**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO DEFINE THE TERM “DRIVER OF THE PUBLIC”, TO PROVIDE THAT IT IS UNLAWFUL FOR A “DRIVER OF THE PUBLIC” TO OPERATE A MOTOR VEHICLE WHILE USING A WIRELESS TELECOMMUNICATIONS DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE, AND TO PROVIDE PENALTIES.

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, ‘driver of the public’ means a person who receives payment for transporting another person as a passenger in a motor vehicle along the state’s highways. This term includes, but is not limited to, a person who drives a taxi cab, school activity bus, day care vehicle, city tour vehicle, limousine, or any other vehicle for hire.

(B) A driver of the public may not operate a motor vehicle on a public highway in this State while using a wireless telecommunications device to write, send, or read a text message.

(C) A driver of the public who violates this section must be punished by:

(1) a fine of one hundred dollars for a first offense when no property damage or bodily injury results;

(2) a fine of five hundred dollars for a second or subsequent offense when no property damage or bodily injury results;

(3) a fine of not less than five thousand dollars and imprisonment of not more than five years when property damage and bodily injury results; or

(4) a fine of ten thousand dollars and imprisonment of not more than ten years when death results.

(D) A company that employs a driver of the public is immune from liability under this provision if it can demonstrate that the driver of the public meets all federal and state imposed requirements to operate a vehicle.”

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

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