**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3276**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Robbins, Chapman, W. Newton, Taylor, Forrest, McGinnis, Calhoon, Bernstein and Wooten

Companion/Similar bill(s): 90, 3536, 3806

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Introduced in the House on January 14, 2025

Currently residing in the House

Summary: SC Hands-Free Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

 1/14/2025 House Introduced and read first time (House Journal‑page 152)

 1/14/2025 House Referred to Committee on **Judiciary** (House Journal‑page 152)

 1/29/2025 House Member(s) request name added as sponsor: McGinnis

 2/11/2025 House Member(s) request name added as sponsor: Calhoon

 2/13/2025 House Member(s) request name added as sponsor: Bernstein

 2/18/2025 House Member(s) request name added as sponsor: Wooten

 3/20/2025 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 9)

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20241205.docx)

[03/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250320.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

March 20, 2025

H. 3276

Introduced by Reps. Pope, Robbins, Chapman, W. Newton, Taylor, Forrest, McGinnis, Calhoon, Bernstein and Wooten

S. Printed 3/20/25--H.

Read the first time January 14, 2025

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The committee on House Judiciary

To whom was referred a Bill (H. 3276) to amend the South Carolina Code of Laws by enacting the “South Carolina Hands‑Free and Distracted Driving Act”; by amending Section 56‑5‑3890, relating to unlawful, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

 Amend the bill, as and if amended, SECTION 2, by striking Section 56-5-3890(D)(1)(b) and (c) and inserting:

 (b) for a second or subsequent offense, must be fined two hundred dollars, no part of which may be suspended, and must have two points assessed against his motor vehicle operating record;

 (c) if the violation causes great bodily injury, must be fined one thousand dollars and sentenced to not more than five years. As used in this subsection, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or

 (d) if the violation causes death, is convicted of a felony and must be fined five thousand dollars and imprisoned not more than five years.

Amend the bill further, SECTION 2, by striking Section 56-5-3890(D)(2) and (3) and inserting:

 (2) The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted of violations in subsections (D)(1)(c) and (d).

 (3)(2) Excluding violations in subsections (D)(1)(c) and (d), only Only those offenses which occurred within three years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this subsection. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

Amend the bill further, SECTION 2, by striking Section 56-5-3890(E)(1) and inserting:

 (1) stop a person for a violation of this section except when the officer has probable cause reasonable suspicion that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State;

Amend the bill further, by deleting SECTION 3.

Amend the bill further, by striking SECTION 8 and inserting:

SECTION 8. This act takes effect ninety days one year after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

W. NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill enacts the South Carolina Hands-Free and Distracted Driving Act, which prohibits the use of a mobile electronic device while operating a motor vehicle on any public highway in the state, with the exception of an earpiece or device worn on a wrist to conduct voice-based communication. The bill also prohibits the reading, composition, or transmission of text and the viewing of motion. Additionally, the bill specifies that, among other exceptions, the prohibition does not apply to a first responder while performing official duties, reporting an accident or emergency, using navigation, or listening to audio-based content. Further, the bill requires DOT to erect a sign at every highway ingress to advise motorists of the provisions of the bill.

The penalties for a person who is convicted of the provisions of the bill are as follows:

for a first offense, a $100 fine

for a second or subsequent offense, a $200 fine and two points assessed against the driver’s motor vehicle operating record

However, if the second or subsequent violation causes great bodily injury, the person must be fined $1,000 and sentenced to not more than five years. If the second or subsequent violation causes death, the person is convicted of a felony and must be fined $5,000 and imprisoned not more than five years. In both the cases of great bodily injury and death, DMV shall suspend the driver’s license of the convicted person.

This bill creates a felony offense and other offenses. As these are new offenses, there are no data to determine the number of new cases that may be heard in the court system.

This bill may result in an increase in the number of court cases and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and PPP. Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. Additionally, the potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was $40,429, of which $36,553 was state funded.

