

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 183  
Committee Substitute Favorable 4/30/07  
Committee Substitute #2 Favorable 5/15/07  
Senate Judiciary II (Criminal) Committee Substitute Adopted 7/3/07

Short Title: Ban Cell Phone Use by School Bus Drivers.

(Public)

Sponsors:

Referred to:

February 15, 2007

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE OR  
ADDITIONAL TECHNOLOGY WHILE OPERATING A PUBLIC OR PRIVATE  
SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE  
TRANSPORTING STUDENTS FOR HIRE IN ANY VEHICLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a  
new section to read:

**"§ 20-137.4. Unlawful use of a mobile phone.**

(a) Definitions. – For purposes of this section, the following terms shall mean:

(1) Additional technology. – As defined in G.S. 20-137.3(a)(1).

(2) Emergency situation. – Circumstances such as medical concerns,  
unsafe road conditions, matters of public safety, or mechanical  
problems that create a risk of harm for the operator or passengers of a  
school bus.

(3) Mobile telephone. – As defined in G.S. 20-137.3(a)(2).

(4) School bus. – As defined in G.S. 20-4.01(27)d4. The term also  
includes any school activity bus as defined in G.S. 20-4.01(27)d3. and  
any vehicle transporting public, private, or parochial school students  
for compensation.

(b) Offense. – Except as otherwise provided in this section, no person shall  
operate a school bus on a public street or highway or public vehicular area while using a  
mobile telephone or any additional technology associated with a mobile telephone while  
the school bus is in motion. This prohibition shall not apply to the use of a mobile  
telephone or additional technology associated with a mobile telephone in a stationary  
school bus.

1       (c)    Seizure. – The provisions of this section shall not be construed as authorizing  
2 the seizure or forfeiture of a mobile telephone or additional technology, unless  
3 otherwise provided by law.

4       (d)    Exceptions. – The provisions of subsection (b) of this section shall not apply  
5 to the use of a mobile telephone or additional technology associated with a mobile  
6 telephone for the sole purpose of communicating in an emergency situation.

7       (e)    Local Ordinances. – No local government may pass any ordinance regulating  
8 the use of mobile telephones or additional technology associated with a mobile  
9 telephone by operators of school buses.

10       (f)   Penalty. – A violation of this section shall be a Class 2 misdemeanor and  
11 shall be punishable by a fine of not less than one hundred dollars (\$100.00). No drivers  
12 license points or insurance surcharge shall be assessed as a result of a violation of this  
13 section. Failure to comply with the provisions of this section shall not constitute  
14 negligence per se or contributory negligence by the operator in any action for the  
15 recovery of damages arising out of the operation, ownership, or maintenance of a school  
16 bus."

17               **SECTION 2.** This act becomes effective December 1, 2007, and applies to  
18 offenses committed on or after that date.