

N.C.P.I.—Motor Vehicle—225.13
COMMERCIAL MOTOR VEHICLE—DRIVING WHILE USING A MOBILE
TELEPHONE OR OTHER ELECTRONIC DEVICE
MOTOR VEHICLE VOLUME
JUNE 2013
N.C. Gen. Stat. § 20-137.4A(a1)

225.13 COMMERCIAL MOTOR VEHICLE—DRIVING WHILE USING A MOBILE
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The motor vehicle law¹ provides that it is unlawful for any person to operate a commercial motor vehicle on a [public street] [highway] [public vehicular area] while using a mobile telephone or other electronic device. Use of hands-free technology by the driver of a commercial motor vehicle is not prohibited.²

[In addition, this law does not apply to

[the operator of a vehicle that is lawfully parked or stopped.³]

[[a law enforcement officer] [a member of a fire department] [the operator of a public or private ambulance] while in the performance of *his* official duties.⁴]

[the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system.⁵]

[the use of voice operated technology.⁶]

Operation of a commercial motor vehicle in violation of this law is not negligence in and of itself. However, the evidence with regard to it is to be

1 This section of 2012 N.C. Sess. Laws 78, "An Act to Amend the State's Laws Pertaining to Transportation," became effective December 1, 2012, "and applies to offenses committed on or after that date." See N.C. Gen. Stat. § 20-137.4A(a1) (2012).

2 N.C. Gen. Stat. § 20-137.4A(a1).

3 N.C. Gen. Stat. § 20-137.4A(b)(1).

4 N.C. Gen. Stat. § 20-137.4A(b)(2).

5 N.C. Gen. Stat. § 20-137.4A(b)(3).

6 N.C. Gen. Stat. § 20-137.4A(b)(4).

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considered with all the other facts in evidence in determining whether the
operator was negligent.