

Representative Jacob L. Anderegg proposes the following substitute bill:

DISTRACTED DRIVER AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to using a handheld wireless communication device while operating a moving motor vehicle.

Highlighted Provisions:

This bill:

- ▶ provides and amends definitions;
- ▶ amends the list of activities taking place within a vehicle during a moving traffic violation that constitute careless driving;
- ▶ amends the prohibitions on using a handheld wireless communication device while operating a moving motor vehicle;
- ▶ amends the exceptions to the prohibition on using a handheld wireless communication device while operating a moving motor vehicle;
- ▶ amends the penalties for violating the prohibition on using a handheld wireless communication device while operating a moving motor vehicle; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-6a-1715**, as last amended by Laws of Utah 2014, Chapter 416

30 **41-6a-1716**, as last amended by Laws of Utah 2014, Chapter 416

31

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

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

34 **41-6a-1715. Careless driving defined and prohibited.**

34a **Ĥ→ (1) As used in this section, "hands-free talking and listening features":**

34b **(a) means technology that enables the use of a wireless telephone or other electronic**
 34c **device without use of either hand by employing an internal feature of, or an attachment to, the**
 34d **device; and**

34e **(b) includes technology that requires the use of either hand to activate, deactivate, or**
 34f **initiate a function of the wireless telephone or other electronic device.**

35 ~~[(†)]~~ **(2)** ~~←Ĥ~~ A person operating a motor vehicle is guilty of careless driving if the person:

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

38 (b) commits a moving traffic violation under this chapter other than a moving traffic
 39 violation under Part 6, Speed Restrictions, while being ~~Ĥ→~~ **[purposefully]** ~~←Ĥ~~ distracted by one or
 39a more

40 activities taking place within the vehicle that are not related to the operation of a motor vehicle,
 41 including:

42 ~~(i)~~ ~~Ĥ→~~ **[using] holding** ~~←Ĥ~~ a wireless telephone or other electronic device unless the
 42a person is using

43 hands-free talking and listening features while operating the motor vehicle;

44 ~~[(†)]~~ **(ii)** searching for an item in the vehicle; or

45 ~~[(†)]~~ **(iii)** attending to personal hygiene or grooming.

46 ~~Ĥ→~~ **[(2)] (3)** ~~←Ĥ~~ A violation of this section is a class C misdemeanor.

47 ~~Ĥ→~~ **[(3)] (4)** ~~←Ĥ~~ In addition to the penalty provided under this section or any other section,
 47a a judge

48 may order the revocation of the convicted person's driver license if the violation causes or
 49 results in the death of another person in accordance with Subsection **53-3-218(6)**.

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

51 **41-6a-1716. Prohibition on using a handheld wireless communication device**
 52 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

53 (1) As used in this section~~[(†)(a)]~~, "handheld wireless communication device" means a
 54 handheld, portable device used for the wireless transfer of information ~~[without the use of~~
 55 ~~electrical conductors or wires]~~ through manual or voice input.

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

57 ~~[(i) wireless telephone;]~~
58 ~~[(ii) text messaging device;]~~
59 ~~[(iii) laptop; or]~~
60 ~~[(iv) any substantially similar communication device that is readily removable from the~~
61 ~~vehicle and is used to write, send, or read text or data through manual input.]~~

62 (2) Except as provided in Subsection (3), a person may not use a handheld wireless
63 communication device while operating a moving motor vehicle on a highway in this state to
64 ~~[manually]:~~

65 ~~[(a) write, send, or read a written communication, including:]~~
66 ~~[(i) a text message;]~~
67 (a) compose, send, or view a text, video, or electronic mail message;
68 ~~[(ii) an instant message; or]~~
69 ~~[(iii) electronic mail;]~~
70 ~~[(b) dial a phone number;]~~
71 ~~[(c)] (b) access the Internet; or~~
72 ~~[(d) view or record video; or]~~
73 ~~[(e)] (c) manually enter data into a handheld wireless communication device.~~

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

76 ~~[(a) when using a handheld communication device for voice communication;]~~
77 ~~[(b) to view a global positioning or navigation device or a global positioning or~~
78 ~~navigation application;]~~

79 (a) when making or receiving a telephone call or sending or receiving a voice message;

80 (b) when using a handheld wireless communication device for global positioning or
81 navigation services;

82 (c) when using a handheld wireless communication device to listen to music, including
83 using a music application that accesses the Internet;

84 ~~[(e)] (d) during a medical emergency;~~

85 ~~[(d)] (e) when reporting a safety hazard or requesting assistance relating to a safety~~
86 ~~hazard;~~

87 ~~[(e)] (f) when reporting criminal activity or requesting assistance relating to a criminal~~

88 activity;

89 ~~[(f)]~~ (g) when used by a law enforcement officer or emergency service personnel, in
90 exigent circumstances, acting within the course and scope of the law enforcement officer's or
91 emergency service personnel's employment; or

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

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

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

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

96 (a) class C misdemeanor ~~[with a maximum fine of \$100]~~; or

97 (b) class ~~[B]~~ A misdemeanor if the person~~[-(i)]~~ has also inflicted serious bodily injury

98 upon another as a proximate result of using a handheld wireless communication device in

99 violation of this section while operating a moving motor vehicle on a highway in this state[;

100 or].

101 ~~[(ii) has a prior conviction under this section, that is within three years of:]~~

102 ~~[(A) the current conviction under this section, or]~~

103 ~~[(B) the commission of the offense upon which the current conviction is based.]~~