

DISTRACTED DRIVING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol S. Moss

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms related to the use of a wireless communication device;
- ▶ prohibits certain uses of a wireless communication device while operating a motor vehicle on a roadway;
- ▶ provides limited exceptions to the prohibition on the use of a 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 2022, Chapter 426



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

29 Section 1. Section **41-6a-1716** is amended to read:

30 **41-6a-1716. Prohibition on using a wireless communication device while**
31 **operating a motor vehicle -- Exceptions -- Penalties.**

32 (1) As used in this section:

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

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

36 (c) (i) "Manually manipulate" means to use a hand to hold or operate a wireless
37 communication device.

38 (ii) "Manually manipulate" does not mean to use a hand to activate or deactivate a
39 feature or function of a wireless communication device if:

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

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

43 (d) "Wireless communication device" means:

44 (i) a cellular phone;

45 (ii) a portable telephone;

46 (iii) a text messaging device;

47 (iv) a personal digital assistant;

48 (v) a stand-alone computer, including a tablet, laptop, or notebook computer;

49 (vi) a global positioning receiver;

50 (vii) a device used to display a video, movie, broadcast television image, or visual
51 image; or

52 (viii) a substantially similar communication device used to initiate or receive
53 communication, information, or data.

54 ~~(b)~~ (e) "Wireless communication device" does not include a two-way radio device
55 described in 47 C.F.R. Part 90, 95, or 97, or a functional equivalent.

56 (2) Except as provided in Subsection (3), an individual may not ~~use~~ manually
57 manipulate a wireless communication device while operating a moving motor vehicle on a
58 ~~highway~~ roadway in this state ~~[to manually]~~.

- 59 ~~[(a) (i) write or send a written communication, including:]~~
60 ~~[(A) a text message;]~~
61 ~~[(B) an instant message; or]~~
62 ~~[(C) electronic mail;]~~
63 ~~[(ii) dial a phone number;]~~
64 ~~[(iii) access the internet;]~~
65 ~~[(iv) record video;]~~
66 ~~[(v) take a photograph; or]~~
67 ~~[(vi) enter data into a wireless communication device;]~~
68 ~~[(b) read a written communication, including:]~~
69 ~~[(i) a text message;]~~
70 ~~[(ii) an instant message; or]~~
71 ~~[(iii) electronic mail; or]~~
72 ~~[(c) view a video or photograph.]~~
73 (3) (a) Subsection (2) does not prohibit an individual from:
74 (i) hands-free operation of a wireless communication device while operating a motor
75 vehicle on a roadway;
76 (ii) using a wireless communication device while operating a [moving] motor vehicle
77 on a roadway;
78 ~~[(a) when using a wireless communication device for voice communication;]~~
79 ~~[(b) to view a global positioning or navigation device or a global positioning or~~
80 ~~navigation application;]~~
81 (A) if the motor vehicle is parked on the roadway in a manner allowed under this
82 chapter;
83 ~~[(e)]~~ (B) during a medical emergency;
84 ~~[(d)]~~ (C) when reporting a safety hazard or requesting assistance relating to a safety
85 hazard;
86 ~~[(e)]~~ (D) when reporting criminal activity or requesting assistance relating to a criminal
87 activity; or
88 ~~[(f)]~~ (E) when used by a law enforcement officer or emergency service personnel acting
89 within the course and scope of the law enforcement officer's or emergency service personnel's

90 employment~~;~~~~or~~].
91 ~~[(g) to operate:]~~
92 ~~[(i) hands-free or voice operated technology; or]~~
93 ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
94 (b) Except as allowed under Subsection (3)(a)(ii), an individual may not use a wireless
95 communication device while operating a motor vehicle on a roadway to:
96 (i) read a written communication, including:
97 (A) a text message;
98 (B) an instant message; or
99 (C) electronic mail; or
100 (ii) view or record video.
101 (4) An individual convicted of a violation of this section is guilty of [a]:
102 ~~[(a) class C misdemeanor with a maximum fine of \$100; or]~~
103 (a) an infraction; or
104 (b) a class B misdemeanor if the individual~~;~~~~(i)~~ has also inflicted serious bodily injury
105 upon another as a proximate result of using a wireless communication device in violation of
106 this section while operating a moving motor vehicle on a highway in this state~~;~~~~or~~].
107 ~~[(ii) has a prior conviction under this section, that is within three years of:]~~
108 ~~[(A) the current conviction under this section; or]~~
109 ~~[(B) the commission of the offense upon which the current conviction is based.]~~