

DISTRACTED DRIVER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill amends provisions related to the use of a handheld wireless communication device while operating a motor vehicle.

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;
- ▶ provides limited exceptions to the prohibition on the use of a handheld wireless communication device while operating a motor vehicle on a roadway;
- ▶ amends penalties for a violation; 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.

(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.

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

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

(c) "Manual manipulation" means the act of manually manipulating.

(d) (i) "Manually manipulate" means to use a hand to hold or operate a handheld wireless communication device.

(ii) "Manually manipulate" does not mean to use a hand to activate or deactivate a feature or function of a 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 ~~[use]~~ manually manipulate 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;]~~

59 ~~[(ii) an instant message; or]~~

60 ~~[(iii) electronic mail;]~~

61 ~~[(b) dial a phone number;]~~

62 ~~[(c) access the Internet;]~~

63 ~~[(d) view or record video; or]~~

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

65 (3) (a) Subsection (2) does not prohibit ~~[a person]~~ an individual from:

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

68 (ii) using a handheld wireless communication device while operating a [moving] motor
69 vehicle on a roadway:

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

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

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

75 ~~[(e)]~~ (B) during a medical emergency;

76 ~~[(d)]~~ (C) when reporting a safety hazard or requesting assistance relating to a safety
77 hazard;

78 ~~[(e)]~~ (D) when reporting criminal activity or requesting assistance relating to a criminal
79 activity; or

80 ~~[(f)]~~ (E) when used by a law enforcement officer or emergency service personnel acting
81 within the course and scope of the law enforcement officer's or emergency service personnel's
82 employment~~[-or]~~.

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

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

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

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

88 (i) read a written communication, including:

89 (A) a text message;

90 (B) an instant message; or

91 (C) electronic mail; or

92 (ii) view or record video.

93 (4) A person convicted of a violation of this section is guilty of [a]:

94 [~~(a) class C misdemeanor with a maximum fine of \$100; or~~]

95 (a) an infraction; or

96 (b) a class B misdemeanor if the person[~~:(i)~~] has also inflicted serious bodily injury
97 upon another as a proximate result of using a handheld wireless communication device in
98 violation of this section while operating a moving motor vehicle on a highway in this state[;
99 ~~or~~].

100 [~~(ii) has a prior conviction under this section, that is within three years of:~~]

101 [~~(A) the current conviction under this section; or~~]

102 [~~(B) the commission of the offense upon which the current conviction is based.~~]