

May 10, 2006

S 1289. CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. Filed 5/10/06. *TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE.* Enacts new GS 20-140.6, which prohibits operation of a motor vehicle on a public street or highway by someone under age 18 while using a mobile telephone, hand-free mobile telephone technology, or other mobile phone technology that would distract the driver while the vehicle is in motion. Does not apply to specified emergency uses and does not authorize seizure or forfeiture of telephone equipment. Makes violation a waivable infraction that requires payment of court costs but does not involve fines, insurance points, or drivers license points. Penalty requires provisional licensee to remain at current level of graduated licensing for an additional six months or until licensee turns 18, whichever occurs first. Makes conforming amendments to other sections of GS Chapter 20.

Provides that no local government may pass any ordinance regulating the use of mobile telephones while operating motor vehicles on public streets, highways, or public vehicular areas. Effective October 1, 2006.

Intro. by Bingham.

GS 20

June 6, 2006

S 1289. CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. Filed 5/10/06. Senate committee substitute makes the following changes to 1st edition. Recodifies proposed GS 20-140.6 as GS 20-137.3 and extensively rewrites and reorganizes its provisions. Deletes the definitions of handheld and hands-free mobile telephones and incorporates their substance in the definition of mobile telephone. Deletes definitions of "engage in a call," "immediate proximity," and "using." In subsection (b), defining the offense, (1) deletes condition that use "would distract the driver;" (2) deletes provision that holding a telephone near the ear creates a rebuttable presumption that a provisional driver is using the telephone; (3) clarifies that use of a device in a stationary vehicle is not prohibited; and (4) clarifies and updates terminology to reflect the revised definitions. Deletes former subsection (e), which would have prohibited local governments from regulating the same subject. Adds a fine of \$25 for the infraction and removes the requirement that court costs be paid. Clarifies that the clerk of court is responsible for notifying the Division of Motor Vehicles when a person waives responsibility or is found responsible.

Modifies the proposed amendments to GS 20-11(c) and (e) (prohibiting cell phone use by holders of limited learner's permits and limited provisional licenses) to remove a reference to the exceptions for use in emergency situations. Amends GS 20-11(d) and (f) to add violation of the cell phone prohibition within six months as a factor that disqualifies a person from obtaining a limited provisional license or a full provisional license. Modifies the proposed changes to GS 20-11(l) to (1) provide that violation of the cell phone prohibition by the holder of a full provisional license is not negligence per se or contributory negligence and (2) clarify that no drivers license points or insurance surcharge is assessed against the holder of either a full or limited provisional license for failure to comply with the cell phone prohibition.

Changes the effective date from October 1, 2006, to December 1, 2006.

June 8, 2006

S 1289. CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. Filed 5/10/06. Senate amendments make the following changes to 2nd edition. Amendment #1 modifies GS 20-137.3(b) to add "public vehicular area" to those areas where persons under age 18 are prohibited from using a mobile telephone while operating a motor vehicle. Amendment #1 also revises GS 20-11(l) to provide that evidence of a failure to comply with the level 2 provisional driver's license restriction on use of a cell phone is admissible in criminal and civil actions. Amendment #2 modifies GS 20-137.3(d) to also exempt the use of a mobile telephone to communicate with the motor vehicle operator's parent or legal guardian from the act's prohibitions and to reorganize that subsection.

June 29, 2006

S 1289. CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. Filed 5/10/06. House committee substitute makes the following changes to 3rd edition. In Section 1, makes conforming, technical, or stylistic changes to the following subsections of GS 20-137.3: subsection (a)(2) (definition of “mobile telephone”); subsection (b) (offense definition); and subsections (e) and (f) (penalties for violation). In Section 4, amends GS 20-11(e)(6) to prohibit the holder of a limited provisional license from using a mobile telephone or related technology while operating a motor vehicle on a “public vehicular area.” In Section 7, makes conforming and technical changes.

July 6, 2006

S 1289. CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. Filed 5/10/06. House committee substitute makes the following changes to 4th edition. Modifies proposed GS 20-137.3 by (1) deleting a sentence in subsection (e) that would have required the clerk of court to notify the Division of Motor Vehicles of violations and (2) deleting subsection (f), which would have provided that a permit holder or provisional licensee who violates the cell phone prohibition must remain at the same graduated level for an additional six months (but not beyond the age of 18).

July 12, 2006

S 1289. CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. Filed 5/10/06. House amendment makes the following changes to 5th edition. Extends the exception permitting cell phone use by under-18 drivers to communicate with a parent or legal guardian to make the exception include communication with the driver’s spouse.

August 4, 2006

SL 2006-177 (S 1289). CELL PHONE USE BY DRIVERS UNDER 18 PROHIBITED. AN ACT TO REDUCE FATALITIES AMONG NEW TEEN DRIVERS BY MAKING THE USE OF A MOBILE PHONE UNLAWFUL FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE AND WHO HOLDS A PROVISIONAL LICENSE WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, AS RECOMMENDED BY THE NC CHILD FATALITY TASK FORCE. Summarized in *Daily Bulletin* 5/10/06, 6/6/06, 6/8/06, 6/29/06, 7/6/06, and 7/12/06. Enacted August 1, 2006. Effective December 1, 2006.