

PENALTY FOR DISTRACTED DRIVING

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

This act modifies the Motor Vehicle Code to make inattentive driving an infraction with a fine. The act provides for secondary enforcement of violations, and provides exceptions to the offense.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

41-6-109.1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-109.1** is enacted to read:

41-6-109.1. Inattentive driving defined and prohibited -- Exemptions -- Penalty -- Secondary enforcement.

(1) As used in this section, "inattentive driving" means operating a motor vehicle while the attention of the driver is distracted from the duties of the safe operation of the motor vehicle by items or activities within the motor vehicle, including **h** , **BUT NOT LIMITED TO h** :

(a) using a device including a **h** [telephone] **PHONE h** , computer, or facsimile machine;

(b) attending to personal hygiene or grooming;

(c) eating, drinking, or smoking;

(d) changing articles of clothing;

(e) physically attending to a passenger; or

(f) observing a television or video display.

(2) A person may not operate a motor vehicle on a highway in a manner that constitutes inattentive driving.

(3) A person who violates Subsection (2) is guilty of an infraction and shall be fined a maximum of \$50.



28 (4) Enforcement by a state or local law enforcement officer shall be only as a secondary
29 action when the person has been detained for:

30 (a) a suspected violation of Title 41, Motor Vehicles, other than Subsection 41-6-109.1(2);

31 or

32 (b) another offense.

33 (5) A person acting within the provisions authorized under Subsection 41-6-154.20(2)(a)

34 is not a violation of Subsection (2).

Legislative Review Note
as of 11-7-01 12:11 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel