

**DISTRACTED DRIVER AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending handheld wireless communication device provisions.

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-1715**, as last amended by Laws of Utah 2010, Chapter 157

**41-6a-1716**, as last amended by Laws of Utah 2012, Chapter 193



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

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

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

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

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

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

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

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

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

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

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

Section 2. 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.

(ii) "Handheld wireless communication device" includes a:

(A) wireless telephone;

~~[(B) personal digital assistant;]~~

(B) handheld device capable of receiving or sending data or text; or

(C) pager~~;~~ ~~or~~;

~~[(D) text messaging device.]~~

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

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

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

- 68 (a) text message;
- 69 (b) manually communicate through an electronic mail system;
- 70 (c) manually enter data into a handheld wireless communication device;
- 71 (d) send data, read text, or view images on a handheld wireless communication device;

72 or

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

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

76 [~~(a) when making or receiving a telephone call;~~]

77 [~~(b) when using a handheld wireless communication device for global positioning or~~  
 78 ~~navigation services;~~]

79 [~~(c)~~] (a) during a medical emergency;

80 [~~(d)~~] (b) when reporting a safety hazard or requesting assistance relating to a safety  
 81 hazard;

82 [~~(e)~~] (c) when reporting criminal activity or requesting assistance relating to a criminal  
 83 activity;

84 [~~(f) when providing roadside or medical assistance;~~]

85 [~~(g)~~] (d) when used by a law enforcement officer or emergency service personnel  
 86 acting within the course and scope of the law enforcement officer's or emergency service  
 87 personnel's employment; or

88 [~~(h)~~] (e) to operate~~[:]~~ hands-free or voice operated technology, whether or not the  
 89 technology is physically or electronically integrated into the motor vehicle.

- 90            [~~(i) hands-free or voice operated technology; or~~  
91            [~~(ii) a system that is physically or electronically integrated into the motor vehicle.~~]  
92            (4) A person convicted of a violation of this section is guilty of a:  
93            (a) class C misdemeanor with a maximum fine of \$100; or  
94            (b) class B misdemeanor if the person:  
95                (i) has also inflicted serious bodily injury upon another as a proximate result of using a  
96 handheld wireless communication device for text messaging or electronic mail communication  
97 while operating a moving motor vehicle on a highway in this state; or  
98                (ii) has a prior conviction under this section, that is within three years of:  
99                (A) the current conviction under this section; or  
100                (B) the commission of the offense upon which the current conviction is based.

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**Legislative Review Note**  
**as of 2-25-14 2:16 PM**

**Office of Legislative Research and General Counsel**