

- 59 (4) Subsection (2) does not prohibit a person from using a handheld wireless
 60 communication device while operating a moving motor vehicle:
- 61 ~~[(e)]~~ (a) during a medical emergency;
- 62 ~~[(d)]~~ (b) when reporting a safety hazard or requesting assistance relating to a safety
 63 hazard;
- 64 ~~[(e)]~~ (c) when reporting criminal activity or requesting assistance relating to a criminal
 65 activity; or
- 66 ~~[(f)]~~ (d) when used by a law enforcement officer or emergency service personnel acting
 67 within the course and scope of the law enforcement officer's or emergency service personnel's
 68 employment~~[-or]~~.
- 69 ~~[(g) to operate:]~~
- 70 ~~[(i) hands-free or voice operated technology; or]~~
- 71 ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
- 72 ~~[(4)]~~ (5) A person convicted of a violation of this section is guilty of a:
- 73 (a) class C misdemeanor ~~§~~→ [f] with a maximum fine of [f]←~~§~~ [\$100] ~~§~~→ \$500 ←~~§~~ ; or
- 74 (b) class B misdemeanor if the person:
- 75 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
 76 handheld wireless communication device in violation of this section while operating a moving
 77 motor vehicle on a highway in this state; or
- 78 (ii) has a prior conviction under this section, that is within three years of:
- 79 (A) the current conviction under this section; or
- 80 (B) the commission of the offense upon which the current conviction is based.

Legislative Review Note
 as of 2-5-15 1:44 PM

Office of Legislative Research and General Counsel