

Superseded 5/4/2022

76-5-207.5 Automobile homicide involving using a handheld wireless communication device while driving.

(1) As used in this section:

- (a) "Criminally negligent" means criminal negligence as defined by Subsection 76-2-103(4).
- (b) "Handheld wireless communication device" has the same meaning as defined in Section 41-6a-1716.
- (c) "Motor vehicle" means any self-propelled vehicle and includes any automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.
- (d) "Negligent" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.

(2) Criminal homicide is automobile homicide, a third degree felony, if the person operates a moving motor vehicle in a negligent manner:

- (a) while using a handheld wireless communication device in violation of Section 41-6a-1716;
and
- (b) causing the death of another person.

(3) Criminal homicide is automobile homicide, a second degree felony, if the person operates a moving motor vehicle in a criminally negligent manner:

- (a) while using a handheld wireless communication device in violation of Section 41-6a-1716;
and
- (b) causing the death of another person.