

**REGULATING HANDS-FREE WIRELESS
TELEPHONE USE WHILE OPERATING A
MOTOR VEHICLE**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to wireless telephone use while operating a motor vehicle.

Highlighted Provisions:

This bill:

▶ prohibits a person from using a wireless telephone while operating a motor vehicle unless:

• the telephone is designed and configured for hands-free talking and listening; and

• the hands-free talking and listening features are used while operating the motor vehicle;

▶ provides exceptions to the hands-free wireless telephone use restriction;

▶ provides that it is an infraction to violate the hands-free wireless telephone use requirement;

▶ provides that a violation is a reportable violation and requires the Driver License Division to assess points against a person's driving record for being convicted of violating the hands-free wireless telephone use requirement; and

▶ makes technical changes.



Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

41-6a-1715, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **41-6a-1715** is enacted to read:**41-6a-1715. Operation of vehicle while using wireless telephone restrictions --****Exceptions -- Penalty.**(1) A person may not use a wireless telephone while operating a motor vehicle unless:(a) the telephone is specifically designed and configured to allow hands-free listening and talking; and(b) the person is using the hands-free listening and talking features while operating the motor vehicle.(2) Subsection (1) does not apply to a person using a wireless telephone while operating a motor vehicle:(a) during a medical emergency;(b) when reporting a safety hazard or requesting assistance relating to a safety hazard;(c) when reporting a criminal activity or requesting assistance relating to a criminal activity;(d) when the motor vehicle is an authorized emergency vehicle, as defined in Section 41-6a-102;(e) (i) if the wireless telephone is a two-way radio that operates by depressing a push-to-talk feature that does not require immediate proximity to the ear of the user; and(ii) the motor vehicle is a commercial motor vehicle, as defined in Section 53-3-102; or(f) on private property.(3) A person who violates a provision of this section is guilty of an infraction.(4) (a) A violation of this section is a reportable violation as defined under Section

59 53-3-102.
60 (b) Upon receiving a record of a conviction under this section, the Driver License
61 Division shall assess points against the driving record of the person convicted in accordance
62 with Section 53-3-221.

Legislative Review Note
as of 1-24-07 8:51 AM

Office of Legislative Research and General Counsel

Fiscal Note

H.B. 182 - Regulating Hands-free Wireless Telephone Use While Operating a Motor Vehicle

2007 General Session

State of Utah

State Impact

Enactment of this bill could increase state revenues from fines by \$25,600 annually beginning in FY 2008. The Courts will require an appropriation of \$22,200 ongoing General Funds beginning FY 2008 for staff to implement provisions of this bill.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$22,200	\$22,200	\$0	\$25,600	\$25,600
Total	\$0	\$22,200	\$22,200	\$0	\$25,600	\$25,600

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
