

Effective 5/4/2022

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

(1) As used in this section:

(a) "Wireless communication device" means:

- (i) a cellular phone;
- (ii) a portable telephone;
- (iii) a text messaging device;
- (iv) a personal digital assistant;
- (v) a stand-alone computer, including a tablet, laptop, or notebook computer;
- (vi) a global positioning receiver;
- (vii) a device used to display a video, movie, broadcast television image, or visual image; or
- (viii) a substantially similar communication device used to initiate or receive communication, information, or data.

(b) "Wireless communication device" does not include a two-way radio device described in 47 C.F.R. Part 90, 95, or 97, or a functional equivalent.

(2) Except as provided in Subsection (3), an individual may not use a wireless communication device while operating a moving motor vehicle on a highway in this state to manually:

(a)

(i) write or send a written communication, including:

- (A) a text message;
- (B) an instant message; or
- (C) electronic mail;

(ii) dial a phone number;

(iii) access the internet;

(iv) record video;

(v) take a photograph; or

(vi) enter data into a wireless communication device;

(b) read a written communication, including:

(i) a text message;

(ii) an instant message; or

(iii) electronic mail; or

(c) view a video or photograph.

(3) Subsection (2) does not prohibit an individual from using a wireless communication device while operating a moving motor vehicle:

(a) when using a wireless 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) An individual 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 individual:
 - (i) has also inflicted serious bodily injury upon another as a proximate result of using a 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 426, 2022 General Session