

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 68

Short Title: Prohibited Use of Electronic Devices/Driving. (Public)

Sponsors: Representatives Cole, McLawhorn (Primary Sponsors); M. Alexander, England, Goforth, Harrison, Howard, Insko, Luebke, and Weiss.

Referred to: Rules, Calendar, and Operations of the House.

February 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE USING A MOBILE PHONE OR ACCESSING ADDITIONAL  
3 TECHNOLOGY UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A  
4 PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-137.4 reads as rewritten:

7 "§ 20-137.4. Unlawful use of a mobile phone.

8 (a) Definitions. – For purposes of this section, the following terms shall mean:

9 (1) Additional technology. – As defined in G.S. 20-137.3(a)(1).

10 (2) Emergency situation. – Circumstances such as medical concerns, unsafe  
11 road conditions, matters of public safety, or mechanical problems that create  
12 a risk of harm for the operator or passengers of a school bus.

13 (3) Mobile telephone. – As defined in G.S. 20-137.3(a)(2).

14 (4) School bus. – As defined in G.S. 20-4.01(27)d4. The term also includes any  
15 school activity bus as defined in G.S. 20-4.01(27)d3. and any vehicle  
16 transporting public, private, or parochial school students for compensation.

17 (5) Wireless telephone service. – As defined in G.S. 20-137.3(a)(3).

18 (b) Offense. – Except as otherwise provided in this section, no person shall operate a  
19 ~~school bus~~ motor vehicle on a public street or highway or public vehicular area while using a  
20 mobile telephone or any additional technology associated with a mobile telephone while the  
21 ~~school bus~~ vehicle is in motion. This prohibition shall not apply to the use of a mobile telephone  
22 or additional technology associated with a mobile telephone in a stationary ~~school bus~~ vehicle.

23 (c) Seizure. – The provisions of this section shall not be construed as authorizing the  
24 seizure or forfeiture of a mobile telephone or additional technology, unless otherwise provided  
25 by law.

26 (d) Exceptions. – The provisions of subsection (b) of this section shall not apply to the  
27 use of a mobile telephone or additional technology associated with a mobile telephone for the  
28 ~~sole purpose of communicating in an emergency situation~~ following:

29 (1) The use of a mobile telephone for the sole purpose of communicating with  
30 any of the following regarding an emergency situation: an emergency  
31 response operator; a hospital, physician's office, or health clinic; a public or  
32 privately owned ambulance company or service; a fire department; or a law  
33 enforcement agency.

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



1           (3)    The use of a hands-free mobile telephone to make a call only and not for the  
2                    purpose of accessing additional technology.

3           (e)    Local Ordinances. – No local government may pass any ordinance regulating the  
4 use of mobile telephones or additional ~~technology associated with a mobile telephone by~~  
5 ~~operators of school buses.technology.~~

6           (f)    Penalty. – A violation of this section by a person driving a school bus shall be a  
7 Class 2 misdemeanor and shall be punishable by a fine of not less than one hundred dollars  
8 (\$100.00). A violation of this section by any other driver who is 18 years old or older and not  
9 subject to the provisions of G.S. 20-137.3, shall be an infraction and shall be punishable by a  
10 fine of one hundred dollars (\$100.00) and the cost of court. No drivers license points or  
11 insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply  
12 with the provisions of this section shall not constitute negligence per se or contributory  
13 negligence by the operator in any action for the recovery of damages arising out of the  
14 operation, ownership, or maintenance of a ~~school bus~~motor vehicle."

15           **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
16 offenses committed on or after that date.