**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4206**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. G.R. Smith

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Introduced in the House on January 12, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Evidence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/17/2009 House Prefiled

11/17/2009 House Referred to Committee on **Judiciary**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑30

1/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑30

**VERSIONS OF THIS BILL**

[11/17/2009](file:///p:\pprever\2009-10\4206_20091117.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑1‑305 SO AS TO ALLOW THE INTRODUCTION OF EVIDENCE IN A CIVIL ACTION OF THE USE OF A CELL PHONE OR OTHER ELECTRONIC HANDHELD COMMUNICATIONS DEVICE AT THE TIME OF A MOTOR VEHICLE ACCIDENT AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Chapter 1, Title 15 of the 1976 Code is amended by adding:

“Section 15‑1‑305. (A) The use of a cell phone or other electronic handheld communications device at the time of a motor vehicle accident may be introduced as evidence of comparative negligence in a civil action. Use of a cell phone or other electronic handheld communications device may be used to reduce liability based upon an apportionment of damages attributed to its use.

(B) A person is not guilty of a violation of this section if the:

(1) person is using the cell phone or wireless communications device to respond to an emergency that presents an imminent risk of death or serious bodily harm to the person or another; or

(2) cell phone or other electronic communications device is equipped with and operated with a hands‑free mechanism.”

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

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