

1 **WIRELESS TELEPHONE USE RESTRICTION**
2 **FOR MINORS IN VEHICLES**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ross I. Romero**

6 House Sponsor: Phil Riesen

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code by amending provisions relating to driving
11 by a person younger than 18 years of age.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ prohibits a person younger than 18 years of age from using a wireless telephone
15 while operating a motor vehicle;

16 ▶ provides exceptions to the wireless telephone prohibition;

17 ▶ provides penalties for violating the wireless telephone prohibition;

18 ▶ provides that a violation is a reportable violation; ~~§~~ [and] ~~§~~

19 ▶ ~~§~~ [—requires] prohibits ~~§~~ the Driver License Division ~~§~~ [to-assess] from
19a assessing ~~§~~ points against a person's driving

20 record for being convicted of violating the wireless telephone prohibition ~~§~~ ; and

20a ▶ provides that enforcement for a violation of the prohibition on using a wireless
20b telephone while operating a motor vehicle shall only be as a secondary action when the vehicle
20c has been detained for a suspected violation of certain offenses ~~§~~ .

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **41-8-4**, Utah Code Annotated 1953



28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **41-8-4** is enacted to read:31 **41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones**
32 **prohibited -- Exceptions -- Penalty.**33 (1) Except as provided in Subsection (2), a person younger than 18 years of age,
34 whether a resident or nonresident of this state, may not use a wireless telephone while
35 operating a motor vehicle upon a highway of this state.36 (2) Subsection (1) does not prohibit a person younger than 18 years of age from using a
37 wireless telephone while operating a motor vehicle:38 (a) during a medical emergency;39 (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;40 **§→ [or] ←§**41 (c) when reporting a criminal activity or requesting assistance relating to a criminal
42 activity **§→ ; or**42a **(d) when communicating with a parent or legal guardian** **←§** .43 (3) ~~§→ [(a) Except as provided in Subsection (3)(b), a] A ←§~~ person who violates this
43a section is
44 guilty of an infraction.45 **§→ [(b) A person who violates this section is guilty of a class C misdemeanor if:**46 **—— (i) the person is involved in a motor vehicle accident; and**47 **—— (ii) the motor vehicle accident described in Subsection (3)(b)(i) is a proximate result of**
48 **the person's negligent operation of the motor vehicle due to a violation of this section.] ←§**49 (4) (a) A violation of this section is a reportable violation as defined under Section
50 53-3-102.51 (b) Upon receiving a record of conviction under this section, the Driver License
52 Division **§→ [shall] may not ←§** assess points against the driving record of the person52a **§→ [-convicted in accordance**53 **with] who violates this section under ←§** Section 53-3-221.53a **§→ (5) Enforcement of this section by a state or local law enforcement officer shall be only as a**
53b **secondary action when the vehicle has been detained for a suspected violation by any person in**
53c **the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.** **←§**

Legislative Review Note

as of 1-27-10 10:55 AM

Office of Legislative Research and General Counsel

House Floor Amendments 3-4-2010 ^{le/sch}Senate 3rd Reading Amendments 2-26-2010 ^{rd/sch}Senate 3rd Reading Amendments 2-25-2010 ^{rd/sch}- 2 - Senate 3rd Reading Amendments 2-24-2010 ^{rd/sch}

S.B. 113 - Wireless Telephone Use Restriction for Minors in Vehicles

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
Total	\$0	\$9,000	\$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 will be impacted through local Justice Court adjudications.
