

**WIRELESS TELEPHONE USE RESTRICTION  
FOR MINORS IN VEHICLES**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: Phil Riesen

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to driving by a person younger than 18 years of age.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person younger than 18 years of age from using a wireless telephone while operating a motor vehicle;
- ▶ provides exceptions to the wireless telephone prohibition;
- ▶ provides penalties for violating the wireless telephone prohibition;
- ▶ provides that a violation is a reportable violation; and
- ▶ requires the Driver License Division to assess points against a person's driving record for being convicted of violating the wireless telephone prohibition.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**41-8-4**, Utah Code Annotated 1953



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

30 Section 1. Section **41-8-4** is enacted to read:

31 **41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones**  
32 **prohibited -- Exceptions -- Penalty.**

33 (1) Except as provided in Subsection (2), a person younger than 18 years of age,  
34 whether a resident or nonresident of this state, may not use a wireless telephone while  
35 operating a motor vehicle upon a highway of this state.

36 (2) Subsection (1) does not prohibit a person younger than 18 years of age from using a  
37 wireless telephone while operating a motor vehicle:

38 (a) during a medical emergency;

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

40 or

41 (c) when reporting a criminal activity or requesting assistance relating to a criminal  
42 activity.

43 (3) (a) Except as provided in Subsection (3)(b), a person who violates this section is  
44 guilty of an infraction.

45 (b) A person who violates this section is guilty of a class C misdemeanor if:

46 (i) the person is involved in a motor vehicle accident; and

47 (ii) the motor vehicle accident described in Subsection (3)(b)(i) is a proximate result of  
48 the person's negligent operation of the motor vehicle due to a violation of this section.

49 (4) (a) A violation of this section is a reportable violation as defined under Section  
50 53-3-102.

51 (b) Upon receiving a record of conviction under this section, the Driver License  
52 Division shall assess points against the driving record of the person convicted in accordance  
53 with Section 53-3-221.

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**Legislative Review Note**  
**as of 1-27-10 10:55 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 113 - Wireless Telephone Use Restriction for Minors in Vehicles**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill will generate \$1,200 per year in net revenue to the General Fund. The Courts will require a \$4,000 appropriation each year and will generate \$5,200 in ongoing revenue. The Department of Public Safety will require a one-time appropriation of \$5,000 from a Transportation Fund Restricted account for programming changes.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$4,000	\$4,000	\$0	\$5,200	\$5,200
Transportation Fund Restricted	\$0	\$5,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$9,000</b>	<b>\$4,000</b>	<b>\$0</b>	<b>\$5,200</b>	<b>\$5,200</b>

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**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 will be impacted through local Justice Court adjudications.

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