

**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

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

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

33 **41-6a-1715. Careless driving defined and prohibited.**

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

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

37 (b) commits a moving traffic violation under this chapter other than a moving traffic  
38 violation under Part 6, Speed Restrictions, while being purposefully distracted by one or more  
39 activities taking place within the vehicle that are not related to the operation of a motor vehicle,  
40 including:  
41

42 (i) using a wireless telephone or other electronic device unless the person is using  
43 hands-free talking and listening features while operating the motor vehicle;

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

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

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

47 (3) In addition to the penalty provided under this section or any other section, 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 ~~[(c)]~~ (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.]~~