*This fiscal impact statement has been updated to include a response from Judicial.*

**Department of Motor Vehicles.** The bill charges DMV with additional responsibilities that the agency will accomplish with existing staff and resources. Therefore, there is no expenditure impact to DMV. However, DMV indicates that the complex coding changes to its IT system will require at least twelve months to implement and test.

**Department of Public Safety.** The SC State Transport Police, under DPS, anticipates that enforcing the provisions of the bill will increase agency expenditures by an undetermined amount. However, DPS expects to manage the increase with its existing appropriations. Therefore, there is no expenditure impact to DPS.

**Department of Transportation.** The bill requires DOT to erect a sign at every interstate highway ingress advising motorists of the provisions of the act. DOT reports that the total cost to erect 658 signs is approximately $90,700. However, the agency expects to be able to manage the requirements of the bill with its existing appropriations.

State Revenue

This bill may result in an increase in the fines and fees collected in court. The bill specifies that twenty-five percent of the fines imposed for violations of the bill must go to DPS for educating the public on the dangers of distracted driving. The remaining seventy-five percent of court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an increase to General Fund and Other Funds revenue due to the change in fines and fees collections in court.

Local Expenditure

This bill may result in an increase in the number of court cases and potentially the number of incarcerations, which may increase the workload of the court system and local jails, depending upon the imprisonment term. The potential increase in expenses will depend upon the increase in the number of cases and number of incarcerations. The potential increase in expenses for local jails will depend upon the increase in the number of cases and number of incarcerations.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS by ENACTing THE “SOUTH CAROLINA HANDS‑FREE AND DISTRACTED DRIVING ACT”; BY AMENDING SECTION 56‑5‑3890, RELATING TO UNLAWFUL USE OF A WIRELESS ELECTRONIC COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE, SO AS TO PROVIDE THE CIRCUMSTANCES UNDER WHICH IT IS UNLAWFUL TO USE A WIRELESS MOBILE ELECTRONIC DEVICE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND PROVIDE PENALTIES, AND TO MAKE TECHNICAL REVISIONS; AND BY AMENDING SECTION 56‑1‑720, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON’S DRIVING RECORD FOR MOTOR VEHICLE DRIVING VIOLATIONS, SO AS TO PROVIDE THAT A SECOND OR SUBSEQUENT OFFENSE OF DISTRACTED DRIVING IS A TWO‑POINT VIOLATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be referred to and cited as the “South Carolina Hands‑Free and Distracted Driving Act.”

SECTION 2. Section 56‑5‑3890 of the S.C. Code is amended to read:

 Section 56‑5‑3890. (A) For purposes of this section:

 (1) “Hands‑free wireless electronic communication device” means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text‑messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

 (2) “Text‑based communication” means a communication using text‑based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

 (3) “Wireless electronic communication device” means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text‑messaging device, or a computer, which allows a person to wirelessly communicate with another person “Mobile electronic device” means a cellular telephone, portable computer, GPS receiver, electronic game, or any substantially similar stand‑alone electronic device used to communicate, display, or record digital content. “Mobile electronic device” does not include a citizens band radio, amateur radio, ham radio, commercial two way radio or its functional equivalent, subscription‑based emergency communication device, or prescribed medical device.

 (B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this StateWhile operating a motor vehicle on any public highway of this State, a person shall not:

 (1) hold or support, with any part of the body, a mobile electronic device. This provision does not prohibit the use of an earpiece or device worn on a wrist to conduct voice‑based communication;

 (2) read, compose, or transmit any text including, but not limited to, a text message, email, application interaction, or website information on a mobile electronic device;

 (3) watch motion including, but not limited to, a video, movie, game, or video call on a mobile electronic device.

