

MOTOR VEHICLE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Mike Winder

LONG TITLE

General Description:

This bill amends the definition of "handheld wireless communication device" to exclude certain two-way radio devices as related to the use of such a device while operating a motor vehicle.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "handheld wireless communication device" to exclude certain two-way radio devices as related to the use of such a device while operating a motor vehicle.

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.

(1) As used in this section:

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

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

33 (i) wireless telephone;

34 (ii) text messaging device;

35 (iii) laptop; or

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

38 (c) "Handheld wireless communication device" does not include a two-way radio
39 device described in 47 C.F.R. Part 90, 95, or 97.

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

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

44 (i) a text message;

45 (ii) an instant message; or

46 (iii) electronic mail;

47 (b) dial a phone number;

48 (c) access the Internet;

49 (d) view or record video; or

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

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

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

54 (b) to view a global positioning or navigation device or a global positioning or
55 navigation application;

56 (c) during a medical emergency;

57 (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;

58 (e) when reporting criminal activity or requesting assistance relating to a criminal
59 activity;

60 (f) when used by a law enforcement officer or emergency service personnel acting
61 within the course and scope of the law enforcement officer's or emergency service personnel's
62 employment; or

63 (g) to operate:

64 (i) hands-free or voice operated technology; or

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

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

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

68 (b) class B misdemeanor if the person:

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

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

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

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