

1 **PROHIBITION OF WIRELESS**
2 **COMMUNICATION DEVICE USE IN A MOTOR**
3 **VEHICLE**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Stephen D. Clark**

7 Senate Sponsor: _____

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 for text messaging or electronic mail communication
13 while operating a motor vehicle.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides definitions;
- 17 ▶ prohibits a person from using a wireless communication device for text messaging
18 or electronic mail communication while operating a motor vehicle;
- 19 ▶ provides exceptions to the wireless communication device prohibition;
- 20 ▶ provides that it is an infraction for violating the wireless communication device
21 prohibition;
- 22 ▶ provides that a violation of this section is not a reportable violation and points may
23 not be assessed against a person for the violation; and
- 24 ▶ makes technical changes.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **41-6a-1716**, Utah Code Annotated 1953



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

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

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

37 (1) As used in this section:

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

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

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

42 (A) wireless telephone;

43 (B) personal digital assistant;

44 (C) pager; or

45 (D) text messaging device.

46 (2) Except as provided in Subsection (3), a person may not use a wireless
47 communication device for text messaging or electronic mail communication while operating a
48 motor vehicle upon a highway of this state.

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

51 (a) during a medical 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 a criminal
54 activity; or

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

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

58 (5) A violation of this section is not a reportable violation as defined in Section

59 53-3-102 and points may not be assessed a person for the violation.

Legislative Review Note
as of **1-29-09 4:43 PM**

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 290 - Prohibition of Wireless Communication Device Use in a Motor Vehicle**

2009 General Session

State of Utah

State Impact

Enactment of this bill will require \$2,000 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate \$2,700 per year in new General Fund revenue beginning in FY 2010, for a net General Fund increase of \$700 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	\$2,000	\$2,000	\$0	\$2,700	\$2,700
Total	\$0	\$2,000	\$2,000	\$0	\$2,700	\$2,700

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 may benefit.
