

Representative Kory M. Holdaway proposes the following substitute bill:

PENALTY FOR DISTRACTED DRIVING

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

This act modifies the Motor Vehicle Code to create the offense of inattentive driving. The act provides a penalty and an exception to the offense.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

41-6-109.1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-109.1** is enacted to read:

41-6-109.1. Inattentive driving defined and prohibited -- Penalty -- Exemptions --

Local ordinances.

(1) A person is guilty of inattentive driving who commits a moving traffic violation under Title 41, Chapter 6, Traffic Rules and Regulations, while:

(a) using a device including a phone, computer, or facsimile machine **h** , **UNLESS BEING**

USED WITH A HANDS-FREE DEVICE **h :**

(b) attending to personal hygiene or grooming;

(c) eating, drinking, or smoking;

(d) changing articles of clothing;

(e) physically attending to a passenger;

(f) observing a television or video display; **h** [or] **h**

(g) reading handheld material **h** ; **OR**

(h) ADJUSTING A RADIO, CD PLAYER, CASSETTE PLAYER **h .**

(2) In addition to any penalty imposed for any moving traffic violation under Title 41, Chapter 6, Traffic Rules and Regulations, a person who commits inattentive driving under Subsection (1) shall be assessed an additional fine of not more than \$50.



26 (3) A person acting within the provisions authorized under Subsection 41-6-154.20(2)(a)
27 is not guilty of a violation of Subsection (1).

28 (4) Any ordinance enacted by the governing body of a political subdivision that restricts
29 driving while engaged in any of the activities listed in Subsection (1) shall be essentially identical
30 to the provisions of this section and may not impose a harsher penalty than the fine assessed under
31 Subsection (2).