

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 12  
Judiciary II Committee Substitute Adopted 7/1/10

Short Title: Ban Mobile Phone Use While Driving.

(Public)

Sponsors:

Referred to:

January 29, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE IT UNLAWFUL TO USE A HANDHELD MOBILE PHONE WHILE  
3 OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR  
4 PUBLIC VEHICULAR AREA AND TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The catch line of G.S. 20-137.4 reads as rewritten:

7 "**§ 20-137.4. Unlawful use of a mobile phone. phone by school bus drivers.**"

8 SECTION 2. Article 3, Part 9 of Chapter 20 of the General Statutes is amended by  
9 adding a new section to read:

10 "**§ 20-137.4B. Unlawful use of a handheld mobile phone.**

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

12 (1) Emergency situation. – Circumstances such as medical concerns, unsafe  
13 road conditions, matters of public safety, or mechanical problems that create  
14 a risk of harm for the operator or passengers of a motor vehicle.

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

16 (b) Offense. – Except as otherwise provided in this section, no person shall operate a  
17 motor vehicle on a public street or highway or public vehicular area while using a handheld  
18 mobile telephone while the vehicle is in motion. This prohibition shall not apply to the use of a  
19 handheld mobile telephone in a stationary vehicle.

20 (c) Seizure. – The provisions of this section shall not be construed as authorizing the  
21 seizure or forfeiture of a handheld mobile telephone, unless otherwise provided by law.

22 (d) Exceptions. – The provisions of subsection (b) of this section shall not apply to the  
23 following:

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

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

32 (3) The use of a hands-free mobile telephone.

33 (e) Local Ordinances. – No local government may pass any ordinance regulating the  
34 use of handheld mobile telephones if the ordinance is in contradiction to this law.

35 (f) Penalty. – Unless a different penalty is prescribed under G.S. 20-137.3 or  
36 G.S. 20-137.4 for the offense in question, a violation of this section shall be an infraction and  
37 shall be punishable by a fine of one hundred dollars (\$100.00) and the cost of court. No drivers



1 license points or insurance surcharge shall be assessed as a result of a violation of this section.  
2 Failure to comply with the provisions of this section shall not constitute negligence per se or  
3 contributory negligence by the operator in any action for the recovery of damages arising out of  
4 the operation, ownership, or maintenance of a motor vehicle."

5         **SECTION 3.** There is appropriated from the General Fund to the Department of  
6 Transportation, Division of Motor Vehicles, the sum of ten thousand dollars (\$10,000) for the  
7 2010-2011 fiscal year for the implementation of Section 1 of this act.

8         **SECTION 4.** Section 2 of this act becomes effective December 1, 2010, and  
9 applies to offenses committed on or after that date. Section 3 of this act becomes effective July  
10 1, 2010. The remainder of this act is effective when it becomes law.