

**DISTRACTED DRIVER AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides and amends definitions;
- ▶ amends the list of activities taking place within a vehicle during a moving traffic violation that constitute careless driving;
- ▶ amends the devices that are included as examples of a handheld wireless communication device;
- ▶ amends the exceptions to the prohibition on using a handheld wireless communication device;
- ▶ amends the penalties for violating the prohibition on using a handheld wireless communication device while operating a moving motor vehicle; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **41-6a-1715**, as last amended by Laws of Utah 2014, Chapter 416

30 **41-6a-1716**, as last amended by Laws of Utah 2014, Chapter 416

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

33 Section 1. Section **41-6a-1715** is amended to read:

34 **41-6a-1715. Careless driving defined and prohibited.**

35 (1) A person operating a motor vehicle is guilty of careless driving if the person:

36 (a) commits two or more moving traffic violations under this chapter in a series of acts  
37 within a single continuous period of driving covering three miles or less in total distance; or

38 (b) commits a moving traffic violation under this chapter other than a moving traffic  
39 violation under Part 6, Speed Restrictions, while being distracted by one or more activities  
40 taking place within the vehicle that are not related to the operation of a motor vehicle,  
41 including:

42 (i) using a wireless telephone or other electronic device unless the person is using  
43 hands-free talking and listening features while operating the motor vehicle;

44 ~~[(i)]~~ (ii) searching for an item in the vehicle; or

45 ~~[(ii)]~~ (iii) attending to personal hygiene or grooming.

46 (2) A violation of this section is a class C misdemeanor.

47 (3) In addition to the penalty provided under this section or any other section, a judge  
48 may order the revocation of the convicted person's driver license if the violation causes or  
49 results in the death of another person in accordance with Subsection **53-3-218(6)**.

50 Section 2. Section **41-6a-1716** is amended to read:

51 **41-6a-1716. Prohibition on using a handheld wireless communication device**  
52 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

53 (1) As used in this section:

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

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

57 ~~[(i)]~~ (A) wireless telephone;

58 (B) personal digital assistant;

59 (C) pager; or  
60 ~~[(ii)] (D) text messaging device[;].~~  
61 ~~[(iii)] laptop; or]~~  
62 ~~[(iv)] any substantially similar communication device that is readily removable from the~~  
63 ~~vehicle and is used to write, send, or read text or data through manual input.]~~

64 (b) (i) "Text message" means to manually communicate in the form of electronic text  
65 or one or more electronic images sent by the actor from a handheld wireless communication  
66 device to another person's handheld wireless communication device or computer by addressing  
67 the communication to the person's telephone number.

68 (ii) "Text message" includes manually composing a communication in the form of  
69 electronic text or an electronic image by the actor even if the electronic text or image has not  
70 been sent to another person.

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

74 ~~[(a) write, send, or read a written communication, including:]~~

75 ~~[(i) a] (a) text message;~~

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

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

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

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

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

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

82 (b) manually communicate through an electronic mail system;

83 (c) manually enter data into a handheld wireless communication device;

84 (d) send data, read text, or view images on a handheld wireless communication device;

85 or

86 (e) manipulate an application from a handheld wireless communication device.

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

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

- 90           ~~[(b) to view a global positioning or navigation device or a global positioning or~~  
91 ~~navigation application;]~~
- 92           (a) when making or receiving a telephone call;
- 93           (b) when using a handheld wireless communication device for global positioning or  
94 navigation services;
- 95           (c) during a medical emergency;
- 96           (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
- 97           (e) when reporting criminal activity or requesting assistance relating to a criminal  
98 activity;
- 99           (f) when providing roadside or medical assistance;
- 100           ~~[(f)]~~ (g) when used by a law enforcement officer or emergency service personnel acting  
101 within the course and scope of the law enforcement officer's or emergency service personnel's  
102 employment; or
- 103           ~~[(g)]~~ (h) to operate:
- 104           (i) hands-free or voice operated technology; or
- 105           (ii) a system that is physically or electronically integrated into the motor vehicle.
- 106           (4) A person convicted of a violation of this section is guilty of a:
- 107           (a) class C misdemeanor ~~[with a maximum fine of \$100]~~; or
- 108           (b) class B misdemeanor if the person:
- 109           (i) has also inflicted serious bodily injury upon another as a proximate result of using a  
110 handheld wireless communication device for text messaging or electronic mail communication  
111 in violation of this section while operating a moving motor vehicle on a highway in this state;  
112 or
- 113           (ii) has a prior conviction under this section, that is within three years of:
- 114           (A) the current conviction under this section; or
- 115           (B) the commission of the offense upon which the current conviction is based.

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**Legislative Review Note**  
**as of 12-11-14 3:50 PM**

**Office of Legislative Research and General Counsel**