

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2033

1 AN ACT TO AMEND SECTION 63-1-73, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT TEXTING WHILE DRIVING; TO DEFINE CERTAIN TERMS; TO  
3 PROVIDE EXEMPTIONS; TO PROHIBIT CELL PHONE USE BY CERTAIN MINORS;  
4 TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

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

8 63-1-73. (1) For purposes of this section, the following  
9 terms shall have the meanings ascribed in this subsection, unless  
10 the context clearly indicates otherwise:

11 (a) "Cellular telephone" means an analog or digital  
12 wireless telephone authorized by the Federal Communications  
13 Commission to operate in the frequency bandwidth reserved for  
14 cellular radiophones.

15 (b) "Personal digital assistant" means a wireless  
16 electronic communication device that provides for data  
17 communication other than by voice.

18 (c) The term "E911" shall have the meaning ascribed in  
19 Section 19-5-303.

20 (2) (a) A person \* \* \* shall not operate a motor vehicle on  
21 a highway while using a cellular telephone or a personal digital  
22 assistant to send or receive a written message while the motor  
23 vehicle is in motion.

24 (b) A person under the age of eighteen (18) shall not  
25 operate a motor vehicle while using a cellular telephone.

26 (3) This section does not apply to any of the following:

27 (a) Law enforcement and safety personnel;

28 (b) Drivers of authorized emergency vehicles;



29           (c) \* \* \* A person who is reporting reckless or  
30 negligent behavior;

31           (d) \* \* \* A person who believes that the person or  
32 another person is in physical danger \* \* \*;

33           (e) Calls made or text messages sent while the vehicle  
34 is parked; \* \* \*

35           (f) A person under the age of eighteen (18) who calls a  
36 parent or legal guardian in an emergency situation;

37           (g) The use of a cellular telephone or a personal  
38 digital assistant for the sole purpose of communicating with any  
39 of the following regarding an emergency situation:

40                   (i) An emergency response or E911 operator;

41                   (ii) A hospital, physician's office or health  
42 clinic;

43                   (iii) A provider of ambulance services;

44                   (iv) A provider of fire fighting services;

45                   (v) A law enforcement agency;

46           (h) The use of technology utilizing a cellular  
47 connection to a vehicle to relay vehicle operational information  
48 between the vehicle and a call center or repair facility; and

49           (i) A vehicle navigation system utilizing a cellular  
50 connection to update databases and provide real-time traffic  
51 information.

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

55           (b) A person in violation of this section at the time  
56 the person is involved in a motor vehicle accident shall be  
57 subject to a fine not to exceed One Thousand Dollars (\$1,000.00)  
58 in addition to any other fine or penalty that may be imposed by  
59 law.

60           (c) A law enforcement officer investigating a motor  
61 vehicle accident in which a person is cited for violating



62 subsection (2)(a) of this section \* \* \* shall indicate on the  
63 written accident report \* \* \* the use of a cellular telephone or a  
64 personal digital assistant to send or receive a written  
65 message \* \* \* at the time of the accident.

66 (5) A violation of this section shall not be entered on the  
67 driving record of any person convicted thereunder, nor shall any  
68 state assessment set forth in Section 99-19-73, or any other state  
69 law, be imposed or collected.

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

