

**PROHIBITING CELL PHONE USE FOR NEW
DRIVERS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending driving by minors provisions.

Highlighted Provisions:

This bill:

▶ prohibits a person younger than 17 years of age from operating a motor vehicle on a highway while using a wireless telephone with exceptions;

▶ permits a person younger than 17 years of age to use a wireless telephone:

- during a medical emergency;
- to report a safety hazard or criminal activity; or
- to request assistance related to a safety hazard or criminal activity; and

▶ provides that a violation is an infraction and that points shall be assessed against the person's driving record.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

41-8-4, Utah Code Annotated 1953



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

29 Section 1. Section **41-8-4** is enacted to read:

30 **41-8-4. Use of wireless telephones by persons under 17 in vehicle prohibited --**

31 **Exceptions -- Penalties.**

32 (1) Except as provided under Subsection (2), a person younger than 17 years of age,
33 whether a resident or nonresident of this state, may not operate a motor vehicle on a highway
34 while the person is using a wireless telephone.

35 (2) Subsection (1) does not apply to a person younger than 17 years of age using a
36 wireless telephone:

37 (a) during a medical emergency;

38 (b) to report a safety hazard or criminal activity; or

39 (c) to request assistance related to a safety hazard or criminal activity.

40 (3) A person who violates this section is guilty of an infraction.

41 (4) (a) A violation of this section is a reportable violation as defined under Section
42 53-3-102.

43 (b) Upon receiving a record of a conviction under this section, the Driver License
44 Division shall assess points against the driving record of the person convicted in accordance
45 with Section 53-3-221.

Legislative Review Note

as of 1-28-04 12:12 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0258

Prohibiting Cell Phone Use for New Drivers*05-Feb-04**11:10 AM*

State Impact

Any workload increase can be handled within existing budgets.

Individual and Business Impact

Minors charged with this infraction may have to pay fines.

Office of the Legislative Fiscal Analyst