

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 253**

Short Title: Ban Mobile Phone Use on School Buses. (Public)

Sponsors: Representatives Lucas, Carney, Bell, Coates (Primary Sponsors); Faison, Fisher, Folwell, Glazier, Lewis, McGee, Neumann, Pate, Starnes, Tucker, Underhill, and Wainwright.

Referred to: Education, if favorable, Judiciary I.

February 20, 2007

A BILL TO BE ENTITLED  
AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE  
OPERATING A PUBLIC OR PRIVATE SCHOOL BUS OR A PUBLIC  
ACTIVITY BUS ON A PUBLIC STREET OR HIGHWAY.

The General Assembly of North Carolina enacts:

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

**"§ 20-140.6. Unlawful use of a mobile phone.**

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

- (1) Mobile telephone. – A device used by subscribers and other users of wireless telephone service to access such service.
- (2) Wireless telephone service. – A service that is a two-way real-time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 C.F.R. § 20.3.
- (3) Using. – Holding a mobile telephone to, or in the immediate proximity of, the user's ear.
- (4) Handheld mobile telephone. – A mobile telephone with which a user engages in a call using at least one hand.
- (5) Hands-free mobile telephone. – A mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate, or initiate a function of such telephone.

1           (6) Engage in a call. – Talking into or listening on a handheld mobile  
2           telephone, but shall not include holding a mobile telephone to activate,  
3           deactivate, or initiate a function of such telephone.

4           (7) Immediate proximity. – That distance as permits the operator of a  
5           mobile telephone to hear telecommunications transmitted over such  
6           mobile telephone, but shall not require physical contact with such  
7           operator's ear.

8           (b) Offense. – Except as otherwise provided in this section, no person shall  
9           operate a public or private school bus or a public activity bus upon a public street or  
10          highway while using a mobile telephone to engage in a call while such vehicle is in  
11          motion. An operator of a public or private school bus or a public activity bus who holds  
12          a mobile telephone to, or in the immediate proximity of, his or her ear while such  
13          vehicle is in motion is presumed to be engaging in a call within the meaning of this  
14          section. The presumption established by this subsection is rebuttable by evidence  
15          tending to show that the operator was not engaged in a call.

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

18          (d) Exceptions. – The provisions of subsection (b) of this section shall not apply  
19          to the use of a mobile telephone for the sole purpose of communicating with any of the  
20          following regarding an emergency situation: an emergency response operator; a  
21          hospital, physician's office, or health clinic; a public or privately owned ambulance  
22          company or service; a fire department; or a law enforcement agency.

23          (f) Local Ordinances. – No local government may pass any ordinance regulating  
24          the use of mobile telephones.

25          (g) A violation of this section shall be a Class 1 misdemeanor and shall be  
26          punishable by a fine of not less than one hundred dollars (\$100.00)."

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