**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 CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND‑HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

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) As contained in this section:

(1) ‘text messaging device’ means a hand‑held device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network; and

(2) ‘mobile telephone’ means a device used by subscribers and other users of wireless telephone service to access or respond to such service.

(B) A person may not use a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway.

(C) A person may not use a hand‑held mobile telephone while operating a motor vehicle that is in motion or in the travel portion of the roadway.

(D) This section does not apply to:

(1) an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;

(2) a moving motor vehicle using a wireless communication device in hands‑free mode; and

(3) a moving motor vehicle using a hand‑held wireless communications device to:

(a) report illegal activity;

(b) summon medical or other emergency help; or

(c) prevent injury to a person or property.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars.”

SECTION 2. This act takes effect ninety days after approval by the Governor.

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