**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC DEVICE TO COMMUNICATE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE A PENALTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) The purpose of this section is to set forth the policy of the State of South Carolina against texting while driving.

(B) Except as otherwise provided in this section, a driver shall not use an electronic device to communicate while driving a motor vehicle. For purposes of this article, the term ‘communicate’ shall include any form of electronic or digital messaging, including texting, text messaging, email or electronic mail or instant messaging.

(C) This section does not apply to a person operating a motor vehicle while using a hands‑free device, a global positioning system, or a navigation system.

(D) A person who is adjudicated to be in violation of this section must be fined not more than twenty‑five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense.”

SECTION 2. This act takes effect upon approval by the Governor.

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