

By: Senator(s) Hudson

To: Judiciary, Division B

SENATE BILL NO. 2114

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 THE USE OF CELLULAR TELEPHONES
4 WHILE OPERATING A MOTOR VEHICLE WITHOUT USING HANDS-FREE
5 ACCESSORIES; TO PROHIBIT CELL PHONE USE BY CERTAIN MINORS; TO
6 PROVIDE PENALTIES FOR VIOLATIONS; AND 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) For purposes of this section, the following
11 terms shall have the meanings ascribed in this subsection, unless
12 the context clearly indicates otherwise:

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

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

20 (c) "Hands-free accessories" means a device or devices
21 that allow a vehicle operator to speak on a cellular phone without
22 holding the phone or some part of the phone with his hands.

23 (d) The term "E911" shall have the meaning ascribed in
24 Section 19-5-303.

25 (2) (a) A person * * * shall not operate a motor vehicle on
26 a highway while using a cellular telephone or a personal digital
27 assistant to send or receive a written message while the motor
28 vehicle is in motion.



29 (b) A person eighteen (18) years of age or older shall
30 not operate a motor vehicle while using a cellular telephone
31 without using hands-free accessories.

32 (c) A person under the age of eighteen (18) shall not
33 operate a motor vehicle while using a cellular telephone.

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

35 (a) Law enforcement and safety personnel;

36 (b) Drivers of authorized emergency vehicles;

37 (c) * * * A person who is reporting reckless or
38 negligent behavior;

39 (d) * * * A person who believes that the person or
40 another person is in physical danger * * *;

41 (e) Calls made or text messages sent while the vehicle
42 is parked; * * *

43 (f) The use of a cellular telephone or a personal
44 digital assistant for the sole purpose of communicating with any
45 of the following regarding an emergency situation:

46 (i) An emergency response or E911 operator;

47 (ii) A hospital, physician's office or health
48 clinic;

49 (iii) A provider of ambulance services;

50 (iv) A provider of fire fighting services;

51 (v) A law enforcement agency;

52 (g) The use of technology utilizing a cellular
53 connection to a vehicle to relay vehicle operational information
54 between the vehicle and a call center or repair facility; and

55 (h) A vehicle navigation system utilizing a cellular
56 connection to update databases and provide real-time traffic
57 information.

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



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

66 (c) A law enforcement officer investigating a motor
67 vehicle accident in which a person is cited for violating this
68 section * * * shall indicate on the written accident report * * *
69 the use of a cellular telephone or a personal digital assistant to
70 send or receive a written message * * * at the time of the
71 accident.

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

