**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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