

1 **WIRELESS COMMUNICATION DEVICE USE**
2 **LIMITATIONS WHILE OPERATING A MOTOR**
3 **VEHICLE**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Paul Ray**

7 Senate Sponsor: _____

8
9 **LONG TITLE**

10 **General Description:**

11 This bill modifies the Motor Vehicles Code by amending provisions relating to the use
12 of a wireless communication device while operating a motor vehicle.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ prohibits a person from using a wireless communication device for text messaging
16 or electronic mail communication while operating a ~~H→~~ moving ~~←H~~ motor vehicle on a
16a highway in
17 this state;
- 18 ▶ prohibits a person from using a wireless communication device while operating a
19 ~~H→~~ moving ~~←H~~ motor vehicle in a reduced speed school zone or a public parking lot unless the
20 wireless communication device is designed and configured to allow for hands-free
21 talking and listening and is used in that manner;
- 22 ▶ prohibits a person younger than 18 years of age from using a wireless
23 communication device while operating a ~~H→~~ moving ~~←H~~ motor vehicle on a highway in this state;
- 24 ▶ provides exceptions to the wireless communication device prohibitions;
- 25 ▶ provides that it is an infraction for violating a wireless communication device
26 prohibition; and
- 27 ▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **41-6a-1716**, Utah Code Annotated 1953

35 **41-8-4**, Utah Code Annotated 1953



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

38 Section 1. Section **41-6a-1716** is enacted to read:

39 **41-6a-1716. Restrictions on using a wireless communication device while**
40 **operating a ~~H~~→ moving ←~~H~~ motor vehicle -- Exceptions -- Penalty.**

41 (1) As used in this section:

42 (a) "Text messaging" has the same meaning as defined in Section 76-4-401.

43 (b) (i) "Wireless communication device" means a device used for the transfer of
44 information without the use of electrical conductors or wires.

45 (ii) "Wireless communication device" includes a:

46 (A) wireless telephone;

47 (B) personal digital assistant;

48 (C) pager; or

49 (D) text messaging device.

50 (2) Except as provided in Subsection (4), a person may not use a wireless
51 communication device for text messaging or electronic mail communication while operating a
52 **~~H~~→ moving ←~~H~~ motor vehicle on a highway in this state.**

53 (3) (a) Except as provided in Subsection (4), a person may not use a wireless
54 communication device while operating a ~~H~~→ moving ←~~H~~ motor vehicle within a reduced
54a speed school zone as
55 defined in Section 41-6a-303 or in a public parking lot unless the wireless communication
56 device:

57 (i) is specifically designed and configured to allow hands-free listening and talking;
58 and

59 (ii) is used in the manner described in Subsection (3)(a).

60 (b) The use of a wireless communication device under Subsection (3)(a) includes the
61 use of a wireless communication device for text messaging or electronic mail communication.

62 (4) Subsections (2) and (3) do not prohibit a person from using a wireless
63 communication device while operating a motor vehicle:

64 (a) during a medical emergency;

65 (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;

66 (c) when reporting criminal activity or requesting assistance relating to a criminal
67 activity; or

68 (d) when used by a law enforcement officer or emergency service personnel acting
69 within the course and scope of their employment.

70 (5) A person who violates this section is guilty of an infraction.

71 Section 2. Section **41-8-4** is enacted to read:

72 **41-8-4. Definitions -- Operation of vehicle by person under 18 -- Use of wireless**
73 **communication device prohibited -- Exceptions -- Penalties.**

74 (1) As used in this section:

75 (a) "Text messaging" has the same meaning as defined in Section 76-4-401.

76 (b) "Wireless communication device" has the same meaning as defined in Section
77 41-6a-1716.

78 (2) (a) Except as provided in Subsection (3), a person younger than 18 years of age,
79 whether a resident or nonresident of this state, may not use a wireless communication device
80 while operating a ~~H~~→ **moving** ←~~H~~ motor vehicle upon a highway of this state.

81 (b) The use of a wireless communication device under Subsection (2)(a) includes the
82 use of a wireless communication device for text messaging or electronic mail communication.

83 (3) Subsection (2) does not prohibit a person younger than 18 years of age from using a
84 wireless communication device while operating a motor vehicle:

85 (a) during a medical emergency;

86 (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;

87 or

88 (c) when reporting a criminal activity or requesting assistance relating to a criminal
89 activity.

90 (4) A person who violates this section is guilty of an infraction.

91 (5) (a) A violation of this section is a reportable violation as defined in Section
92 53-3-102.

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

Legislative Review Note
as of 1-12-09 7:03 AM

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 281 - Wireless Communication Device Use Limitations While Operating
a Motor Vehicle**

2009 General Session

State of Utah

State Impact

Enactment of this bill will require \$10,000 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate \$13,800 per year in new General Fund revenue beginning in FY 2010, for a net General Fund increase of \$3,800 per year.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$10,000	\$10,000	\$0	\$13,800	\$13,800
Total	\$0	\$10,000	\$10,000	\$0	\$13,800	\$13,800

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments through Justice Courts adjudications will benefit.
