

By: Representative Newman

To: Transportation;
Judiciary B

HOUSE BILL NO. 178

1 AN ACT TO AMEND SECTION 63-33-1, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT TEXTING WHILE DRIVING AND MAKING INFRACTIONS THEREOF A
3 TRAFFIC VIOLATION RATHER THAN A CIVIL VIOLATION; TO IMPOSE A
4 \$100.00 FINE FOR EACH VIOLATION; AND FOR RELATED PURPOSES.

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

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

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

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

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



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

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

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

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

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

41 (3) A violation of this section is a * * * traffic
42 violation, and upon * * * conviction, is punishable by a * * *
43 fine of One Hundred Dollars (\$100.00) * * *.



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

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2024.

