

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 144
Committee Substitute Favorable 3/12/19
Committee Substitute #2 Favorable 5/3/19
Committee Substitute #3 Favorable 5/6/19

Short Title: Hands Free NC.

(Public)

Sponsors:

Referred to:

February 25, 2019

A BILL TO BE ENTITLED

AN ACT MAKING IT UNLAWFUL TO OPERATE A VEHICLE ON A PUBLIC STREET,
HIGHWAY, OR PUBLIC VEHICULAR AREA WHILE ENGAGING IN DISTRACTED
BEHAVIOR.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "The Hands Free NC Act."

SECTION 2. Article 3 of Chapter 20 of the General Statutes is amended by adding
a new section to read:

"§ 20-137.3A. Distracted driving prohibited.

(a) Offense. – It shall be unlawful for a person to operate a vehicle on a public street or highway or public vehicular area while using the person's hands to engage in distracted behavior that impairs or otherwise restricts the proper operation of the motor vehicle and results in operation that is careless, reckless, or heedless under the conditions then existing. For purposes of this section, distracted behavior includes use of a handheld mobile telephone and use of a handheld electronic device.

(b) Penalty. – A violation of this section shall be an infraction punishable by a fine of one hundred dollars (\$100.00) and the costs of court. No insurance surcharge shall be assessed as a result of a violation of this section.

(c) Exceptions. – Subsection (a) of this section shall not apply to any of the following:

(1) The use of a mobile telephone or electronic device for the purpose of communicating an emergency situation to any of the following:

- a. An emergency response operator.
- b. A publicly or privately owned ambulance company or service.
- c. A hospital.
- d. A fire department.
- e. A law enforcement agency.

(2) The use of a mobile telephone or electronic device by any of the following while in the performance of official duties:

- a. A law enforcement officer.
- b. A member of a fire department.
- c. The operator of a public or private ambulance.
- d. A first responder responsible for the protection and preservation of life, property, evidence, or the environment.



1 e. The operator of a vehicle registered to a public utility or
2 communications service provider when the operator is an employee of
3 the public utility or communications service provider using the device
4 to carry out official duties.

5 f. An amateur radio operator responding to an emergency situation."

6 **SECTION 3.** This act becomes effective December 1, 2019, and applies to offenses
7 committed on or after that date. For the six months immediately after the effective date of this
8 act, law enforcement shall only issue warning tickets for offenses committed.