 (C) This section does not apply to a personmotor vehicle operator who is:

 (1) lawfully parked or stopped;

 (2) using a hands‑free wireless electronic communication device initiating a voice‑based communication that is automatically converted by the device and sent as text, provided that the device is not held by the operator or supported with any part of the body by the operator;

 (3) summoning emergency assistance reporting an accident, emergency, or safety hazard to a public safety official;

 (4) transmitting or receiving data as part of a digital dispatch system while performing occupational duties;

 (5) a public safety official while in the performance of the person’s a first responder while performing official duties; or

 (6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication mobile electronic device for the purpose of:

 (a) navigation, listening to audio‑based content, or obtaining related traffic and road condition information in a manner that does not require the operator to type, provided that the device is not held by the operator or supported with any part of the body by the operator;

 (b) using a mobile electronic device to initiate or end a cellular call in a manner that does not require the operator to type, provided that the device is not held by the operator or supported with any part of the body by the operator; or

 (c) unlocking the device for a purpose listed in subitems (a) or (b), provided that the device is not held by the operator or supported with any part of the body by the operator; or

 (7) using equipment or services installed by the original manufacturer of the vehicle.

 (D)(1) A person who is adjudicated to be in violation of the provisions of this section is guilty of distracted driving and, upon conviction:

 (a) for a first offense, must be fined not more than twenty‑five one hundred dollars, no part of which may be suspended;

 (b) for a second or subsequent offense, must be fined two hundred dollars, no part of which may be suspended, and must have two points assessed against his motor vehicle operating record;

 (c) if the violation causes great bodily injury, must be fined one thousand dollars and sentenced to not more than five years. As used in this subsection, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or

 (d) if the violation causes death, is convicted of a felony and must be fined five thousand dollars and imprisoned not more than five years.

 (2) The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted of violations in subsections (D)(1)(c) and (d).

 (3) Excluding violations in subsections (D)(1)(c) and (d), only those offenses which occurred within three years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this subsection. A person who has been adjudicated to be in violation of this section, and the violation causes great bodily injury, must be fined one thousand dollar and sentence to not more than one year. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

 (a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

 (b) reported to the offender’s motor vehicle insurer.

 (2)(4) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.The Department of Public Safety must receive twenty‑five percent of the fines imposed for violations of this section. Funds provided to the department pursuant to this section must be used to educate the public on the dangers of distracted driving and the provisions of this act.

 (E) A law enforcement officer shall not:

 (1) stop a person for a violation of this section except when the officer has probable cause reasonable suspicion that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text‑based communication while operating a motor vehicle on the public streets and highways of this State;

 (2) seize, search, view, or require the forfeiture of a wireless electronic communication mobile electronic device because of a violation of this section;

 (3) search or request to search a motor vehicle, driveroperator, or passenger in a motor vehicle, solely because of a violation of this section; or

 (4) make a custodial arrest forsolely because of 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.

 (F) The Department of Motor Vehicles shall maintain and provide citation information pursuant to this section to the Department of Public Safety. The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

 (G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local governmental entities political subdivisions regarding persons using wireless mobile electronic communication devices while operating motor vehicles on the public streets and highways of this State.

 (H) The provisions of this section are not subject to the provisions contained in Section 17‑13‑10 and Section 17‑13‑20, both of which are related to what is commonly referred to as “citizens arrest.”

SECTION 3. Section 56‑1‑720 of the S.C. Code is amended to read:

 Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit and run, property damages only 6

Driving too fast for conditions, or speeding:

 (1) No more than 10 m.p.h. above the posted limits 2

 (2) More than 10 m.p.h. but less than 25

 m.p.h. above the posted limits 4

 (3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control device 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Distracted driving (second or subsequent offense) 2

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing 2

Endangerment of a highway worker, no injury 2

Endangerment of a highway worker, injury results 4

SECTION 4. At every interstate highway ingress, the Department of Transportation shall erect a sign advising motorists of this act.

SECTION 5. During the first ninety days after the effective date of this act, law enforcement officers shall only issue warnings for violations of Section 56‑5‑3890, as amended by this act.

SECTION 6. At the end of each fiscal year, the Department of Public Safety shall report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Transportation Committee, and the Chairman of the House Education and Public Works Committee the age, gender, and race of every driver issued a citation, as well as every instance that a citation is not issued following a traffic stop made pursuant to this act. The data must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies shall combine the data collected by county and the municipal law enforcement agencies.

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect ninety days after approval by the Governor.

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