

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 prohibition on using a handheld wireless communication device; and
- ▶ amends the exceptions to the prohibition on using a handheld wireless communication device.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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



26 Section 1. Section **41-6a-1716** is amended to read:

27 **41-6a-1716. Prohibition on using a handheld wireless communication device**
 28 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

29 (1) As used in this section:

30 (a) ~~§~~ **→ (i) ←** "Handheld wireless communication device" means a handheld device used
 30a for the

31 transfer of information without the use of electrical conductors or wires.

32 ~~§~~ **→ [(b)] (ii) ←** "Handheld wireless communication device" includes a:

33 ~~§~~ **→ [(t)] (A) ←** wireless telephone;

34 ~~§~~ **→ [(ii)] (B) ←** text messaging device;

35 ~~§~~ **→ [(iii)] (C) ←** laptop; or

36 ~~§~~ **→ [(iv)] (D) ←** any substantially similar communication device that is readily removable
 36a from the

37 vehicle and is used to write, send, or read text or data through manual input.

37a ~~§~~ **→ (iii) "Handheld wireless communication device" does not include:**

37b **(A) an Amateur Radio or ham radio;**

37c **(B) a two-way communication commercial radio;**

37d **(C) a Citizens Band (CB) radio;**

37e **(D) a Family Radio Service (FRS); or**

37f **(E) a General Mobile Radio Service (GMRS) radio. ←**

38 ~~§~~ **→ [(e)] (d) ←** "Information" means any writing, game, recording, picture, video, or other
 38a material

39 capable of being viewed on a handheld wireless communication device.

40 (2) Except as provided in ~~[Subsection]~~ Subsections (3) and (4), a person may not ~~[use a~~
 41 ~~handheld wireless communication device while operating a moving motor vehicle on a~~
 42 ~~highway in this state to manually:]~~ manually operate or view information from a handheld
 43 wireless communication device while operating a moving motor vehicle on a highway in this
 44 state.

45 ~~[(a) write, send, or read a written communication, including:]~~

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

47 ~~[(ii) an instant message; or]~~

48 ~~[(iii) electronic mail;]~~

49 ~~[(b) dial a phone number;]~~

50 ~~[(c) access the Internet;]~~

51 ~~[(d) view or record video; or]~~

52 ~~[(e) enter data into a handheld wireless communication device.]~~

53 (3) Subsection (2) does not prohibit a person from using a handheld wireless

54 communication device ~~[while operating a moving motor vehicle]:~~

55 ~~[(a) when using a handheld communication device for voice communication;]~~

56 (a) that is specifically designed and configured for hands-free talking and listening and

57 is used in that manner while operating a moving motor vehicle;

58 (b) to view a global positioning or navigation device or a global positioning or
59 navigation application[;] while operating a moving motor vehicle; ~~§~~ → ~~or~~ ← ~~§~~

60 (c) to activate, deactivate, or initiate a voice controlled function using either hand while
61 operating a moving motor vehicle ~~§~~ → ; or

61a (d) to utilize a push to talk feature on the handheld wireless communication device
61b while operating a moving motor vehicle ← ~~§~~ .

62 (4) Subsection (2) does not prohibit a person from using a handheld wireless
63 communication device while operating a moving motor vehicle:

64 [~~e~~] (a) during a medical emergency;

65 [~~d~~] (b) when reporting a safety hazard or requesting assistance relating to a safety
66 hazard;

67 [~~e~~] (c) when reporting criminal activity or requesting assistance relating to a criminal
68 activity; or

69 [~~f~~] (d) when used by a law enforcement officer or emergency service personnel acting
70 within the course and scope of the law enforcement officer's or emergency service personnel's
71 employment[; ~~or~~].

72 [~~g~~ to operate:]

73 [~~i~~ hands-free or voice operated technology; or]

74 [~~ii~~ a system that is physically or electronically integrated into the motor vehicle.]

75 [~~4~~] (5) A person convicted of a violation of this section is guilty of a:

76 (a) class C misdemeanor with a maximum fine of ~~§~~ → [f] \$100 [h] ← ~~§~~ ~~§~~ → [~~500~~] ← ~~§~~ ; or

77 (b) class B misdemeanor if the person:

78 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
79 handheld wireless communication device in violation of this section while operating a moving
80 motor vehicle on a highway in this state; or

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

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

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