edition H144-CSSU-5		

OVERVIEW: *The Proposed Committee Substitute for House Bill 144 would regulate the use of wireless communication devices while operating a motor vehicle.*

CURRENT LAW: There are currently three statutes in North Carolina that regulate the use of mobile phones and associated technology while operating a motor vehicle. The following chart summarizes the details of those provisions:

Statute	Who does it apply to?	What is prohibited?	Exceptions	Penalties
G.S. 20-137.3 (enacted in 2006)	Drivers under the age of 18	Use of mobile phone while vehicle is in motion	<ul style="list-style-type: none"> Communicating with parent, guardian, or spouse Communicating in an emergency 	Infraction – fine of \$25 No DL points, no insurance points, no court costs
G.S. 20-137.4 (enacted in 2007)	Drivers of school buses	Use of mobile phone while school bus is in motion	<ul style="list-style-type: none"> Communicating in an emergency 	Class 2 misdemeanor – fine no less than \$100 No DL points, no insurance points
G.S. 20-137.4A (enacted in 2009)	Any person operating a vehicle	Use of mobile phone to text or email while vehicle is in motion	<ul style="list-style-type: none"> Not applicable to law enforcement, fire department, ambulance Not applicable to use of GPS Not applicable to voice operated technology 	Infraction – fine of \$100 and court costs *If school bus driver, Class 2 misdemeanor and fine no less than \$100. No DL points, no insurance points

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BILL ANALYSIS: The PCS for House Bill 144 would repeal all of the existing statutes regulating the use of mobile phones and associated technology and would enact a new statute regulating the use of wireless communication devices while operating a motor vehicle for all drivers. The PCS would specifically define "operate a motor vehicle" to include any time the vehicle is being operated on a highway or public vehicular area, unless the vehicle is pulled over in a location where the vehicle can safely remain stationary (i.e. not stopped at a stop light in traffic). Specifically, the PCS would provide:

Prohibited conduct for individuals under the age of 18. A driver under the age of 18 would be prohibited from using a wireless communication device altogether, except to follow a route on a navigation system, as long as the address information was entered prior to operating the vehicle, or in an emergency situation.

Prohibited conduct for everyone else. All other drivers would be prohibited from doing any of the following with a wireless communication device:

- Holding the device in the driver's hand.
- Physically supporting the device with the driver's body.
- Watching a video or communicating by video.
- Texting (includes manually entering text, reading text, or using more than one button to start/end a call).

No prohibition on manufacturer equipment. The PCS would not prohibit the use of any equipment that is installed by the manufacturer and integrated into the vehicle.

Exceptions. The prohibitions on use of a wireless communication device would not apply to anyone in an emergency situation when communicating to get assistance. They would also not apply to the following individuals in the performance of official duties:

- Law enforcement officer.
- Fire department.
- Operator of an ambulance.
- First responder.
- Utility or communications service employee when using the device as part of official duties.
- An amateur radio operator responding to an emergency situation.

Penalties. Violation would be an infraction for all drivers, except for school bus drivers. A violation by a school bus driver would be a Class 2 misdemeanor, which is consistent with the current statute specific to mobile phone use by a school bus driver. For all drivers, the penalties would depend on the number of violations a driver has within a 36-month period:

- A driver with no other violations in the previous 36 months would be subject to a fine of \$100 and no insurance points.
- A driver with one other violation in the previous 36 months would be subject to a fine of \$150 and one insurance point.
- A driver with two or more violations in the previous 36 months would be subject to a fine of \$200 and two insurance points.

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Conforming changes. Sections 4 and 5 of the PCS would make necessary conforming changes to the insurance statutes regarding assignment of insurance points and to the motor vehicle statutes regarding graduated drivers license restrictions.

EFFECTIVE DATE: The act would become effective January 1, 2020, and would apply to offenses committed on or after that date. However, for the six months after the effective date of the act, law enforcement would only be authorized to issue warning tickets for any offenses committed.