

By: Representative Smith (27th)

To: Judiciary B

HOUSE BILL NO. 702

1 AN ACT TO CREATE A MISDEMEANOR OFFENSE OF CAUSING A MOTOR  
2 VEHICLE ACCIDENT WHILE USING A CELLULAR PHONE OR OTHER SIMILAR  
3 DEVICE; TO PROVIDE A PENALTY FOR VIOLATIONS; TO PROVIDE THAT A  
4 VIOLATION OF THIS ACT IS NEGLIGENCE PER SE; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Any person who causes a motor vehicle accident  
8 while using a cellular phone, mobile phone or other similar  
9 telecommunication or radio device, and it is determined that the  
10 use of such device contributed to the cause of the accident, shall  
11 be guilty of a misdemeanor and, upon conviction, shall be fined  
12 not more than One Thousand Dollars (\$1,000.00). A conviction  
13 under this section shall be considered negligence per se in any  
14 civil action.

15 **SECTION 2.** This act shall take effect and be in force from  
16 and after July 1, 2004.