

**Subject** Texting while driving penalties

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## Overview

This bill increases penalties for electronic messaging while driving, by:

- increasing fines;
- authorizing forfeiture of the cellphone under certain circumstances; and
- adding negligent driving while using a cellphone, without use of a hands-free setting, to the criminal vehicular homicide and operations statutes.

It also requires inclusion of distracted driving information in driver education and training programs and in the driver's manual.

## Summary

Section	Description
1	<p><b>Prohibition on use, penalty.</b></p> <p>Revises the prohibition on operating a motor vehicle while using a wireless communications device for electronic messaging when the car is in motion or a part of traffic. Establishes that a violation is a misdemeanor and imposes the following fines:</p> <ul style="list-style-type: none"><li>▪ \$150 for a first offence;</li><li>▪ \$300 for a second offence; and</li><li>▪ \$500 for a third or subsequent offence.</li></ul> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
2	<p><b>Forfeiture.</b></p> <p>Allows for forfeiture of the cellphone on the third or subsequent violation under section 1.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>

Section	Description
3	<p><b>Driver's education requirements.</b></p> <p>Requires the Department of Public Safety to adopt rules by January 1, 2020, requiring all driver's education and driver's training to provide instruction on distracted driving, including dangers, laws, and penalties.</p> <p>Effective the day after enactment.</p>
4	<p><b>Distracted driving.</b></p> <p>Requires the Department of Public Safety to include a section in the driver's manual on distracted driving, including dangers, laws, and penalties.</p> <p>Effective January 1, 2020.</p>
5	<p><b>Criminal vehicular homicide.</b></p> <p>Adds driving in a negligent manner while operating a cell phone or similar device without using a hands-free setting to the definition of criminal vehicular homicide.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
6	<p><b>Great bodily harm.</b></p> <p>Adds driving in a negligent manner while operating a cell phone or similar device without using a hands-free setting to the definition of criminal vehicular operation causing great bodily harm.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
7	<p><b>Substantial bodily harm.</b></p> <p>Adds driving in a negligent manner while operating a cell phone or similar device without using a hands-free setting to the definition of criminal vehicular operation causing substantial bodily harm.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
8	<p><b>Bodily harm.</b></p> <p>Adds driving in a negligent manner while operating a cell phone or similar device without using a hands-free setting to the definition of criminal vehicular operation causing bodily harm.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>

Section	Description
9	<p><b>Death to an unborn child.</b></p> <p>Adds driving in a negligent manner while operating a cell phone or similar device without using a hands-free setting to the definition of criminal vehicular operation resulting in death of an unborn child.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
10	<p><b>Injury to an unborn child.</b></p> <p>Adds driving in a negligent manner while operating a cell phone or similar device without using a hands-free setting to the definition of criminal vehicular operation resulting in injury to an unborn child.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
11	<p><b>Definitions.</b></p> <p>Expands the definition of “designated offense” in the forfeiture laws to include the third or subsequent offense of the prohibition against texting while driving in section 1.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
12	<p><b>Limitations on forfeiture of property associated with designated offenses.</b></p> <p>Limits the forfeiture for a third or subsequent violation of section 1 to the cell phone or communication device only.</p> <p>Effective August 1, 2019, for crimes committed on or after that date.</p>
13	<p><b>Rulemaking.</b></p> <p>States that the rulemaking under section 3 is treated like other rulemaking for driver’s education and training programs and that the exempt rulemaking process can be used.</p> <p>Effective the day after enactment.</p>



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