**A** **BILL**

TO AMEND CHAPTER 5, TITLE 56 OF THE 1976 CODE, BY ADDING SECTION 56‑5‑3895, TO PROVIDE THAT A PERSON MAY NOT OPERATE A MOTOR VEHICLE WHILE TEXT MESSAGING WITH A CELL PHONE OR OTHER WIRELESS COMMUNICATION DEVICE, AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

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

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

“Section 56‑5‑3895. (A) Except as provided in subsection (C), a person may not use a cell phone or wireless communication device for text messaging or electronic mail communication while operating a motor vehicle in motion. ‘Text messaging’ means a communication in the form of electronic text or one or more electronic images sent by the person from a telephone or computer to another person’s telephone or computer by addressing the communication to the person’s telephone number.

(B) A person convicted of a violation of this section shall be punished pursuant to Section 56‑5‑2930. A person convicted of a violation of this section which results in great bodily injury or death shall be punished pursuant to Section 56‑5‑2945.

(C) A person is not guilty of a violation of this section if the 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.”

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

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