

Effective 5/3/2023

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

- (1)
 - (a) As used in this section:
 - (i) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).
 - (ii) "Motor vehicle" means any self-propelled vehicle, including an automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.
 - (iii) "Negligent" means the failure to exercise the degree of care that a reasonable and prudent person exercises under similar circumstances.
 - (iv) "Wireless communication device" means the same as that term is defined in Section 41-6a-1716.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits automobile homicide if the actor:
 - (a) operates a moving motor vehicle in a negligent manner;
 - (b) while using a wireless communication device in violation of Section 41-6a-1716; and
 - (c) causes the death of another individual.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
 - (b) A violation of Subsection (2) is a second degree felony if the actor operated the moving motor vehicle in a criminally negligent manner.

Amended by Chapter 111, 2023 General Session