

Senator Stephen H. Urquhart proposes the following substitute bill:

DISTRACTED DRIVER AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending handheld wireless communication device provisions.

Highlighted Provisions:

This bill:

- ▶ amends and repeals definitions;
- ▶ amends the list of activities taking place within a vehicle during a moving traffic violation that constitute careless driving;
- ▶ amends the devices that are included as examples of a handheld wireless communication device;
- ▶ amends the exceptions to the prohibition on using a handheld wireless communication device; ~~and~~ **[and]**

▶ amends the penalties for violating the prohibition on using a handheld wireless communication device while operating a moving motor vehicle; and ~~and~~

- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **41-6a-1715**, as last amended by Laws of Utah 2010, Chapter 157

28 **41-6a-1716**, as last amended by Laws of Utah 2012, Chapter 193



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

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

32 **41-6a-1715. Careless driving defined and prohibited.**

33 (1) A person operating a motor vehicle is guilty of careless driving if the person:

34 (a) commits two or more moving traffic violations under this chapter in a series of acts
35 within a single continuous period of driving covering three miles or less in total distance; or

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

40 ~~[(i) using a wireless telephone or other electronic device unless the person is using
41 hands-free talking and listening features while operating the motor vehicle;]~~

42 ~~[(ii)] (i)~~ searching for an item in the vehicle; or

43 ~~[(iii)] (ii)~~ attending to personal hygiene or grooming.

44 (2) A violation of this section is a class C misdemeanor.

45 (3) In addition to the penalty provided under this section or any other section, a judge
46 may order the revocation of the convicted person's driver license if the violation causes or
47 results in the death of another person in accordance with Subsection **53-3-218(6)**.

48 Section 2. Section **41-6a-1716** is amended to read:

49 **41-6a-1716. Prohibition on using a handheld wireless communication device
50 while operating a moving motor vehicle -- Exceptions -- Penalties.**

51 (1) As used in this section:

52 (a) ~~[(i)]~~ "Handheld wireless communication device" means a handheld device used for
53 the transfer of information without the use of electrical conductors or wires.

54 ~~[(ii)] (b)~~ "Handheld wireless communication device" includes a:

55 ~~[(A)] (i)~~ wireless telephone;

56 ~~[(B)] personal digital assistant;~~

57 ~~[(C) pager; or]~~
 58 ~~[(D)]~~ (ii) text messaging device[-];
 59 ~~[(b) (i) "Text message" means to manually communicate in the form of electronic text~~
 60 ~~or one or more electronic images sent by the actor from a handheld wireless communication~~
 61 ~~device to another person's handheld wireless communication device or computer by addressing~~
 62 ~~the communication to the person's telephone number.]~~

63 ~~[(ii) "Text message" includes manually composing a communication in the form of~~
 64 ~~electronic text or an electronic image by the actor even if the electronic text or image has not~~
 65 ~~been sent to another person.]~~

66 (iii) laptop; or

67 (iv) any substantially similar communications device that is readily removable from the
 68 vehicle and is used to write, send, or read text or data through manual input.

69 (2) Except as provided in Subsection (3), a person may not use a handheld wireless
 70 communication device while operating a moving motor vehicle on a highway in this state to
 71 manually:

72 (a) write, send, or read a written communication, including;

73 ~~[(a)]~~ (i) a text message;

74 ~~[(b) manually communicate through an electronic mail system;]~~

75 ~~[(c) manually enter data into a handheld wireless communication device;]~~

76 ~~[(d) send data, read text, or view images on a handheld wireless communication~~
 77 ~~device; or]~~

78 ~~[(e) manipulate an application from]~~

79 (ii) an instant message; or

80 (iii) electronic mail;

81 (b) dial a phone number;

82 (c) access the Internet;

83 (d) view or record video; or

84 (e) enter data into a handheld wireless communication device.

85 (3) Subsection (2) does not prohibit a person from using a handheld wireless
 86 communication device while operating a moving motor vehicle:

87 ~~[(a) when making or receiving a telephone call;]~~

88 ~~[(b) when using a handheld wireless communication device for global positioning or~~
 89 ~~navigation services;]~~

90 (a) when using a handheld communication device for voice communication;

91 (b) to view a global positioning or navigation device or ~~§~~ → **a global positioning or**
 91a **navigation** ← ~~§~~ application;

92 (c) during a medical emergency;

93 (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;

94 (e) when reporting criminal activity or requesting assistance relating to a criminal

95 activity;

96 ~~[(f) when providing roadside or medical assistance;]~~

97 ~~[(g)]~~ (f) when used by a law enforcement officer or emergency service personnel acting

98 within the course and scope of the law enforcement officer's or emergency service personnel's

99 employment; or

100 ~~[(h)]~~ (g) to operate:

101 (i) hands-free or voice operated technology; or

102 (ii) a system that is physically or electronically integrated into the motor vehicle.

103 (4) A person convicted of a violation of this section is guilty of a:

104 (a) class C misdemeanor with a maximum fine of \$100; or

105 (b) class B misdemeanor if the person:

106 (i) has also inflicted serious bodily injury upon another as a proximate result of using a

107 handheld wireless communication device ~~§~~ → ~~[for text messaging or electronic mail communication]~~

107a **in violation of this section** ← ~~§~~

108 while operating a moving motor vehicle on a highway in this state; or

109 (ii) has a prior conviction under this section, that is within three years of:

110 (A) the current conviction under this section; or

111 (B) the commission of the offense upon which the current conviction is based.