

Representative Stephen D. Clark proposes the following substitute bill:

1 **PROHIBITION OF WIRELESS**
2 **COMMUNICATION DEVICE USE IN A MOTOR**
3 **VEHICLE**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Stephen D. Clark**

7 Senate Sponsor: Lyle W. Hillyard

8
9 **LONG TITLE**

10 **General Description:**

11 This bill modifies the Motor Vehicles Code by amending provisions relating to using a
12 handheld wireless communication device for text messaging or electronic mail communication
13 while operating a moving motor vehicle.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides definitions;
- 17 ▶ provides that a person is guilty of careless driving if the person uses a handheld
18 wireless communication device for text messaging or electronic mail
19 communication while operating a moving motor vehicle;
- 20 ▶ provides exceptions to the handheld wireless communication device prohibition;
- 21 and
- 22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-6a-1715**, as enacted by Laws of Utah 2007, Chapter 52



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

32 Section 1. Section **41-6a-1715** is amended to read:

33 **41-6a-1715. Careless driving defined and prohibited.**

34 (1) As used in this section:

35 (a) (i) "Handheld wireless communication device" means a handheld device used for
36 the transfer of information without the use of electrical conductors or wires.

37 (ii) "Handheld wireless communication device" includes a:

38 (A) wireless telephone;

39 (B) personal digital assistant;

40 (C) pager; or

41 (D) text messaging device.

42 (b) "Text messaging" has the same meaning as defined in Section 76-4-401.

43 ~~[(+)]~~ (2) A person operating a motor vehicle is guilty of careless driving if the person:

44 (a) commits two or more moving traffic violations under this chapter in a series of acts
45 within a single continuous period of driving; ~~[or]~~

46 (b) commits a moving traffic violation under this chapter other than a moving traffic
47 violation under Part 6, Speed Restrictions, while being distracted by one or more activities
48 taking place within the vehicle that are not related to the operation of a motor vehicle,
49 including:

50 (i) using a wireless telephone or other electronic device unless the person is using
51 hands-free talking and listening features while operating the motor vehicle;

52 (ii) searching for an item in the vehicle; or

53 (iii) attending to personal hygiene or grooming~~[-]; or~~

54 (c) except as provided in Subsection (3), uses a handheld wireless communication
55 device for text messaging or electronic mail communication while operating a moving motor
56 vehicle upon a highway in this state.

57 (3) A person is not guilty of careless driving under Subsection (2) if the person was
58 using a handheld wireless communication device for text messaging or electronic mail
59 communication while operating a moving motor vehicle:

60 (a) during a medical emergency;

61 (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;

62 (c) when reporting criminal activity or requesting assistance relating to a criminal
63 activity; or

64 (d) when used by a law enforcement officer or emergency service personnel acting
65 within the course and scope of their employment.

66 ~~[(2)]~~ (4) A violation of this section is a class C misdemeanor.

Fiscal Note**H.B. 290 1st Sub. (Buff) - Prohibition of Wireless Communication Device Use
in a Motor Vehicle**

2009 General Session

State of Utah

State Impact

Enactment of this bill will require \$4,400 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate \$6,000 per year in new General Fund revenue beginning in FY 2010, for a net General Fund increase of \$1,600 per year.

| | <u>2009</u> <u>Approp.</u> | <u>2010</u> <u>Approp.</u> | <u>2011</u> <u>Approp.</u> | <u>2009</u> <u>Revenue</u> | <u>2010</u> <u>Revenue</u> | <u>2011</u> <u>Revenue</u> |
|--------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| General Fund | \$0 | \$4,400 | \$4,400 | \$0 | \$6,000 | \$6,000 |
| Total | \$0 | \$4,400 | \$4,400 | \$0 | \$6,000 | \$6,000 |

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments through Justice Courts adjudications may benefit.