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# House passes texting ban

Ink still wet on tattoos bill; beer tax hike looms

**BY DAVID BEARD**

The Dominion Post

CHARLESTON — Bills on texting and tattoos for kids saw legislative action Thursday.

Delegate Tony Barill's Monongalia County Magistrate bill was also introduced.

The House passed a watered-down version of its texting ban Thursday morning.

HB 2555 makes texting — reading, sending or writing, whether instant messaging or e-mail —



while driving a secondary offense with fines of \$100, \$200 and \$400 for first and subsequent offenses. It contains exemptions for emergency situations and excludes phone calls.

The original bill, which emerged largely intact from the Roads and Transportation Committee, made texting a primary offense, but the Judiciary Committee weakened it. During discussions in Roads, members said making it a secondary offense essentially gutted the bill.

The weakened version passed 92-5. All area delegates voted for it. Delegate Nancy Guthrie, D-

Kanawha, has been a longtime proponent of a texting ban. Asked if she was pleased with what passed, she couched her answers in diplomatic terms.

"It's a start," she said. "Legislation is a complex process." If this becomes law, then in coming sessions, "maybe we can give it a sincere effort."

Delegate Charlene Marshall, D-Monongalia, answered along the same lines, but more extensively.

"Sometimes a bill may get watered down, but we have to start someplace," she said. "That's better than not having anything at all. We can't always get everything that we want, but if we get a portion of it, that's a start. Sometimes we have to come back and tweak the bill or work on it again later."

The Senate texting ban, SB 470, is still in the pipeline, sitting with the Judiciary Committee. The fines are half, but the offense is primary.

## Tattoos for kids

The Senate Health and Human Resources Committee approved a new version of SB 490, requiring parental consent for minors to obtain tattoos.

The bill forbids tattoos for children under 16, and requires a parent or guardian to be present and sign a consent form for minors 16 and older.

Committee counsel said the revised bill brings the regulation in line with the state's body piercing rules.

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## TEXTING

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It passed unanimously and now goes to the Judiciary committee.

### **Bills introduced**

■ HB 3176 is Barill's bill to add a fifth magistrate in Monongalia County. Co-sponsors include Marion Delegates Manchin and Mike Caputo, and Mon Delegates Marshall, Pasdon and Barbara Evans Fleischer. It must pass through House Judiciary and Finance committees. No fiscal note has yet been posted for it.

■ HB 3165 creates an intermediate appeals court. Delegate Amanda Pasdon, R-Monongalia, is among the sponsors.

■ HB 3166 permits municipalities to stagger the terms of elected officials. Delegate Tim Manchin, D-Marion, is lead sponsor.

■ HB raises the taxes on beer, wine and liquor to fund substance-abuse services. Beer would go from \$5.50 to \$11 a barrel (31 gal.) and wine from about 26 cents per liter to about 52 cents. The wholesale price of liquor would be adjusted to ensure \$6.5 million in annual profits based on a three-year average.