

Representative Phil Riesen proposes the following substitute bill:

WIRELESS TELEPHONE USE RESTRICTION

FOR MINORS IN VEHICLES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ross I. Romero

House Sponsor: Phil Riesen

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 affirmative defenses to the wireless telephone prohibition;

- ▶ specifies a penalty for violating the wireless telephone prohibition;

- ▶ provides that a violation is a reportable violation;

- ▶ prohibits the Driver License Division from assessing points against a person's driving record for being convicted of violating the wireless telephone prohibition;

and

- ▶ provides that enforcement for a violation of the prohibition on using a wireless telephone while operating a 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:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **41-8-4**, Utah Code Annotated 1953



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

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

35 **41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones**
36 **prohibited -- Exceptions -- Penalty.**

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

40 (2) It is an affirmative defense to a violation of this section that a person younger than
41 18 years of age was using a wireless telephone while operating a motor vehicle:

42 (a) during a medical emergency;

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

44 (c) when reporting a criminal activity or requesting assistance relating to a criminal
45 activity; or

46 (d) when communicating with a parent or legal guardian.

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

48 (4) (a) A violation of this section is a reportable violation as defined under Section
49 53-3-102.

50 (b) Upon receiving a record of conviction under this section, the Driver License
51 Division may not assess points against the driving record of the person who violates this
52 section under Section 53-3-221.

53 (5) Enforcement of this section by a state or local law enforcement officer shall be only
54 as a secondary action when the vehicle has been detained for a suspected violation by any
55 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

Fiscal Note**S.B. 113 1st Sub. (Green) - Wireless Telephone Use Restriction for Minors in Vehicles**

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.