**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4259**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith, Littlejohn, Harrison and Gilliard

Document Path: l:\council\bills\swb\5981cm10.docx

Companion/Similar bill(s): 4189

Introduced in the House on January 12, 2010

Currently residing in the House Committee on **Education and Public Works**

Summary: Text messages

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2009 House Prefiled

12/15/2009 House Referred to Committee on **Education and Public Works**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑48

1/12/2010 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑49

1/20/2010 House Member(s) request name added as sponsor: Gilliard

**VERSIONS OF THIS BILL**

[12/15/2009](file:///p:\pprever\2009-10\4259_20091215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT A PERSON MAY NOT OPERATE A MOTOR VEHICLE IN MOTION WHILE TEXT MESSAGING OR RECEIVING TEXT MESSAGES, OR USING ANY FORM OF ELECTRONIC READING DEVICE, AND TO PROVIDE FOR PENALTIES; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE SCHEDULE OF POINTS ASSIGNED TO VARIOUS TRAFFIC VIOLATIONS, SO AS TO PROVIDE THAT TEXT MESSAGING WHILE DRIVING, SECOND OFFENSE, IS A TWO POINT VIOLATION AND TEXT MESSAGING WHILE DRIVING, THIRD OR SUBSEQUENT OFFENSE, IS A FOUR POINT VIOLATION.

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) It is unlawful for a person to operate a motor vehicle when the vehicle is in motion while text messaging or receiving text messages, or using any form of electronic reading device.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be:

(1) fined two hundred fifty dollars or imprisoned thirty days, and have his driver’s license suspended for one month for a first offense;

(2) fined one thousand dollars or imprisoned for sixty days, have his driver’s license suspended for sixty days and have two points assessed against his driving record for a second offense; or

(3) fined two thousand five hundred dollars or imprisoned one hundred eighty days, have his driver’s license suspended for six months, and have four points assessed against his driving record for a third or subsequent offense.

(C) A person who violates subsection (B) and bodily injury occurs as a result of this violation is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.

(D) A person who violates subsection (B) and death occurs as a result of this violation, is guilty of a felony and, upon conviction, must be imprisoned for not less than five years and not more than twenty years.”

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the

posted limits 2

(2) More than 10 m.p.h. but less than 25

m.p.h. above the posted limits 4

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control

device 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper

signal for stopping, turning, or suddenly

decreased speed 4

Text messaging while driving

(third or subsequent offense) 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing 2

Text messaging while driving

(second offense) 2.”

SECTION 3. This act takes effect upon approval by the Governor.

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