

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: _____

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;
- ▶ provides that it is a class C misdemeanor for violating the wireless communication device prohibition; and
- ▶ provides that enforcement for a violation of the prohibition on using a wireless communication device while operating a moving motor vehicle shall only be as a secondary action when the vehicle has been detained for a suspected violation of certain offenses.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **41-6a-1716**, Utah Code Annotated 1953

31

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

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

34 **41-6a-1716. Prohibition on using a wireless communication device while operating**
35 **a moving motor vehicle -- Penalty.**

36 (1) As used in this section:

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

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

40 (ii) "Wireless communication device" is limited to a:

41 (A) wireless telephone;

42 (B) personal digital assistant;

43 (C) pager; or

44 (D) text messaging device.

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

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

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

51 (a) during an emergency;

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

53 (c) when reporting criminal activity or requesting assistance relating to criminal
54 activity;

55 (d) when used by law enforcement officers or emergency service personnel in their
56 official capacity; or

57 (e) when providing roadside or medical assistance.

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

59 (5) Enforcement of this section by a state or local law enforcement officer shall be only

60 as a secondary action when the vehicle has been detained for a suspected violation by any

61 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

Fiscal Note

**H.B. 95 2nd Sub. (Gray) - Restrictions on Use of Wireless Communication
Devices in Vehicles**
2009 General Session
State of Utah

State Impact

Enactment of this bill will require \$4,000 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate \$5,200 per year in new General Fund revenue beginning in FY 2010, for a net General Fund increase of \$1,200 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	\$4,000	\$4,000	\$0	\$5,200	\$5,200
Total	\$0	\$4,000	\$4,000	\$0	\$5,200	\$5,200

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.