

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1373**

**Bill Subtitle: TO PROHIBIT THE USE OF HANDHELD WIRELESS DEVICES WHILE DRIVING A MOTOR VEHICLE; AND TO MAKE TECHNICAL CORRECTIONS.**

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**Basic Change :** Sponsor: Rep. Fielding

This bill changes and updates definitions concerning handheld wireless telephones and devices. The bill deletes the definition of wireless interactive communication. Current law prohibits the driver of a motor vehicle who is at least eighteen (18) but under twenty one (21) years of age from using a handheld wireless telephone or device unless it is for an emergency purpose only. This bill will apply the prohibition of using a handheld wireless telephone or device to every driver operating a motor vehicle on a public street or roadway. The bill also adds to the allowable exceptions. It is not a violation to use a handheld wireless telephone or device:

1. For an emergency purpose;
2. While temporarily pulled over to the shoulder or safe area that is not within the flow of traffic or a traveled portion of a public street or roadway, if the motor vehicle has come to a complete stop.
3. While a person is performing his or her official duties as a certified law enforcement officer, firefighter, emergency medical personnel or other public safety personnel

This bill will change the penalties for a driver who pleads guilty or nolo contendere or has been found guilty as follows:

1. First offense under current law is a warning citation. This bill provides a \$50 fine;
2. Second offense under current law is a \$50 fine. This bill provides a \$150 fine.
3. Third or subsequent offense under current law is a \$50 fine. This bill provides a \$200 fine and an order of suspension of the driver's license for up to one (1) year.

In addition, this bill states for a violation while in a highway work zone, a violation of this law is punishable as a moving traffic violation in a highway work zoned under § 27-50-408.

**Revenue Impact :**

There will be no revenue impact to the state, however fines paid to the courts will be increased.

**Taxpayer Impact :**

Taxpayers will pay larger fines for violation of this law. No one will be allowed to use a hand held wireless telephone or device while operating a motor vehicle on public streets.

**Resources Required :**

No additional resources are required to implement this bill.

**Time Required :**

No additional time is required to implement this bill.

**Procedural Changes :**

Procedures will need to be developed to suspend a driver's license for up to one year for a third or subsequent offense.

**Legal Analysis :**

HB1373 prohibits all drivers from using handheld wireless phones or devices while driving, but allows exceptions for emergency use, emergency personnel, and when pulled off of the main roadway while the vehicle is at a complete stop. A third or subsequent offense will result in up to a one (1) year driver's license suspension.