

**RESTRICTIONS ON USE OF WIRELESS  
TELEPHONES IN VEHICLES BY MINORS**

2010 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 driving by a person younger than 18 years of age.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person younger than 18 years of age from using a wireless telephone while operating a motor vehicle;
- ▶ provides exceptions to the wireless telephone prohibition;
- ▶ provides penalties for violating the wireless telephone prohibition;
- ▶ provides that a violation is a reportable violation; and
- ▶ requires the Driver License Division to assess points against a person's driving record for being convicted of violating the wireless telephone prohibition.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**41-8-4**, Utah Code Annotated 1953



28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53

---

---

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

Section 1. Section **41-8-4** is enacted to read:

**41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones prohibited -- Exceptions -- Penalty.**

(1) Except as provided in Subsection (2), a person younger than 18 years of age, whether a resident or nonresident of this state, may not use a wireless telephone while operating a motor vehicle upon a highway of this state.

(2) Subsection (1) does not prohibit a person younger than 18 years of age from using a wireless telephone while operating a motor vehicle:

(a) during a medical emergency;

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

or

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

(3) (a) Except as provided in Subsection (3)(b), a person who violates this section is guilty of an infraction.

(b) A person who violates this section is guilty of a class C misdemeanor if:

(i) the person is involved in a motor vehicle accident; and

(ii) the motor vehicle accident described in Subsection (3)(b)(i) is a proximate result of the person's negligent operation of the motor vehicle due to a violation of this section.

(4) (a) A violation of this section is a reportable violation as defined under Section 53-3-102.

(b) Upon receiving a record of conviction under this section, the Driver License Division shall assess points against the driving record of the person convicted in accordance with Section 53-3-221.

---

---

**Legislative Review Note**  
**as of 1-21-10 3:53 PM**

**Office of Legislative Research and General Counsel**

---

---

**H.B. 237 - Restrictions on Use of Wireless Telephones in Vehicles by Minors**

**Fiscal Note**

2010 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will generate \$1,200 per year in net revenue to the General Fund. The Courts will require a \$4,000 appropriation each year and will generate \$5,200 in ongoing revenue. The Department of Public Safety will require a one-time appropriation of \$5,000 from a Transportation Fund Restricted account for programming changes.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$4,000	\$4,000	\$0	\$5,200	\$5,200
Transportation Fund Restricted	\$0	\$5,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$9,000</b>	<b>\$4,000</b>	<b>\$0</b>	<b>\$5,200</b>	<b>\$5,200</b>

---

---

**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 will be impacted through local Justice Court adjudications.

---

---