

1 **WIRELESS TELEPHONE USE RESTRICTION FOR MINORS**
2 **IN VEHICLES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ross I. Romero**

6 House Sponsor: Wayne A. Harper

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Motor Vehicles Code by amending provisions relating to a person
11 younger than 18 years of age using a wireless telephone while operating a motor
12 vehicle.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ prohibits a person younger than 18 years of age from using a wireless telephone
- 16 while operating a motor vehicle;
- 17 ▶ provides affirmative defenses to the wireless telephone prohibition;
- 18 ▶ specifies a penalty for violating the wireless telephone prohibition; ~~§~~→ [and]
- 18a ▶ **provides that a violation of the wireless telephone prohibition is not a reportable**
- 18b **violation; and**

19 ▶ ~~←~~§ prohibits the Driver License Division from assessing points against a person's
20 driving record for being convicted of violating the wireless telephone prohibition.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **41-8-4**, Utah Code Annotated 1953



28

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

30 Section 1. Section **41-8-4** is enacted to read:

31 **41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones**

32 **prohibited -- Exceptions -- Penalty.**

33 (1) Except as provided in Subsection (2), a person younger than 18 years of age,

34 whether a resident or nonresident of this state, may not use a wireless telephone while

35 operating a motor vehicle upon a highway of this state.

36 (2) It is an affirmative defense to a violation of this section that a person younger than

37 18 years of age was using a wireless telephone while operating a motor vehicle:

38 (a) during a medical emergency;

39 (b) when reporting a safety hazard or requesting assistance relating to a safety hazard;

40 (c) when reporting a criminal activity or requesting assistance relating to a criminal

41 activity; or

42 (d) when communicating with a parent or legal guardian.

43 (3) A person who violates this section is guilty of an infraction and shall be fined a

44 maximum of \$50.

45 (4) ~~§~~ ~~→~~ ~~[Upon receiving a record of conviction under this section,]~~ ~~A violation of this section~~

45a is not a reportable violation and ~~←~~ ~~§~~ the Driver License

46 Division may not assess points against the driving record of the person who violates this

47 section under Section 53-3-221.

Legislative Review Note
as of 1-25-11 12:37 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 45

SHORT TITLE: Wireless Telephone Use Restriction for Minors in Vehicles

SPONSOR: Romero, R.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$4,000 from the General Fund ongoing beginning in FY 2012. The bill will generate \$5,200 in ongoing revenue to the General Fund. Enactment of the bill will cost the Department of Public Safety \$4,000 from the Public Safety Restricted Account one-time in FY 2012 for programming changes.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$5,200	\$5,200
Total Revenue	\$0	\$5,200	\$5,200
Expenditure:			
General Fund	\$0	\$4,000	\$4,000
Transportation Fund Restricted	\$0	\$5,000	\$0
Total Expenditure	\$0	\$9,000	\$4,000
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$3,800)	\$1,200
Net Impact, General/Education Funds	\$0	\$1,200	\$1,200

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.