**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4822**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Norrell

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Introduced in the House on February 3, 2016

Currently residing in the House Committee on **Education and Public Works**

Summary: Wireless communication device while operating motor vehicle

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2016 House Introduced and read first time ([House Journal‑page 7](file:///h:\HJ%20Archive\2016\02-03-16.docx))

2/3/2016 House Referred to Committee on **Education and Public Works** ([House Journal‑page 7](file:///h:\HJ%20Archive\2016\02-03-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4822&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/3/2016](file:///p:\pprever\2015-16\4822_20160203.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑3890, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON’S UNLAWFUL USE OF A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE, SO AS TO PROVIDE THAT THE TERM “HANDS‑FREE WIRELESS COMMUNICATION DEVICE” MEANS A DEVICE THAT DOES NOT REQUIRE THE USE OF EITHER HAND TO ACTIVATE OR DEACTIVATE AN INTERNAL FEATURE OR FUNCTION OF THE DEVICE, AND TO PROVIDE THAT THE OPERATOR OF A MOTOR VEHICLE MAY USE A HANDS‑FREE WIRELESS ELECTRONIC COMMUNICATION DEVICE IN VOICE‑ACTIVATED MODE ONLY.

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

SECTION 1. Section 56‑5‑3890(A), (B), and (C) of the 1976 Code, as added by Act 260 of 2014, is amended to read:

“(A) For purposes of this section:

(1) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text‑messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device ~~may~~ shall not require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) ‘Text‑based communication’ means a communication using text‑based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text‑messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device in voice‑activated mode only;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.”

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

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