

Representative Adam Robertson proposes the following substitute bill:

DISTRACTED DRIVER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill adds the use of a handheld wireless communication device for voice communication while operating a motor vehicle to other prohibited uses.

Highlighted Provisions:

This bill:

- ▶ adds the use of a handheld wireless communication device for voice communication while operating a motor vehicle to other prohibited uses; 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:



26 **41-6a-1716. Prohibition on using a handheld wireless communication device**
27 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

28 (1) As used in this section:

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

31 (b) "Handheld wireless communication device" includes a:

32 (i) wireless telephone;

33 (ii) text messaging device;

34 (iii) laptop; or

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

37 (2) Except as provided in Subsection (3), a person may not use a handheld wireless
38 communication device while operating a moving motor vehicle on a highway in this state to
39 ~~manually~~:

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

41 (i) a text message;

42 (ii) an instant message; or

43 (iii) electronic mail;

44 (b) dial a phone number;

45 (c) access the Internet;

46 (d) view or record video; ~~or~~

47 (e) enter data into a handheld wireless communication device~~[-]; or~~

48 (f) place or receive a voice communication.

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

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

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

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

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

57 ~~[(e)]~~ (d) when reporting criminal activity or requesting assistance relating to a criminal
58 activity; or

59 ~~[(f)]~~ (e) when used by a law enforcement officer or emergency service personnel acting
60 within the course and scope of the law enforcement officer's or emergency service personnel's
61 employment~~[-or]~~.

62 ~~[(g) to operate:]~~

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

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

65 (4) A person convicted of a violation of this section is guilty of a:

66 (a) class C misdemeanor with a maximum fine of \$100; or

67 (b) class B misdemeanor if the person:

68 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
69 handheld wireless communication device in violation of this section while operating a moving
70 motor vehicle on a highway in this state; or

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

72 (A) the current conviction under this section; or

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