

**Representative Phil Riesen** proposes the following substitute bill:

**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 moving motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ prohibits a person from using a wireless communication device while operating a moving 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:



26 **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 moving 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" is limited to a:

37 (A) wireless telephone;

38 (B) personal digital assistant;

39 (C) pager; or

40 (D) text messaging device.

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

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

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

47 (a) during an emergency;

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

49 (c) when reporting criminal activity or requesting assistance relating to criminal  
50 activity; or

51 (d) when used by law enforcement officers or emergency service personnel in their  
52 official capacity.

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