

By: Representatives Denny, Nelson, Haney

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 389

1 AN ACT TO PROHIBIT ANY PERSON FROM OPERATING A MOTOR VEHICLE
2 ON A HIGHWAY WHILE USING A HAND-HELD WIRELESS COMMUNICATION
3 DEVICE; TO PROVIDE THAT A VIOLATION IS A CIVIL VIOLATION WITH A
4 CIVIL PENALTY; TO REPEAL SECTION 63-1-73, MISSISSIPPI CODE OF
5 1972, WHICH PROHIBITS TEXTING WHILE DRIVING UNDER CERTAIN
6 LICENSES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (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) "Hand-held mobile telephone" means a mobile
12 telephone or other portable electronic communication device with
13 which a user engages in a call or writes, sends or reads a text
14 message using at least one hand. The term "hand-held mobile
15 telephone" shall not include a voice-operated or hands-free
16 device;

17 (b) "Motor vehicle" means a vehicle driven or drawn by
18 mechanical power and manufactured primarily for use on public
19 highways;



20 (c) "Social networking site" means any web-based
21 service that allows individuals to construct a profile within a
22 founded system, articulate a list of other users with whom they
23 share a connection, and communicate with other users of the site;

24 (d) "Text message" includes a text-based message,
25 instant message, electronic message, and email, but shall not
26 include an emergency, traffic or weather alert or a message
27 related to the operation or navigation of the motor vehicle;

28 (e) "Voice operated or hands-free device" means a
29 device that allows the user to write, send, or read a text message
30 without the use of either hand except to activate, deactivate, or
31 initiate a feature or function; and

32 (f) "Writing," "sending" and "reading," with respect to
33 a text message, mean the manual entry, sending, or retrieval of a
34 text message, respectively, to communicate with any person or
35 device.

36 (2) An operator of a moving motor vehicle is prohibited from
37 writing, sending, or reading a text message and from accessing,
38 reading or posting to a social networking site using a hand-held
39 mobile telephone while driving said motor vehicle.

40 (3) A violation of this section is a civil violation, and
41 upon being found in violation, is punishable by a civil penalty of
42 Twenty-five Dollars (\$25.00) for violations committed until July
43 1, 2016, and One Hundred Dollars (\$100.00) for violations



44 committed from and after July 1, 2016. No state assessments shall
45 be imposed or collected for a violation under this section.

46 (4) The Department of Public Safety shall keep and maintain
47 records of citations issued under this statute, including the age
48 and race of the vehicle operator, whether there was an additional
49 traffic violation by the vehicle operator, and whether there was a
50 crash or any damage to a vehicle or passenger at the time of the
51 citation.

52 **SECTION 2.** Section 63-1-73, Mississippi Code of 1972, which
53 prohibits texting while driving under certain licenses, is
54 repealed.

55 **SECTION 3.** This act shall take effect and be in force from
56 and after July 1, 2015.

