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DISTRACTED DRIVER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Don L. Ipson

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill amends provisions related to the use of a handheld wireless communication device while operating a motor vehicle.

Highlighted Provisions:

This bill:

- ▶ defines terms related to the operation of handheld wireless communication devices;
- ▶ prohibits certain uses of a handheld wireless communication device while operating a motor vehicle on a roadway;
- ▶ provides limited exceptions to the prohibition on the use of a handheld wireless communication device while operating a motor vehicle on a roadway; and
- ▶ makes technical changes.

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



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

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

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

(1) As used in this section:

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

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

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

~~[(ii)]~~ (B) a text messaging device;

~~[(iii)]~~ (C) a laptop; or

~~[(iv)]~~ (D) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

(b) "Hands-free operation" means the use of a handheld wireless communication device without manual manipulation.

(c) (i) "Manual manipulation" means the use of a hand to hold or operate a handheld wireless communication device.

(ii) "Manual manipulation" does not include the use of a hand to activate or deactivate a feature or function of the handheld wireless communication device if:

(A) the manipulation is a single swipe or tap of a finger; and

(B) the handheld wireless communication device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the operator's view of the road.

(2) Except as provided in Subsection (3), ~~[a person]~~ an individual may not hold or use a handheld wireless communication device while operating a moving motor vehicle on a ~~[highway]~~ roadway in this state ~~[to manually:]~~.

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

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

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

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

59 ~~[(b) dial a phone number;]~~
60 ~~[(c) access the Internet;]~~
61 ~~[(d) view or record video; or]~~
62 ~~[(e) enter data into a handheld wireless communication device.]~~
63 (3) (a) Subsection (2) does not prohibit ~~[a person]~~ an individual from:
64 (i) hands-free operation of a wireless communication device while operating a motor
65 vehicle on a roadway; or
66 (ii) using a handheld wireless communication device while operating a [moving] motor
67 vehicle on a roadway:
68 ~~[(a) when using a handheld communication device for voice communication;]~~
69 ~~[(b) to view a global positioning or navigation device or a global positioning or~~
70 ~~navigation application;]~~
71 (A) if the motor vehicle is parked on the roadway in a manner allowed under this
72 chapter;
73 ~~[(c)]~~ (B) during a medical emergency;
74 ~~[(d)]~~ (C) when reporting a safety hazard or requesting assistance relating to a safety
75 hazard;
76 ~~[(e)]~~ (D) when reporting criminal activity or requesting assistance relating to a criminal
77 activity; or
78 ~~[(f)]~~ (E) when used by a law enforcement officer or emergency service personnel acting
79 within the course and scope of the law enforcement officer's or emergency service personnel's
80 employment[; or].
81 ~~[(g) to operate;]~~
82 ~~[(i) hands-free or voice operated technology; or]~~
83 ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
84 (b) Except as allowed under Subsection (3)(a)(ii), an individual may not use a handheld
85 wireless communication device while operating a motor vehicle on a roadway to:
86 (i) read a written communication, including:
87 (A) a text message;
88 (B) an instant message; or
89 (C) electronic mail; or

- 90 (ii) view or record video.
- 91 (4) A person convicted of a violation of this section is guilty of a:
- 92 (a) class C misdemeanor [~~with a maximum fine of \$100~~]; or
- 93 (b) class B misdemeanor if the person:
- 94 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
- 95 handheld wireless communication device in violation of this section while operating a moving
- 96 motor vehicle on a highway in this state; or
- 97 (ii) has a prior conviction under this section, that is within three years of:
- 98 (A) the current conviction under this section; or
- 99 (B) the commission of the offense upon which the current conviction is based.