

By: Representative Hall

To: Judiciary A

HOUSE BILL NO. 1276

1 AN ACT TO AMEND SECTION 63-33-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT VIOLATION OF TEXTING WHILE DRIVING SHALL BE
3 CONSIDERED A NONMOVING VIOLATION PUNISHABLE BY A FINE NOT TO
4 EXCEED FIFTY DOLLARS AND COURT ADMINISTRATIVE COST NOT TO EXCEED
5 TEN DOLLARS; AND FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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



42 (3) A violation of this section is a * * * nonmoving traffic
43 violation, and upon being found in violation, is punishable by
44 a * * * fine not to exceed Fifty Dollars (\$50.00) and court
45 administrative costs not to exceed Ten Dollars (\$10.00) * * *. No
46 state assessments shall be imposed or collected for a violation
47 under this section, nor shall the driver's record reflect an
48 addition or deduction of points as a result thereof.

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

55 (5) The provisions of this section shall not be applicable
56 to law enforcement officers on duty, campus police and safety
57 officers, emergency personnel and first responders.

58 **SECTION 2.** This act shall take effect and be in force from
59 and after July 1, 2025.

