MISSISSIPPI LEGISLATURE REGULAR SESSION 2006

By: Representatives Clarke, Thomas

To: Transportation

HOUSE BILL NO. 641

AN ACT TO PROHIBIT THE USE OF CELLULAR TELEPHONES WHILE OPERATING A MOTOR VEHICLE WITHOUT USING HANDS-FREE ACCESSORIES; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) It is unlawful for any person to use a cellular telephone while operating a motor vehicle without using hands-free accessories. The term "hands-free accessories," as used in this section, means a device or devices that allow a vehicle operator to speak on a cellular phone without holding the phone or some part of the phone with his hands.

(2) The prohibitions of subsection (1) of this section shall not apply to calls made solely to E911 and calls made while the vehicle is parked.

(3) Any person who violates the provisions of this section shall be subject to the following penalties:

(a) Upon conviction of a first offense, the person shall be fined One Hundred Fifty Dollars ($150.00).

(b) Upon conviction of a second offense, the offenses being committed within a three-year period, the person shall be fined Three Hundred Dollars ($300.00).

(c) Upon conviction of a third or subsequent offense, the offenses being committed within a three-year period, the person shall be fined Five Hundred Dollars ($500.00), shall be imprisoned for six (6) months in the county jail and shall be sentenced to community service work for not less than ten (10) days.

SECTION 2. This act shall take effect and be in force from and after July 1, 2006.