

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 144

Short Title: Hands Free NC. (Public)

Sponsors: Representatives Corbin, Torbett, Hardister, and Pierce (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Insurance, if favorable, Judiciary, if favorable,
Finance, if favorable, Rules, Calendar, and Operations of the House

February 25, 2019

1 A BILL TO BE ENTITLED
2 AN ACT MAKING IT UNLAWFUL TO USE A WIRELESS COMMUNICATION DEVICE
3 WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET, HIGHWAY, OR
4 PUBLIC VEHICULAR AREA.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** This act shall be known as "The Hands Free NC Act."

7 **SECTION 2.** G.S. 20-137.3, 20-137.4, and 20-137.4A are repealed.

8 **SECTION 3.** Article 3 of Chapter 20 of the General Statutes is amended by adding
9 a new section to read:

10 "**§ 20-137.3A. Unlawful use of a wireless communication device.**

11 (a) Definitions. – The following definitions apply in this section:

12 (1) Emergency situation. – Circumstances such as medical concerns, unsafe road
13 conditions, matters of public safety, or mechanical problems that create a risk
14 of harm for the operator or passengers of a motor vehicle.

15 (2) Motor vehicle. – Every vehicle which is self-propelled.

16 (3) Operate a motor vehicle. – Operating a motor vehicle on a public street,
17 highway, or public vehicular area. The term does not include situations where
18 the motor vehicle is off, or to the side of, a public street, highway, or public
19 vehicular area in a location where the motor vehicle can safely remain
20 stationary.

21 (4) Texting. – Entering text into, or reading text from, a wireless communication
22 device. The term includes short message services, e-mailing, instant
23 messaging, a command or request to access a Web page, pressing more than
24 a single button to initiate or terminate a call, or engaging in any other form of
25 electronic text retrieval or entry, for present or future communication.

26 (5) Wireless communication device. – Any of the following:

27 a. A cell phone, personal digital assistant, electronic device with mobile
28 data access, laptop computer, pager, smartwatch, broadband personal
29 communication device, two-way messaging device, electronic game,
30 and portable computing device.

31 b. A device through which personal wireless services as defined in 47
32 U.S.C. 332(c)(7)(C)(i) are transmitted.

33 (b) Prohibited Conduct. – No person shall operate a motor vehicle under any of the
34 following circumstances:



- 1 (1) With a wireless communication device in the person's hand.
2 (2) While physically holding or supporting a wireless communication device with
3 the person's body.
4 (3) While watching a video or movie or communicating by video on a wireless
5 communication device.
6 (4) While texting on a wireless communication device.
7 (c) Exceptions. – Subdivisions (1) and (2) of subsection (b) of this section shall not apply
8 to any of the following:
9 (1) The use of a wireless communication device affixed, mounted, or installed in
10 a motor vehicle to (i) initiate, answer, or terminate a call by touching a single
11 button, if the person is 18 years or older, or (ii) follow the route recommended
12 by an electronic navigation system so long as all address information is
13 entered before operating the vehicle.
14 (2) The use of a wireless communication device for the purpose of
15 communicating an emergency situation to any of the following:
16 a. An emergency response operator.
17 b. A publicly or privately owned ambulance company or service.
18 c. A hospital.
19 d. A fire department.
20 e. A law enforcement agency.
21 (3) The use of a wireless communication device by any of the following while in
22 the performance of official duties:
23 a. A law enforcement officer.
24 b. A member of a fire department.
25 c. The operator of a public or private ambulance.
26 d. A first responder responsible for the protection and preservation of
27 life, property, evidence, or the environment.
28 (d) Penalties. – Any person who commits a violation of subsection (b) of this section shall
29 be penalized as follows:
30 (1) First offense. – A person with no prior offense, or no offense in the prior 36
31 months, shall be guilty of an infraction, a fine of one hundred dollars
32 (\$100.00), and no insurance points.
33 (2) Second offense. – A person guilty of a first offense occurring within the
34 previous 36 months shall be guilty of an infraction, a fine of one hundred fifty
35 dollars (\$150.00), and insurance points as authorized by G.S. 58-36-75(i).
36 (3) Third and subsequent offenses. – A person guilty of two or more offenses
37 occurring within the previous 36 months shall be guilty of an infraction, a fine
38 of two hundred dollars (\$200.00), and insurance points as authorized by
39 G.S. 58-36-75(i).
40 (e) Seizure. – The provisions of this section shall not be construed as authorizing the
41 seizure or forfeiture of a wireless communication device.
42 (f) Local Ordinance. – No local government may pass an ordinance regulating the use of
43 a wireless communication device while operating a motor vehicle."

44 **SECTION 4.** G.S. 58-36-75 is amended by adding a new subsection to read:

45 "(i) Unlawful Use of a Wireless Communication Device. – The North Carolina Rate
46 Bureau shall assign one insurance point under the Safe Driver Incentive Plan for a person
47 convicted under G.S. 20-137.3A(d)(2) and two insurance points for a person convicted under
48 G.S. 20-137.3A(d)(3)."

49 **SECTION 5.** This act becomes effective January 1, 2020, and applies to offenses
50 committed on or after that date. For the six months immediately after the effective date of this
51 act, law enforcement shall only issue warning tickets for offenses committed. Prosecutions for

1 offenses committed under G.S. 20-137.3, 20-137.4, and 20-137.4A before the effective date of
2 this act are not abated or affected by this act, and the statutes that would be applicable but for
3 this act remain applicable to those prosecutions.