

## HB0013S01 compared with HB0013

~~{deleted text}~~ shows text that was in HB0013 but was deleted in HB0013S01.

Inserted text shows text that was not in HB0013 but was inserted into HB0013S01.

**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 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

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#### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~}General Description:~~

This bill ~~{amends provisions related to}~~ 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:

- ▶ ~~{defines terms related to the operation of handheld wireless communication devices;~~

~~\_\_\_\_\_▶ prohibits certain uses of a handheld wireless communication device while operating a motor vehicle on a roadway;~~

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~~provides limited exceptions to the prohibition on~~ adds the use of a handheld wireless communication device for voice communication while operating a motor vehicle ~~on a roadway~~ 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

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*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.**

(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) a~~ wireless telephone;

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

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

~~(iv)~~ ~~(D)~~ 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.

~~(b) "Hands-free operation" means the use of a handheld wireless communication device without manual manipulation.~~

~~(c) (i) "Manual manipulation" means the use of a hand to hold or operate a handheld wireless communication device.~~

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~~(ii) "Manual manipulation" does not include the use of a hand to activate or deactivate a feature or function of the handheld wireless communication device if:~~

~~(A) the manipulation is a single swipe or tap of a finger; and~~

~~(B) the handheld wireless communication device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the operator's view of the road.~~

‡ (2) Except as provided in Subsection (3), ~~{}~~a person~~{}~~ ~~{}~~an individual~~{}~~ may not ~~{}~~hold or~~{}~~ use a handheld wireless communication device while operating a moving motor vehicle on a ~~{}~~highway~~{}~~ ~~{}~~roadway~~{}~~ in this state ~~{}~~to ~~{}~~manually~~{}~~ ~~{}~~;~~{}~~

~~{}~~(a) write, send, or read a written communication, including:~~{}~~

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

~~{}~~(ii) an instant message; or~~{}~~

~~{}~~(iii) electronic mail;~~{}~~

~~{}~~(b) dial a phone number;~~{}~~

~~{}~~(c) access the Internet;~~{}~~

~~{}~~(d) view or record video; ~~{}~~or~~{}~~

~~{}~~(e) enter data into a handheld wireless communication device~~{}~~ ~~{}~~; or~~{}~~

~~{}~~(f) place or receive a voice communication.

(3)~~{}~~ ~~{}~~(a)~~{}~~ Subsection (2) does not prohibit ~~{}~~a person~~{}~~ ~~{}~~an individual~~{}~~ from~~{}~~

~~(i) hands-free operation of a wireless communication device while operating a motor vehicle on a roadway; or~~

~~(ii) using a handheld wireless communication device while operating a moving motor vehicle on a roadway;~~

~~{}~~(a) when using a handheld communication device for voice communication;

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

~~(A) if the motor vehicle is parked on the roadway in a manner allowed under this chapter;~~

~~{}~~(c) ~~{}~~(B)

~~{}~~(c) ~~{}~~(b) during a medical emergency;

~~{}~~(d) ~~{}~~(c) when reporting a safety hazard or requesting assistance relating to a safety

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hazard;

~~[(c)]~~ ~~(~~f~~~~D~~)~~d) when reporting criminal activity or requesting assistance relating to a criminal activity; or

~~[(f)]~~ ~~(~~f~~~~E~~)~~e) 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 personnel's employment~~[; or]~~.

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

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

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

~~{~~ ~~(b) Except as allowed under Subsection (3)(a)(ii), an individual may not use a handheld wireless communication device while operating a motor vehicle on a roadway to:~~

~~\_\_\_\_\_ (i) read a written communication, including:~~

~~\_\_\_\_\_ (A) a text message;~~

~~\_\_\_\_\_ (B) an instant message; or~~

~~\_\_\_\_\_ (C) electronic mail; or~~

~~\_\_\_\_\_ (ii) view or record video.~~

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

(a) class C misdemeanor ~~{f}~~with a maximum fine of \$100~~{f}~~; 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 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.