

1 **H. B. 2490**

2 (By Delegates Miley, Cann, Fragale, Iaquinta,  
3 Caputo, Fleischauer, Hatfield, Longstreth,  
4 Manchin and Marshall)  
5

6 [Introduced January 14, 2011; referred to the  
7 Committee on Roads and Transportation then the  
8 Judiciary.]  
9

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §17C-14-3, relating  
12 to prohibiting the use of a mobile communication device to  
13 engage in text messaging or additional technologies while  
14 operating a motor vehicle; exceptions; and penalties.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended  
17 by adding thereto a new section, designated §17C-14-3, to read as  
18 follows:

19 **ARTICLE 14. MISCELLANEOUS RULES.**

20 **§17C-14-3. Use of mobile communication device to engage in text**  
21 **messaging or additional technologies while driving**  
22 **prohibited; exceptions; penalties.**

23 (a) As used in this section, unless the context otherwise  
24 requires:

25 (1) "Mobile communication device" means a cellular telephone

1 or other device that enables a person to engage in text-based  
2 communication or additional technology activities.

3 (2) "Additional technology" means access by the mobile  
4 communication device to technologies including, but not limited to,  
5 electronic mail, the Internet, music, games or a camera.

6 (b) A person may not use a handheld mobile communication  
7 device to write, read, or send a text message as a means of  
8 communicating with another person, or engage in additional  
9 technology activities that require the motor vehicle operator to  
10 hold the device in one of his or her hands while operating a moving  
11 vehicle on the roadway.

12 (c) The provisions of this section do not apply to:

13 (1) The operator of any emergency vehicle;

14 (2) An operator who is lawfully stopped or parked;

15 (3) The use of a global positioning system (GPS); and

16 (4) The use of the mobile communication device for voice  
17 transmitted communication and reception.

18 (d) Any person violating the provisions of this section is  
19 guilty of a misdemeanor and, upon conviction thereof, shall be  
20 fined not more than \$250; upon a second conviction, shall be fined  
21 not more than \$500; and upon a third or subsequent conviction,  
22 shall be fined not more than \$1,000.

NOTE: The purpose of this bill is to prohibit the use of a handheld mobile communication device to engage in text messaging

and additional technology while operating a motor vehicle and to provide a penalty for violations.

This section is new; therefore, it has been completely underscored.