

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS55010-MA-103 (1/19)

Short Title: Ban Texting While Driving.

(Public)

Sponsors: Senator Forrester.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY  
ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A  
PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-137.3(a)(1) reads as rewritten:

"(1) Additional technology. – Any technology that provides access to digital  
media ~~such as~~ including, but not limited to, a camera, electronic mail, music,  
the Internet, text messaging, or games."

**SECTION 2.** Chapter 20 of the General Statutes is amended by adding a new  
section to read:

**"§ 20-137.4A. Unlawful use of additional technology.**

(a) Offense. – It shall be unlawful for any person to use additional technology, as  
defined in G.S. 20-137.3(a)(1), associated with any mobile phone, while operating a vehicle on  
a public street or highway or public vehicular area.

(b) Exceptions. – The provisions of this section shall not apply to any of the following  
while in the performance of their official duties: a law enforcement officer; a member of a fire  
department; or the operator of a public or private ambulance.

(c) Penalty. – A violation of this section shall be an infraction and shall be punishable  
by a fine of one hundred dollars (\$100.00) and the cost of court. No drivers license points or  
insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply  
with the provisions of this section shall not constitute negligence per se or contributory  
negligence by the operator in any action for the recovery of damages arising out of the  
operation, ownership, or maintenance of a vehicle."

**SECTION 3.** This act becomes effective December 1, 2009, and applies to  
offenses committed on or after that date.

