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DISTRACTED DRIVER AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill prohibits the use of a handheld mobile device while operating a motor vehicle without the use of hands-free technology.

Highlighted Provisions:

This bill:

- ▶ prohibits the use of a handheld mobile device while operating a moving motor vehicle unless the person uses hands-free technology; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1716, as last amended by Laws of Utah 2014, Chapter 416

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

Section 1. 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.



28 (1) As used in this section:

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

31 ~~[(b)]~~ (ii) "Handheld wireless communication device" includes [a]:

32 ~~[(i)]~~ (A) a wireless telephone;

33 ~~[(ii)]~~ (B) a text messaging device;

34 ~~[(iii)]~~ (C) a laptop; or

35 ~~[(iv)]~~ (D) any substantially similar communication device that is readily removable
36 from the vehicle and is used to write, send, or read text or data through manual input.

37 (b) "Hands-free technology" means technology that allows the use of a handheld
38 wireless communication device without manual manipulation, including a system physically or
39 electronically integrated into the motor vehicle.

40 (2) ~~[Except as provided in Subsection (3);]~~ Unless using hands-free technology, a
41 person may not use a handheld wireless communication device while operating a moving
42 motor vehicle on a highway in this state to ~~[manually]~~:

43 (a) place or receive a voice communication;

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

45 (i) a text message;

46 (ii) an instant message; or

47 (iii) electronic mail;

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

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

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

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

52 (3) Subsection (2) does not prohibit a person from using a handheld wireless
53 communication device while operating a moving motor vehicle:

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

55 ~~[(b)]~~ (a) to view a global positioning or navigation device or a global positioning or
56 navigation application;

57 ~~[(c)]~~ (b) during a medical emergency;

58 ~~[(d)]~~ (c) when reporting a safety hazard or requesting assistance relating to a safety

- 59 hazard;
- 60 ~~[(e)]~~ (d) when reporting criminal activity or requesting assistance relating to a criminal
- 61 activity;
- 62 ~~[(f)]~~ (e) when used by a law enforcement officer or emergency service personnel acting
- 63 within the course and scope of the law enforcement officer's or emergency service personnel's
- 64 employment; or
- 65 ~~[(g)]~~ (f) to operate:
- 66 (i) hands-free or voice operated technology; or
- 67 (ii) a system that is physically or electronically integrated into the motor vehicle.
- 68 (4) A person convicted of a violation of this section is guilty of a:
- 69 (a) class C misdemeanor with a maximum fine of \$100; or
- 70 (b) class B misdemeanor if the person:
- 71 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
- 72 handheld wireless communication device in violation of this section while operating a moving
- 73 motor vehicle on a highway in this state; or
- 74 (ii) has a prior conviction under this section, that is within three years of:
- 75 (A) the current conviction under this section; or
- 76 (B) the commission of the offense upon which the current conviction is based.