N.C.P.I.—Motor Vehicle—225.11
DRIVING WHILE TEXTING
MOTOR VEHICLE VOLUME
JUNE 2013
N.C. Gen. Stat. § 20-137.4A

225.11 DRIVING WHILE TEXTING

The motor vehicle law[1] provides that it is unlawful for any person to operate a vehicle on a [public street] [highway] [public vehicular area] while using a mobile telephone to

[manually enter multiple letters or text in the device as a means of communicating with another person.[2]]

[read any electronic mail or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information.[3]]

[In addition, this law does not apply to

[the operator of a vehicle that is lawfully parked or stopped.[4]]

[[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.[5]]

[the use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data

---

1 2009 N.C. Sess. Laws 135, "An Act to Make it Unlawful to Use a Mobile Telephone for E-Mail or Text Messaging While Operating a Vehicle on a Public Street or Highway or Public Vehicular Area," became effective December 1, 2009, "and applies to offenses committed on or after that date." *See* N.C. Gen. Stat. § 20-137.4A (2009).

2 N.C. Gen. Stat. § 20-137.4A(a)(1).

3 N.C. Gen. Stat. § 20-137.4A(a)(2).

4 N.C. Gen. Stat. § 20-137.4A(b)(1).

5 N.C. Gen. Stat. § 20-137.4A(b)(2).

N.C.P.I.—Motor Vehicle—225.11
DRIVING WHILE TEXTING
MOTOR VEHICLE VOLUME
JUNE 2013
N.C. Gen. Stat. § 20-137.4A
----
as part of a digital dispatch system.[6]]

[the use of voice operated technology.[7]]

Operation of a vehicle in violation of this law is not negligence within itself. However, the evidence with regard to it is to be considered with all the other facts in evidence in determining whether the operator was negligent.

---

6 N.C. Gen. Stat. § 20-137.4A(b)(3).

7 N.C. Gen. Stat. § 20-137.4A(b)(4).