



# HOUSE BILL 144: Hands Free NC.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	May 6, 2019
<b>Introduced by:</b>	Reps. Corbin, Torbett, Hardister, Pierce	<b>Prepared by:</b>	Wendy Ray
<b>Analysis of:</b>	Fourth Edition		Staff Attorney

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**OVERVIEW:** *House Bill 144 would create a new offense of distracted driving for operating a vehicle on a public street or highway, or public vehicular area while engaging in distracted behavior.*

## **BILL ANALYSIS:**

**Section 1** would provide that this act is known as "The Hands Free NC Act."

**Section 2** would create a new offense of "distracted driving" which would prohibit operating a vehicle on a public street or highway or public vehicular area while using the person's hands to engage in distracted behavior that impairs or otherwise restricts the proper operation of the vehicle and results in operation that is not reasonable and prudent under the conditions then existing. Distracted behavior would include the use of hand held mobile telephones and hand held electronic devices.

Violation of the offense would be an infraction punishable by a fine of \$100 and costs of court. No insurance surcharge would be assessed as a result of violation.

The prohibition would not apply to anyone in an emergency situation when using a mobile telephone or electronic device to get assistance. It would also not apply to the following individuals in the performance of official duties:

- Law enforcement officer.
- Member of a 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.

**EFFECTIVE DATE:** This act would become effective December 1, 2019, and apply to offenses committed on or after that date. For the six months immediately after the effective date of this act, law enforcement would only issue warning tickets for offenses committed.

*Susan Sitze, counsel to House Judiciary, substantially contributed to this summary.*

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