MISSISSIPPI LEGISLATURE REGULAR SESSION 2013

By: Representative Johnson

To: Transportation;
Judiciary B

HOUSE BILL NO. 708

AN ACT TO AMEND SECTION 63-1-73, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF HAND-HELD MOBILE TELEPHONES TO ENGAGE IN WRITING, SENDING OR READING A TEXT MESSAGE 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) (a) Any operator of a moving motor vehicle on a public road, street or highway of this state is prohibited from writing, sending or reading a text message using a hand-held mobile telephone.

(b) A person shall not use a wireless communication device while operating a passenger bus with a minor passenger on the bus, except for an emergency or, in the case of a school bus driver, for official school business or in an emergency.

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

(a) * * * "Hand-held mobile telephone" means a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends or reads a text message using at least one (1) hand. The term does not include a voice-operated or hands-free device.

(b) * * * "Text message" includes a text-based message, instant message, electronic message and email, but shall not include an emergency, traffic or weather alert or a message related to the operation or navigation of the motor vehicle.

(c) * * * "Voice-operated or hands-free device" means a device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function.

(d) "Writing," "sending" and "reading" when regarding a text message, means the manual entry, sending or retrieval of a text message, respectively, to communicate with any person or device.

(* * *e) "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) (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)(a) or (b) of this section shall indicate on the written accident report the use of a hand-held mobile telephone or 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, 2013.