

1 **PENALTY FOR DISTRACTED DRIVING**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Kory M. Holdaway**

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

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

9 ENACTS:

10 **41-6-109.1**, Utah Code Annotated 1953

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

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

13 **41-6-109.1. Inattentive driving defined and prohibited -- Exemptions -- Penalty --**
14 **Secondary enforcement.**

15 (1) As used in this section, "inattentive driving" means operating a motor vehicle while
16 the attention of the driver is distracted from the duties of the safe operation of the motor vehicle
17 by items or activities within the motor vehicle, including:

18 (a) using a device including a telephone, computer, or facsimile machine;

19 (b) attending to personal hygiene or grooming;

20 (c) eating, drinking, or smoking;

21 (d) changing articles of clothing;

22 (e) physically attending to a passenger; or

23 (f) observing a television or video display.

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

26 (3) A person who violates Subsection (2) is guilty of an infraction and shall be fined a
27 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