

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 623

Short Title: Limit Handheld Phone Use While Driving. (Public)

Sponsors: Representatives Bowie, Luebke, McAllister (Primary Sponsors); Adams, Hunter, L. Johnson, Michaux, Parmon, Rayfield, and A. Williams.

Referred to: Judiciary IV.

March 24, 2003

A BILL TO BE ENTITLED  
AN ACT TO LIMIT USE OF HANDHELD PHONES WHILE DRIVING.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-140.6. Cellular telephone or car phone; use of hands-free apparatus.**

(a) The driver of a motor vehicle shall not use a telephone while operating a motor vehicle on a street or highway in this State unless the telephone is equipped with, and the driver uses, an apparatus that allows the driver to talk and listen without holding the handset or receiver while operating the motor vehicle except to enable the apparatus, enter the telephone number, or hang up or turn off the telephone. As used in this section, 'telephone' means a cellular telephone, portable telephone, car phone, or other telephone that may be used from within a moving motor vehicle.

(b) This section shall not apply to any of the following:

(1) A peace officer.

(2) The driver of an ambulance, fire-fighting vehicle, or other emergency vehicle, while on duty.

(3) A taxicab driver on duty.

(4) Any person for medical emergency reasons.

(5) Any person in physical danger or who reasonably believes himself or herself or another to be in physical danger.

(c) Violation of this section shall be an infraction. Any person violating this section during the period from December 1, 2003, to February 29, 2004, shall be given a warning of violation only. Thereafter, for a first violation of this section, the person shall pay a penalty of twenty-five dollars (\$25.00), and the infraction shall have no consequence other than payment of the penalty. A person found responsible for a first violation of this section may not be assessed court costs. For a second or subsequent violation of this section, the penalty for the infraction shall be determined pursuant to

1 G.S. 20-176. A person found responsible for a second or subsequent violation of this  
2 section shall be assessed court costs.

3 (d) No drivers license points or insurance surcharge shall be assessed on account  
4 of violation of this section.

5 (e) The telephone of a person charged for this offense shall not be seized by a  
6 law enforcement officer.

7 (f) A person shall not be found responsible for a first violation of this section if,  
8 after being charged with the infraction, and prior to the date the person is required to  
9 appear in court, the person provides proof that he or she possesses a hands-free  
10 telephone."

11 **SECTION 2.** This act becomes effective December 1, 2003, and applies to  
12 offenses committed on or after that date.