

By: Representative Ford (73rd)

To: Judiciary B

HOUSE BILL NO. 305

1 AN ACT TO AMEND SECTION 63-33-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTY FOR TEXTING WHILE DRIVING WITHOUT USING A
3 VOICE-OPERATED OR HANDS-FREE DEVICE TO MAKE IT A MISDEMEANOR
4 PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS AND PROHIBIT ANY USE
5 OF A HAND-HELD MOBILE TELEPHONE WHILE DRIVING; AND FOR RELATED
6 PURPOSES.

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

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

10 63-33-1. (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) "Hand-held mobile telephone" means a mobile
14 telephone or other portable electronic communication device with
15 which a user engages in a call or writes, sends or reads a text
16 message using at least one (1) hand. The term "hand-held mobile
17 telephone" shall not include a voice-operated or hands-free
18 device;



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

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

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

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

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

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



43 (3) A violation of this section is a * * * misdemeanor, and
44 upon being * * * convicted, is punishable by a * * * fine of * * *
45 Five Hundred Dollars (\$500.00). No state assessments shall be
46 imposed or collected for a violation under this section.

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48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2021.

