

State of South Dakota

**EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010**

833R0503

HOUSE BILL NO. 1178

Introduced by: Representatives Nygaard, Blake, Bolin, Conzet, Engels, Lucas, Olson (Betty), Sly, Solberg, Turbiville, and Wink and Senators Tieszen, Abdallah, Merchant, Miles, Nelson, Nesselhuf, Schmidt, and Vehle

FOR AN ACT ENTITLED, An Act to prohibit the use of certain wireless communications devices while driving.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this Act, the term, wireless communications device, means a hand-held cellular phone or a portable electronic device that is capable of receiving and transmitting data, including text messages and e-mail. The term does not include a device that is permanently affixed to the vehicle, or a global positioning system or navigation system, if the system is used exclusively for navigation purposes.

Section 2. For the purposes of this Act, the term, voice-operated or hands-free device, means a device that allows the user to compose, send, or read a text message without the use of either hand except to activate, deactivate, or initiate a feature or function.

Section 3. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as follows:

No person may operate a moving motor vehicle upon a highway while the person is using a wireless communications device to compose, read, or send an electronic message, unless that person is using a voice-operated or hands-free device. A person who violates this section is guilty of careless driving with a wireless communications device. Careless driving with a wireless communications device is a Class 2 misdemeanor.

Section 4. That chapter 32-24 be amended by adding thereto a NEW SECTION to read as follows:

The provisions of this Act do not apply to any person operating an authorized emergency vehicle as defined in § 32-14-1.