

By: Senator(s) Doty

To: Judiciary, Division A

SENATE BILL NO. 2599  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 63-33-1, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE OFFENSE OF TEXTING WHILE DRIVING AND TO DELETE THE  
3 SUNSET CLAUSE ON THE OFFENSE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 63-33-1, Mississippi Code of 1972, is  
6 amended as follows:

7 63-33-1. (1) For purposes of this section, the following  
8 terms shall have the meanings ascribed in this subsection, unless  
9 the context clearly indicates otherwise:

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

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

17 (c) "E911" has the meaning ascribed in Section  
18 19-5-303.



19 ( \* \* \*d) "Hand-held mobile telephone" means a mobile  
20 telephone or other portable electronic communication device with  
21 which a user engages in a call or writes, sends or reads a text  
22 message using at least one hand. The term "hand-held mobile  
23 telephone" shall not include a voice-operated or hands-free  
24 device \* \* \*.

25 ( \* \* \*e) "Motor vehicle" means a vehicle driven or  
26 drawn by mechanical power and manufactured primarily for use on  
27 public highways \* \* \*.

28 ( \* \* \*f) "Social networking site" means any web-based  
29 service that allows individuals to construct a profile within a  
30 founded system, articulate a list of other users with whom they  
31 share a connection, and communicate with other users of the  
32 site \* \* \*.

33 ( \* \* \*g) "Text message" includes a text-based message,  
34 instant message, electronic message, and email, but shall not  
35 include an emergency, traffic or weather alert or a message  
36 related to the operation or navigation of the motor vehicle \* \* \*.

37 ( \* \* \*h) "Voice-operated or hands-free device" means a  
38 device that allows the user to write, send, or read a text message  
39 without the use of either hand except to activate, deactivate, or  
40 initiate a feature or function \* \* \*.

41 (i) "Wireless communication device" means a device that  
42 uses a commercial mobile service, as defined by 47 USC Section  
43 332, including a cellular telephone or digital assistant.



44           ( \* \* \*j) "Writing," "sending" and "reading," with  
45   respect to a text message, means the manual entry, sending, or  
46   retrieval of a text message, respectively, to communicate with any  
47   person or device.

48           (2) An operator of a \* \* \* motor vehicle is prohibited  
49   from \* \* \* any use of a wireless communication device except for  
50   placing or receiving a call while \* \* \* the motor vehicle is in  
51   motion, unless the operator is using a voice-operated or  
52   hands-free device.

53           (3) A violation of this section is a \* \* \* misdemeanor  
54   punishable by a \* \* \* fine of \* \* \* One Hundred Dollars  
55   (\$100.00) \* \* \*. No state assessments under Section 99-19-73 or  
56   any other state law shall be imposed or collected for a violation  
57   under this section. A violation of this section shall not be  
58   entered on the driving record of the individual convicted.

59           (4) The Department of Public Safety shall keep and maintain  
60   records of citations issued under this section, including the  
61   age \* \* \* of the vehicle operator, whether there was an additional  
62   traffic violation by the vehicle operator, and whether there was a  
63   crash or any damage to a vehicle or injury to a passenger at the  
64   time of the citation.

65           (5) This section \* \* \* does not apply to any of the  
66   following:

- 67               (a) Law enforcement and safety personnel;  
68               (b) Drivers of authorized emergency vehicles;



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

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

(e) A person who is communicating with any of the following regarding an emergency situation:

(i) An emergency response or E911 operator;

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

(iii) A provider of ambulance services;

(iv) A provider of firefighting services;

(v) A law enforcement agency;

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

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

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2018, and shall stand repealed from and after June 30, 2018.

