

**RESTRICTIONS ON USE OF WIRELESS  
COMMUNICATION DEVICES IN VEHICLES**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Phil Riesen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ prohibits a person from using a wireless communication device while operating a motor vehicle on a highway in this state;
- ▶ provides exceptions to the wireless communication device prohibition; and
- ▶ provides that it is a class C misdemeanor for violating the wireless communication device prohibition.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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

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

30 **41-6a-1716. Prohibition on using a wireless communication device while operating**  
31 **a motor vehicle -- Penalty.**

32 (1) As used in this section:

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

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

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

37 (A) wireless telephone;

38 (B) two-way radio;

39 (C) personal digital assistant;

40 (D) pager; or

41 (E) text messaging device.

42 (2) (a) A person may not use a wireless communication device while operating a motor  
43 vehicle on a highway in this state.

44 (b) Use of a wireless communication device under Subsection (2)(a) includes use of the  
45 wireless communication device for text messaging communication.

46 (3) Subsection (2) does not prohibit a person from using a wireless communication  
47 device while operating a motor vehicle:

48 (a) during an emergency;

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

50 or

51 (c) when reporting criminal activity or requesting assistance relating to criminal  
52 activity.

53 (4) A person who violates this section is guilty of a class C misdemeanor.

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**Legislative Review Note**  
**as of 1-8-09 2:45 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 95 - Restrictions on Use of Wireless Communication Devices in Vehicles**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will require \$20,000 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate \$27,600 per year in new General Fund revenue beginning in FY 2010, for a net General Fund increase of \$7,600 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	\$20,000	\$20,000	\$0	\$27,600	\$27,600
<b>Total</b>	<b>\$0</b>	<b>\$20,000</b>	<b>\$20,000</b>	<b>\$0</b>	<b>\$27,600</b>	<b>\$27,600</b>

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**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.