

1                                   **REGULATING THE USE OF A WIRELESS**  
2                                   **COMMUNICATION DEVICE WHILE**  
3                                   **OPERATING A MOTOR VEHICLE**

4                                   2009 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: Carol Spackman Moss**

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

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8  
9   **LONG TITLE**

10 **General Description:**

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

13 **Highlighted Provisions:**

14           This bill:

- 15           ▶ provides definitions;
- 16           ▶ prohibits a person from using a wireless communication device while operating a  
17 motor vehicle unless the wireless communication device is designed and configured  
18 to allow for hands-free talking and listening and is used in that manner;
- 19           ▶ provides exceptions to the wireless communication device prohibition;
- 20           ▶ provides that it is a class C misdemeanor for violating the wireless communication  
21 device prohibition; and
- 22           ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24           None

25 **Other Special Clauses:**

26           None

27 **Utah Code Sections Affected:**



28 ENACTS:

29 **41-6a-1716**, Utah Code Annotated 1953



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

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

33 **41-6a-1716. Prohibition on using a wireless communication device while operating**  
34 **a motor vehicle -- Exceptions -- Penalty.**

35 (1) As used in this section:

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

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

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

40 (A) wireless telephone;

41 (B) personal digital assistant;

42 (C) pager; or

43 (D) text messaging device.

44 (2) (a) Except as provided in Subsection (3), a person may not use a wireless  
45 communication device while operating a motor vehicle upon a highway of this state unless the  
46 wireless communication device:

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

48 and

49 (ii) is used in the manner described in Subsection (2)(a)(i).

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

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

54 (a) during an emergency;

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

56 or

57 (c) when reporting criminal activity or requesting assistance relating to a criminal  
58 activity.

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

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**Legislative Review Note**  
as of 1-15-09 3:22 PM

**Office of Legislative Research and General Counsel**

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**Fiscal Note****H.B. 248 - Regulating the Use of a Wireless Communication Device While  
Operating a Motor Vehicle**

2009 General Session

State of Utah

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**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
<b>Total</b>	<b>\$0</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$13,800</b>	<b>\$13,800</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.

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