MISSISSIPPI LEGISLATURE REGULAR SESSION 2012

By: Representative Evans (91st)

To: Public Utilities;
Judiciary A

HOUSE BILL NO. 310

AN ACT TO AMEND SECTION 63-1-73, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF WIRELESS TELEPHONES OR ELECTRONIC COMMUNICATION DEVICES TO ENGAGE IN WIRELESS INTERACTIVE COMMUNICATION BY A PERSON OPERATING A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-73, Mississippi Code of 1972, is amended as follows:

63-1-73. (1) Except as otherwise provided under subsection (3) of this section, no person shall operate a motor vehicle on a public road, street or highway of this state while using a wireless communication device to send or receive a written message.

(2) For purposes of this section, the following terms shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise:

(a) "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular radiophones.

(b) "Personal digital assistant" means a wireless electronic communication device that provides for data communication other than by voice.

(c) The term "E911" shall have the meaning ascribed in Section 19-5-303.

(d) "Wireless communication device" means a device that uses a commercial mobile service, as defined by 47 USCS Section 332, including a cellular telephone or personal digital assistant.

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(3) This section does not apply to any of the following:

(a) Law enforcement and safety personnel;

(b) Drivers of authorized emergency vehicles;

(c) A person who is reporting reckless or negligent behavior;

(d) A person who believes that the person or another person is in physical danger;

(e) Written messages sent or received while the vehicle is parked;

(f) The use of a wireless communication device for the sole purpose of communicating with any of the following regarding an emergency situation:

(i) An emergency response or E911 operator;

(ii) A hospital, physician's office or health clinic;

(iii) A provider of ambulance services;

(iv) A provider of fire fighting services;

(v) A law enforcement agency;

(g) The use of technology utilizing a cellular connection to a vehicle to relay vehicle operational information between the vehicle and a call center or repair facility; and

(h) A vehicle navigation system utilizing a cellular connection to update databases and provide real-time traffic information.

(4) (a) A violation of this section is a misdemeanor, and upon conviction, is punishable by a fine not to exceed Five Hundred Dollars ($500.00).

(b) If the person violates this section at the time that he is involved in a motor vehicle accident, then the violation is punishable by a fine not to exceed One Thousand Dollars ($1,000.00).

(c) A law enforcement officer investigating a motor vehicle accident in which a person is cited for violating subsection (1) of this section shall indicate on the written accident report the use of a wireless communication device in violation of this section at the time of the accident.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

ST: Wireless interactive communication; prohibit use of by a person operating a motor vehicle.