

By: Representatives Ford (73rd), Chism,
Denton, McLean, Yates

To: Judiciary B

HOUSE BILL NO. 491

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 FOR RELATED
5 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 writing, sending, or reading a text message and from accessing,
39 reading or posting to a social networking site using a hand-held
40 mobile telephone while driving said motor vehicle.

41 (3) A violation of this section is a * * * misdemeanor, and
42 upon being * * * convicted, is punishable by a * * * fine of * * *



43 Five Hundred Dollars (\$500.00). No state assessments shall be
44 imposed or collected for a violation under this section.

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46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2020.

