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DISTRACTED DRIVER AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Don L. Ipson

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



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 handheld wireless communication device**
 31 **while operating a moving motor vehicle -- Exceptions -- Penalties.**

32 (1) As used in this section:

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

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

36 ~~[(i)]~~ (A) a wireless telephone;

37 ~~[(ii)]~~ (B) a text messaging device;

38 ~~[(iii)]~~ (C) a laptop; or

39 ~~[(iv)]~~ (D) any substantially similar communication device that is readily removable
 40 from the vehicle and is used to write, send, or read text or data through manual input.

40a ~~Ĥ→~~ **(iii) "Handheld wireless communication device" does not include a two-way radio device**
 40b **described in 47 C.F.R. Parts 90, 95, or 97. ←Ĥ**

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

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

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

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

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

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

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

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

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

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

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

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

90 (ii) view or record video.

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

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

93 (a) an infraction; or

94 (b) a class B misdemeanor if the person[~~-(i)~~] has also inflicted serious bodily injury

95 upon another as a proximate result of using a handheld wireless communication device in

96 violation of this section while operating a moving motor vehicle on a highway in this state[~~;~~

97 ~~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.~~]