

**Superseded 5/13/2014**

**41-6a-1716 Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.**

- (1) As used in this section:
  - (a)
    - (i) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.
    - (ii) "Handheld wireless communication device" includes a:
      - (A) wireless telephone;
      - (B) personal digital assistant;
      - (C) pager; or
      - (D) text messaging device.
  - (b)
    - (i) "Text message" means to manually communicate in the form of electronic text or one or more electronic images sent by the actor from a handheld wireless communication device to another person's handheld wireless communication device or computer by addressing the communication to the person's telephone number.
    - (ii) "Text message" includes manually composing a communication in the form of electronic text or an electronic image by the actor even if the electronic text or image has not been sent to another person.
- (2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to:
  - (a) text message;
  - (b) manually communicate through an electronic mail system;
  - (c) manually enter data into a handheld wireless communication device;
  - (d) send data, read text, or view images on a handheld wireless communication device; or
  - (e) manipulate an application from a handheld wireless communication device.
- (3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:
  - (a) when making or receiving a telephone call;
  - (b) when using a handheld wireless communication device for global positioning or navigation services;
  - (c) during a medical emergency;
  - (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
  - (e) when reporting criminal activity or requesting assistance relating to a criminal activity;
  - (f) when providing roadside or medical assistance;
  - (g) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or
  - (h) to operate:
    - (i) hands-free or voice operated technology; or
    - (ii) a system that is physically or electronically integrated into the motor vehicle.
- (4) A person convicted of a violation of this section is guilty of a:
  - (a) class C misdemeanor; or
  - (b) class B misdemeanor if the person:
    - (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state; or

- (ii) has a prior conviction under this section, that is within three years of:
  - (A) the current conviction under this section; or
  - (B) the commission of the offense upon which the current conviction is based.