

**HANDHELD WIRELESS COMMUNICATION DEVICE**

**AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dixon M. Pitcher**

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

---

---

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ prohibits a person from using a handheld wireless communication device while operating a moving motor vehicle in a reduced speed school zone unless the person is using hands-free technology; and
- ▶ makes technical and conforming 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

---

---



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

29 Section 1. Section **41-6a-1716** is amended to read:

30 **41-6a-1716. Prohibition on using a handheld wireless communication device**  
31 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

32 (1) As used in this section:

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

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

36 ~~(i)~~ (A) a wireless telephone;

37 ~~(ii)~~ (B) a text messaging device;

38 ~~(iii)~~ (C) a laptop; or

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

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

44 (2) Except as provided in ~~[Subsection]~~ Subsections (3) and (4), a person may not use a  
45 handheld wireless communication device while operating a moving motor vehicle on a  
46 highway in this state to manually:

47 (a) write, send, or read a written communication, including:

48 (i) a text message;

49 (ii) an instant message; or

50 (iii) electronic mail;

51 (b) dial a phone number;

52 (c) access the Internet;

53 (d) view or record video; or

54 (e) enter data into a handheld wireless communication device.

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

57 (a) when using a handheld communication device for voice communication;

58 (b) to view a global positioning or navigation device or a global positioning or

- 59 navigation application;
- 60 (c) during a medical emergency;
- 61 (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
- 62 (e) when reporting criminal activity or requesting assistance relating to a criminal
- 63 activity;
- 64 (f) when used by a law enforcement officer or emergency service personnel acting
- 65 within the course and scope of the law enforcement officer's or emergency service personnel's
- 66 employment; or
- 67 (g) to operate~~[-(i)]~~ hands-free ~~[or voice operated]~~ technology~~[-or]~~.
- 68 ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
- 69 (4) Notwithstanding Subsections (2) and (3), a person may not use a handheld wireless
- 70 communication device while operating a moving motor vehicle in a reduced speed school zone
- 71 as defined in Section [41-6a-303](#) unless the person is using hands-free technology.
- 72 ~~[(4)]~~ (5) A person convicted of a violation of this section is guilty of a:
- 73 (a) class C misdemeanor with a maximum fine of \$100; 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**  
**Office of Legislative Research and General Counsel**