

**Effective 5/13/2014**

**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) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.
  - (b) "Handheld wireless communication device" includes a:
    - (i) wireless telephone;
    - (ii) text messaging device;
    - (iii) laptop; or
    - (iv) 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.
- (2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway 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;
  - (b) dial a phone number;
  - (c) access the Internet;
  - (d) view or record video; or
  - (e) enter data into a handheld wireless communication device.
- (3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:
  - (a) when using a handheld communication device for voice communication;
  - (b) to view a global positioning or navigation device or a global positioning or navigation application;
  - (c) during a medical emergency;
  - (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
  - (e) when reporting criminal activity or requesting assistance relating to a criminal activity;
  - (f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or
  - (g) to operate:
    - (i) hands-free or voice operated technology; or
    - (ii) a system that is physically or electronically integrated into the motor vehicle.
- (4) A person convicted of a violation of this section is guilty of a:
  - (a) class C misdemeanor with a maximum fine of \$100; or
  - (b) class B misdemeanor if the person:
    - (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or
    - (ii) has a prior conviction under this section, that is within three years of:
      - (A) the current conviction under this section; or
      - (B) the commission of the offense upon which the current conviction is based.

Amended by Chapter 416, 2014 General Session

