

1 **WIRELESS TELEPHONE USE RESTRICTIONS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lee B. Perry**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code by amending provisions relating to a person
10 younger than 18 years of age using a wireless telephone while operating a motor
11 vehicle.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ prohibits a person younger than 18 years of age from using a wireless telephone to
15 communicate with another person while operating a motor vehicle;
- 16 ▶ provides affirmative defenses to the wireless telephone prohibition;
- 17 ▶ specifies a penalty for violating the wireless telephone prohibition;
- 18 ▶ provides that a violation of the wireless telephone prohibition is not a reportable
19 violation; and
- 20 ▶ prohibits the Driver License Division from assessing points against a person's
21 driving record for being convicted of violating the wireless telephone prohibition.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 ENACTS:

28 **41-8-4**, Utah Code Annotated 1953

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

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

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

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

37 (2) It is an affirmative defense to a violation of this section that a person younger than
38 18 years of age was using a wireless telephone while operating a motor vehicle:

39 (a) during a medical emergency;

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

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

43 (d) when communicating with a parent or legal guardian.

44 (3) A person who violates this section is guilty of an infraction and shall be fined a
45 maximum of \$25.

46 (4) (a) A violation of this section is not a reportable violation.

47 (b) The Driver License Division may not assess points under Section 53-3-221 against
48 the driving record of the person who violates this section.