**South Carolina General Assembly**

126th Session, 2025-2026

**A40, R59, H3276**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Robbins, Chapman, W. Newton, Taylor, Forrest, McGinnis, Calhoon, Bernstein, Wooten, Hart, Erickson, Bradley, Ligon, Anderson, Schuessler, Hixon, M.M. Smith and Hartnett

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

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Introduced in the House on January 14, 2025

Introduced in the Senate on April 15, 2025

Last Amended on April 30, 2025

Currently residing in the House

Governor's Action: May 12, 2025, Signed

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)

 3/25/2025 House Member(s) request name added as sponsor: Hart,
 Henderson-Myers, Erickson, Bradley

 3/25/2025 Scrivener's error corrected

 3/26/2025 House Debate adjourned until Thur., 3-27-25 (House Journal‑page 27)

 3/26/2025 House Member(s) request name added as sponsor: Ligon

 3/27/2025 House Member(s) request name added as sponsor:
 Gilliard, Anderson, Rivers, Schuessler

 3/27/2025 House Member(s) request name removed as sponsor:
 Henderson-Myers

 3/27/2025 House Requests for debate-Rep(s). King, Long, Gibson, Frank, Edgerton, Magnuson, Kilmartin, White, Terribile, Chumley, Cromer, Gilreath, Huff, Williams, McDaniel, Grant, Garvin, Spann-Wilder, Stavrinakis, Rose, Kirby, Hosey, Taylor (House Journal‑page 26)

 3/27/2025 House Amended (House Journal‑page 35)

 3/27/2025 House Debate adjourned (House Journal‑page 35)

 4/1/2025 House Member(s) request name added as sponsor: Hixon

 4/3/2025 House Member(s) request name added as sponsor: M.M. Smith

 4/9/2025 House Member(s) request name removed as sponsor:
 Gilliard, Rivers

 4/9/2025 House Member(s) request name added as sponsor: Hartnett

 4/9/2025 House Amended (House Journal‑page 65)

 4/9/2025 House Read second time (House Journal‑page 65)

 4/9/2025 House Roll call Yeas-85 Nays-25 (House Journal‑page 65)

 4/10/2025 House Read third time and sent to Senate (House Journal‑page 44)

 4/15/2025 Senate Introduced and read first time (Senate Journal‑page 13)

 4/15/2025 Senate Referred to Committee on **Transportation** (Senate Journal‑page 13)

 4/16/2025 Senate Committee report: Favorable with amendment **Transportation** (Senate Journal‑page 22)

 4/29/2025 Senate Special order, set for April 29, 2025 (Senate Journal‑page 51)

 4/30/2025 Senate Committee Amendment Adopted

 4/30/2025 Senate Amended (Senate Journal‑page 58)

 4/30/2025 Senate Read second time (Senate Journal‑page 58)

 4/30/2025 Senate Roll call Ayes-40 Nays-0 (Senate Journal‑page 58)

 5/1/2025 Senate Read third time and returned to House with amendments (Senate Journal‑page 85)

 5/6/2025 House Debate adjourned until Wed., 5-7-25 (House Journal‑page 210)

 5/7/2025 House Concurred in Senate amendment and enrolled (House Journal‑page 41)

 5/7/2025 House Roll call Yeas-77 Nays-37 (House Journal‑page 41)

 5/8/2025 Ratified R 59

 5/12/2025 Signed By Governor

 5/19/2025 Effective date 09/01/25

 5/19/2025 Act No. 40

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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)

[03/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250325.docx)

[03/27/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250327.docx)

[04/09/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250409.docx)

[04/09/2025-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250409a.docx)

[04/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250416.docx)

[04/30/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3276_20250430.docx)

(A40, R59, H3276)

AN ACT 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 WIRELESS ELECTRONIC COMMUNICATION DEVICES WHILE OPERATING MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS, TO DEFINE THE TERM “MOBILE ELECTRONIC DEVICE,” TO PROVIDE THE CIRCUMSTANCES WHEN MOBILE ELECTRONIC DEVICES MAY NOT BE USED WHILE OPERATING A MOTOR VEHICLE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND PROVIDE PENALTIES, TO PROVIDE FOR THE DISBURSEMENT OF FINES IMPOSED PURSUANT TO THIS SECTION, TO PROVIDE THE CIRCUMSTANCES UPON WHICH THIS SECTION MAY BE ENFORCED, TO PROVIDE FOR THE SHARING OF CERTAIN INFORMATION WITH THE DEPARTMENT OF PUBLIC SAFETY, AND TO PROVIDE THIS SECTION IS NOT SUBJECT TO PROVISIONS RELATED TO CITIZENS ARRESTS; 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; TO PROVIDE THE DEPARTMENT OF TRANSPORTATION SHALL ERECT SIGNS ADVISING MOTORISTS OF THE PROVISIONS OF THIS ACT; TO PROVIDE ONLY WARNINGS MAY BE ISSUED FOR CERTAIN VIOLATIONS FOR A CERTAIN PERIOD; AND TO PROVIDE THE DEPARTMENT OF PUBLIC SAFETY SHALL FILE A REPORT WITH CERTAIN OFFICIALS CONTAINING INFORMATION ABOUT PERSONS STOPPED PURSUANT TO THIS ACT.

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

South Carolina Hands-Free and Distracted Driving Act

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

Distracted driving

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 “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) While 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 motor vehicle operator who is:

 (1) lawfully parked or stopped;

 (2) 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) 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 or while conducting network performance testing or testing required by the Federal Communications Commission;

 (5) a first responder while performing official duties;

 (6) using a mobile electronic device for the purpose of:

 (a) navigation, listening to audio‑based content, or obtaining 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 this section is guilty of distracted driving and, upon conviction:

 (a) for a first offense, must be fined 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.

 (2) 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.

  (3) 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 reasonable suspicion that a violation has occurred based on the officer’s clear and unobstructed view of a person who is unlawfully using a wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State;

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

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

 (4) make a custodial arrest solely 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 ordinances, regulations, and resolutions adopted by political subdivisions regarding persons using mobile electronic devices while operating motor vehicles on the public 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.”

Points system

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 |  |  |  |

Signage

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

Issuance of warnings

SECTION 5. During the first one hundred eighty 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.

Reports

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.

Savings clause

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.

Time effective

SECTION 8. This act takes effect September 1, 2025.

Ratified the 8th day of May, 2025.

Approved the 12th day of May, 2025.

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