

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

3 2012 GENERAL SESSION

4 STATE OF UTAH

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

6 House Sponsor: Lee B. Perry

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code by amending provisions relating to a
11 person younger than 18 years of age using a wireless telephone while operating a motor
12 vehicle.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ prohibits a person younger than 18 years of age from using a wireless telephone ~~§~~→ to
15a communicate with another person ←~~§~~
16 while operating a motor vehicle;
17 ▶ provides affirmative defenses to the wireless telephone prohibition;
18 ▶ specifies a penalty for violating the wireless telephone prohibition;
19 ▶ provides that a violation of the wireless telephone prohibition is not a reportable
20 violation; and
21 ▶ prohibits the Driver License Division from assessing points against a person's
22 driving record for being convicted of violating the wireless telephone prohibition.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 ENACTS:

29 **41-8-4**, Utah Code Annotated 1953

30

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

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

33 **41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones**
34 **prohibited -- Exceptions -- Penalty.**

35 (1) Except as provided in Subsection (2), a person younger than 18 years of age,
36 whether a resident or nonresident of this state, may not use a wireless telephone ~~§~~ to
36a communicate with another person ~~§~~ while
37 operating a motor vehicle upon a highway of this state.

38 (2) It is an affirmative defense to a violation of this section that a person younger than
39 18 years of age was using a wireless telephone while operating a motor vehicle:

40 (a) during a medical emergency;

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

42 (c) when reporting a criminal activity or requesting assistance relating to a criminal
43 activity; or

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

45 (3) A person who violates this section is guilty of an infraction and shall be fined a
46 maximum of \$50.

47 (4) (a) A violation of this section is not a reportable violation.

48 (b) The Driver License Division may not assess points under Section 53-3-221 against
49 the driving record of the person who violates this section.

Legislative Review Note
as of 1-9-12 3:49 PM

Office of Legislative Research and General Counsel