

2023: Hands Free bills

(S.157 & H.3394)



What is the Hands-Free bill?

- Drivers can't hold and use their phone while their car is in motion, including 1) holding or supporting with any part of the body, and 2) read, compose, or submit any text, or 3) watch motion content on a device.
- Drivers can use mobile electronic devices in hands-free mode. These exceptions also permitted: 1) when a driver is lawfully parked/stopped, 2) voice-to-text function, 3) equipment/ services installed by vehicle manufacturer, 4) reporting accident/emergency, 5) sending/ receiving data as part of digital dispatch system, and use by first responders, 6) working the navigation system, 7) while unlocking a phone.
- Enables the violation to be a primary enforcement tool, unlike South Carolina's current \$25 fine for texting while driving.

Why does Hands-Free Legislation Matter to South Carolina?

- South Carolina consistently ranks **#1 in the nation** for Traffic Fatality Rate per 100 Million Vehicle Miles Traveled, and on average over 1,000 people were killed annually in the last decade.. (IIHS)
- Amongst 190,544 drivers from 2000 - 2014, comparing crashes before and after bans, universal hand-held calling bans were associated with 10% lower non-alcohol-related driver fatalities overall (Rudisill, 2018; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6486885/>).
- The average, real **economic** cost of EACH traffic fatality is \$1.75 Million, which is in wage and productivity losses, medical expenses, administrative expenses, motor-vehicle damage, and employers' uninsured costs. (**National Safety Council**) <https://injuryfacts.nsc.org/all-injuries/costs/guide-to-calculating-costs/data-details/>
- Distracted Driving disproportionately impacts people of color in South Carolina.
 - Black South Carolinians are disproportionately over-represented in ALL traffic related injury and fatality statistics in SC, and
 - Black South Carolinians are less likely to cause those injuries and fatalities on SC streets and roads, as crash reports less often cite "contributing to" crashes (SCDPS).

Penalties in bill:

- 1st offense: \$100. 2nd offense: \$200 and 2 points on license
- Violation is not a criminal offense

Requirements of Law Enforcement:

- can only stop a person with reasonable suspicion exists.
- only warnings in the first 90 days of enactment.
- **CANNOT use sole violations of this law to:**
 - Seize, search, view, or require the forfeiture of a wireless electronic communication device.
 - Search or request to search a motor vehicle, driver, or passenger in a motor vehicle.
 - Make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.
- 25% of revenue from this law goes to the state SCDPS to do PR campaigns to educate citizens on the new law

