

## HB0063S02 compared with HB0063

~~text~~ shows text that was in HB0063 but was deleted in HB0063S02.

text shows text that was not in HB0063 but was inserted into HB0063S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jacob L. Anderegg proposes the following substitute bill:

### DISTRACTED DRIVER AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill modifies the Traffic Code by amending provisions relating to using a handheld wireless communication device while operating a moving motor vehicle.

##### Highlighted Provisions:

This bill:

- ▶ provides and amends definitions;
- ~~amends the list of activities taking place within a vehicle during a moving traffic violation that constitute careless driving;~~
- ~~amends the devices that are included as examples of a handheld wireless communication device;~~
- ▶ amends the ~~exceptions to the~~ prohibition on using a handheld wireless communication device; and



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~~Section 2. Section 41-6a-1716 is amended to read:~~

~~†~~ **41-6a-1716. Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.**

(1) As used in this section:

(a) ~~{(i)}~~ "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.

~~{(b)}~~ ~~{(ii)}~~ "Handheld wireless communication device" includes a:

~~{(i)}~~ ~~{(A)}~~ wireless telephone;

~~{(B)}~~ ~~personal digital assistant;~~

~~{(C)}~~ ~~pager; or~~

~~{(ii)}~~ ~~{(D)}~~ text messaging device ~~{(i)}~~; ~~{(j)}~~

~~{(iii)}~~ laptop; or ~~{(k)}~~

~~{(iv)}~~ any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input. ~~{(l)}~~

~~{(b)}~~ (i) ~~"Text message" means to manually communicate in the form of electronic text or one or more electronic images sent by the actor from~~ c) "Information" means any writing, game, recording, picture, video, or other material capable of being viewed on a handheld wireless communication device ~~{ to another person's handheld wireless communication device or computer by addressing the communication to the person's telephone number.~~

~~{(ii)}~~ ~~"Text message" includes manually composing a communication in the form of electronic text or an electronic image by the actor even if the electronic text or image has not been sent to another person~~.

(2) Except as provided in ~~[Subsection]~~ Subsections (3) and (4), a person may not ~~[use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to~~ manually operate or view information from a handheld wireless communication device while operating a moving motor vehicle on a highway in this state.

~~[(a) write, send, or read a written communication, including:]~~

~~[(i) a~~ ~~{(a)}~~ ~~text message;~~

~~[(ii) an instant message; or]~~

~~[(iii) electronic mail;]~~

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~~[(b) dial a phone number;]~~

~~[(c) access the Internet;]~~

~~[(d) view or record video; or]~~

~~[(e) enter data into a handheld wireless communication device.]~~

~~{ (b) manually communicate through an electronic mail system;~~

~~(c) manually enter data into a handheld wireless communication device;~~

~~(d) send data, read text, or view images on a handheld wireless communication device;~~

~~or~~

~~(e) manipulate an application from a handheld wireless communication device.~~

~~‡~~ (3) Subsection (2) does not prohibit a person from using a handheld wireless communication device ~~[while operating a moving motor vehicle]:~~

~~[(a) when using a handheld communication device for voice communication;]~~

~~‡‡(a) that is specifically designed and configured for hands-free talking and listening and is used in that manner while operating a moving motor vehicle;~~

~~(b) to view a global positioning or navigation device or a global positioning or navigation application~~{;}~~~~

~~(a) when making or receiving a telephone call;~~

~~(b) when~~{;}~~ while operating a moving motor vehicle; or~~

~~(c) to activate, deactivate, or initiate a voice controlled function using either hand while operating a moving motor vehicle.~~

~~(4) Subsection (2) does not prohibit a person from using a handheld wireless communication device ~~{for global positioning or navigation services;}~~ while operating a moving motor vehicle;~~

~~[(~~e~~)(a) during a medical emergency;~~

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

~~[(~~e~~)(c) when reporting criminal activity or requesting assistance relating to a criminal activity;~~{~~~~

~~~~{~~ ~~[(f) when providing roadside } or { medical assistance; }~~}~~~~~~

~~[(~~f~~)(~~f~~)~~d~~ when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service~~

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personnel's employment~~;~~ ~~or~~.

~~[(g) (h)] to operate;~~

~~[(i) hands-free or voice-operated technology; or]~~

~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~

~~[(4)] (5) A person convicted of a violation of this section is guilty of a:~~

(a) class C misdemeanor ~~(f)~~ with a maximum fine of ~~[\$100]~~ \$500; or

(b) class B misdemeanor if the person:

(i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device ~~{for text messaging or electronic mail communication }~~ in violation of this section while operating a moving motor vehicle on a highway in this state; or

(ii) has a prior conviction under this section, that is within three years of:

(A) the current conviction under this section; or

(B) the commission of the offense upon which the current conviction is based.

~~†~~

### Legislative Review Note

~~as of 12-11-14 3:50 PM~~

~~Office of Legislative Research and General Counsel}~~