

January 29, 2009

H 9. NO TEXTING WHILE DRIVING. Filed 1/29/09. *TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.*

Makes it unlawful to engage in text messaging while driving.

Amends GS 20-137.3(a)(1) to expand the definition of *additional technology* to include "text messaging." Enacts new GS 20-137.4A making it unlawful for any person to use additional technology, as defined in amended GS 20-137(a)(1), that is associated with any mobile phone while driving a vehicle on a public street, highway, or vehicular area.

Provides that the offense of using additional technology, including texting, while driving is an infraction punishable by a \$100 fine and court costs. Directs that no drivers license points or insurance surcharge be assessed for a violation under this offense. Also provides that failing to comply with the proposed law will not serve to support claims of negligence per se or contributory negligence in any action for the recovery of damages against the vehicle operator engaging in the unlawful offense.

Provides exceptions to the offense of using additional technology while driving for members of law enforcement and fire departments or operators of public or private ambulance services while those persons are in the performance of their official duties.

Effective December 1, 2009, and applies to offenses committed on or after that date.

Intro. by Pierce.

GS 20

April 2, 2009

H 9. NO TEXTING WHILE DRIVING. Filed 1/29/09. House committee substitute makes the following changes to 1st edition.

Amends GS 20-137.3(a)(1) to provide that the definition for *additional technology* does not include electronic mail or text messaging.

Amends new GS 20-137.4A to clarify that it is unlawful to use a mobile telephone while operating a vehicle to: (1) manually enter multiple letters or text in the device to communicate with another person or (2) read any electronic mail or text message that is transmitted to the device or stored within the device, but provides that this prohibition does not apply to any name or number stored in the device nor to any caller identification information. Increases the exceptions by providing that this section does not apply to: (1) the operator of a vehicle that is lawfully parked or stopped, (2) the use of global positioning systems (GPS) or wireless communication devices, and (3) the use of voice-operated technology. Includes a penalty for a violation of this section while operating a school bus, making a violation a Class 2 misdemeanor punishable by a fine of not less than \$100.

Makes conforming changes to the title.

April 15, 2009

H 9. NO TEXTING WHILE DRIVING. Filed 1/29/09. House amendment makes the following changes to 2nd edition. Requires the Joint Legislative Transportation Oversight Committee (Committee) to identify and study the leading causes of driver inattention or distraction, the risks posed by driver inattention or distraction, and any methods that might be used to manage those driver distractions and promote highway safety. Requires the Committee to report its findings and recommendations, including any proposed legislation, to the General Assembly by April 15, 2010. Makes technical changes.

April 16, 2009

H 9. NO TEXTING WHILE DRIVING. Filed 1/29/09. House Amendment #3 makes the following changes to 2nd edition, as amended.

Amends proposed GS 20-137.4A to provide that failure to comply with the provisions prohibiting e-mail or text messaging while driving does not constitute contributory negligence per se (was, contributory negligence).

June 22, 2009

SL 2009-135 (H 9). NO TEXTING WHILE DRIVING. AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA. Summarized in *Daily Bulletin* 1/29/09, 4/2/09, 4/15/09, and 4/16/09. Enacted June 19, 2009. Effective December 1, 2009.