



THE AMERICAN RADIO RELAY LEAGUE, INC.

Utah Section: State Government Liaison

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Position Statement: Utah H.B. 101 DISTRACTED DRIVER AMENDMENTS

House Bill 101 amends Utah Code 41-6a-1716: Provisions related to the use of a handheld wireless communication device while operating a motor vehicle. The ARRL understands that driver inattention is a leading cause of automobile accidents, and is deeply concerned about distracted drivers. We cannot support the current wording of H.B. 101, unless the bill more appropriately and narrowly define restrictions on mobile cellular telephone, mobile text messaging, and precisely targets the class of wireless device users (cell phone users) that have been clearly shown to pose a risk to the public's safetyⁱ. The language contained in H.B. 101 is both imprecise and flawed such that the bill could adversely affect the use of two-way radio in such a manner to be contrary to the public good. We assert that this bill must be amended to provide for an exemption for law enforcement and two-way radio operation under (47 CFR 97), (47 CFR 95), or (47 CFR 90); which would result in better law and improve the public welfare.

Mobile Two-Way Radio Systems have been safely utilized for over 75 years!

In a letter to ARRL dated August 24, 2009, the National Safety Council stated as follows:

"We are not aware of evidence that using amateur radios while driving has significant crash risks. We also have no evidence that using two-way radios while driving poses significant crash risks. Until such time as compelling, peer-reviewed scientific research is presented that denotes significant risks associated with the use of amateur radios, two-way radios or other communication devices, the NSC does not support legislative bans or prohibition on their use."

In 2010, The Federal Motor Carrier Safety Administration (FMCSA) banned the use of hand-held cell phones by drivers; however, the **regulations specifically exempt the use of Citizen-Band Radio**ⁱⁱ, which are regulated under 47 CFR 95.

The areas in which the current language is either flawed or over-reaching include:

- H.B. 101 definition of "Manual manipulation" would prohibit the use of standard hand-held microphones ubiquitous to the operation of mobile two-way radios under:
 - 47 CFR 97: Amateur Radio Service: providing world-wide emergency and public service communications on a volunteer, uncompensated basis.
 - 47 CFR 95: Personal Radio Services: which includes CB- radios used by commercial drivers and pilot cars
 - 47 CFR 90: Private Land Mobile Radio Services: providing for radio use by business, industry and public safety.
- H.B. 101 provides an exemption for "law enforcement officer[s] or emergency service personnel" that does not cover common two-way radio service utilized by construction, railroad, and utility providers, tow truck operators, bus drivers, non-emergency medical transport, commercial drivers / specialty haulers and their pilot cars, etc...
- H.B. 101 adversely targets two-way radio operators, who as class have an over 75 year proven record of safety; while adding little to Utah's existing law, which already prohibits texting or distracted cell phone use while driving.

Our Recommendation

- The Utah Legislature should not pass H.B. 101 as it is written today.
- The bill should be amended such to specifically exempt two-way radio usage.
- The bill should target the actual problem population of wireless users as defined in the Federal program to discourage distracted driving: MAP 21 (Public Law 112-141) as users of "personal wireless communications devices ...a device through which 'commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services' are transmitted".

ⁱ ARRL Policy Statement: Mobile Amateur Radio Operation, October 4, 2014

ⁱⁱ 75 CFR 59118: Limiting the Use of Wireless Communication Devices

ARRL Position Statement FAQ: Utah H.B. 101 DISTRACTED DRIVER AMENDMENTS

Q: How can the ARRL assert that two-way radio is safer than cell phone usage ... Don't they both involve talking through a wireless device?

A: Mobile two-way radio operators have an exceptional safety record of well over 75 years. There are no credible statistics or studies which document problems with operating two-way radios while driving; whereas, there are many studies and frightening statistics that demonstrate the danger of cellphone and text messaging while driving.

Two-way radios in vehicles typically utilize fixed mounted speakers and are operated with hand-held microphones. Unlike cellphones, speakers are not held to the face, the radios remain in the receive mode most of the time, and transmissions typically are brief and infrequent. The microphone is held only when a transmission is being made or is imminent, and otherwise is stowed in a position where the operator can reach it without removing his or her eyes from the road.

A 75+ year safety record indicates that two-way radio operators are hard-working public service-minded individuals who utilize their radio-equipped motor vehicles to communicate and assist others while they remain focused on driving safely.

Q: Why can't two-way radio operators simply use hands-free headsets?

A: Two-way radios in vehicles typically are operated with a hand-held microphone. Some radios can be configured to utilize hands-free headsets, but most existing radios cannot use such headsets. Moreover, the long-term proven safety record of two-way radios operated with hand-held microphones is far superior to the safety record of cellphones with hands-free headsets.

Two-way radio use is dissimilar from full-duplex cellular telephone communications because the operator spends little time actually transmitting, the time spent listening is more similar to, and arguably less distracting than, listening to a broadcast radio, CD or MP3 player, and there is no text messaging in normal mobile two-way radio operation.

Q: Who Needs Two Way Radios Anymore?

A: Although mobile devices such as smartphones have made their mark on the world, they simply don't measure up to every challenge. Not only are they relatively fragile, but they're also time-consuming to use. Initiating a conversation on a mobile phone involves a multi-step process—dialing up a number, waiting for an answer, launching a multi-party call, and possibly even leaving a voicemail ... Not to mention their limited coverage. Many jobs, industries, and situations demand more expedient, dependable, and professional communications including the construction and maintenance industries that are building and service our hi-ways and railroads, freight and transportation industries ensure safety and accuracy particularly in the transport of oversized and hazardous materials. Amateur Radio is ubiquitous in emergency and public service communications. Without mobile Amateur Radio, many of our community events (5Ks, marathons, bicycle races, and annual parades) simply could not happen.

Q: How do your recommendations create a better law and improve the public welfare?

A: Our recommendations provide clarity, precision, and unambiguity in targeting the documented problem population of distracted drivers who insist on using cellphones and text messaging and, as safety statistics show, are endangering others. Moreover, innocent, service-minded individuals who have safely utilized two-way radio for over 75 years are held harmless.

Q: Who is the ARRL Anyway?

A: For well over 100 years, the ARRL, (www.ARRL.org) has served as the national nonprofit association and principal advocate for the interests of the roughly 750,000 FCC-licensed Amateur Radio operators in the United States, who have obtained an FCC license through passing, one or more written examinations on regulations, operating practices, electronics theory, and safety. Amateur Radio operators provide emergency and public service communications on a volunteer, uncompensated basis. non-commercial communication service; and serve as the nation's reservoir of trained radio and electronics operators, technicians, and experts responsible for many advances in electronics and telecommunications technology over the past 100 years.



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ARRL Proposed Amendment: Utah H.B. 101 DISTRACTED DRIVER AMENDMENTS

The Utah Section of the ARRL recommends amending 2020 Utah H.B. 101 DISTRACTED DRIVER AMENDMENTS as introduced by Rep. Moss. Carol Spackman as follows:

MODIFY line 80 to:
80 employment; or [-]

INSERT language after line 80 and before line 81:

(F) when using a wireless communication device under 47 CFR 97, 47 CFR 95, or 47 CFR 90.

Specifically:

- .
- .
- .

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 [~~(e)~~] (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 [-]

(F) when using a wireless communication device under 47 CFR 97, 47 CFR 95, or 47 CFR 90.

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.~~]

