

By: Representative Clarke

To: Transportation

HOUSE BILL NO. 685

1 AN ACT TO AMEND SECTION 63-1-73, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT THE USE OF WIRELESS TELEPHONES OR ELECTRONIC
3 COMMUNICATION DEVICES TO ENGAGE IN WIRELESS INTERACTIVE
4 COMMUNICATION BY A PERSON OPERATING A MOTOR VEHICLE; TO PROVIDE
5 EXEMPTIONS FROM COMPLIANCE WITH THE REQUIREMENTS OF THIS ACT; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-1-73, Mississippi Code of 1972, is
9 amended as follows:

10 63-1-73. (1) It shall be unlawful for an operator of a
11 moving motor vehicle on a public road or highway of this state to
12 use a wireless telephone or electronic communication device to
13 engage in wireless interactive communication.

14 (2) For the purposes of this section, the following terms
15 shall have the meanings ascribed to them unless the context
16 clearly indicates otherwise:

17 (a) "Wireless telephone or electronic communication
18 device" means a wireless interactive communication device with
19 which a user may engage in a text-based communication using one
20 (1) hand or both hands or by reading a text-based communication.
21 The term does not include a hands-free wireless telephone or
22 electronic communication device, a Citizens' band radio, or a
23 Citizens' band radio hybrid.

24 (b) "Hands-free wireless telephone or electronic
25 communication device" means a wireless telephone or electronic
26 communication device that allows a user to engage in text-based
27 communication without the use of either hand either with:

28 (i) An internal feature or function; or



29 (ii) An attachment or additional device.
30 A hands-free wireless telephone or electronic communication device
31 may be a permanent or temporary part of the wireless telephone or
32 electronic communication device. A hands-free wireless telephone
33 or electronic communication device may require the use of either
34 hand to activate, deactivate, or initiate a function of the
35 wireless telephone or electronic communication device.

36 (c) "Wireless interactive communication" means typing,
37 sending, or reading a text-based communication or e-mail, or
38 accessing information on the Internet with a wireless telephone or
39 electronic communication device.

40 (3) The provisions of this section shall not apply if:

41 (a) The operator is a certified law enforcement
42 officer, fire fighter, ambulance driver or emergency medical
43 technician engaged in the actual performance of official duties;
44 or

45 (b) The operator is in an emergency situation.

46 (4) (a) A violation of this section is a misdemeanor, and
47 upon conviction, is punishable by a fine not to exceed Five
48 Hundred Dollars (\$500.00).

49 (b) If the person violates this section at the time
50 that he is involved in a motor vehicle accident, then the
51 violation is punishable by a fine not to exceed One Thousand
52 Dollars (\$1,000.00).

53 (c) If the person is cited for violating this section,
54 and the alleged violation occurred at the time the person was
55 involved in a motor vehicle accident, and a written accident
56 report is required, then the law enforcement officer investigating
57 the accident shall indicate on the written accident form that the
58 use of a wireless telephone or electronic communication device for
59 wireless interactive communication occurred at the time of the
60 accident.



61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2011.

