

**WIRELESS TELEPHONE USE RESTRICTIONS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person younger than 18 years of age from using a wireless telephone to communicate with another person while operating a motor vehicle;
- ▶ provides affirmative defenses to the wireless telephone prohibition;
- ▶ specifies a penalty for violating the wireless telephone prohibition;
- ▶ provides that a violation of the wireless telephone prohibition is not a reportable violation; and
- ▶ prohibits the Driver License Division from assessing points against a person's driving record for being convicted of violating the wireless telephone prohibition.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



28 41-8-4, Utah Code Annotated 1953

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

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

32 **41-8-4. Operation of a vehicle by a person under 18 -- Use of wireless telephones**  
33 **prohibited -- Exceptions -- Penalty.**

34 (1) Except as provided in Subsection (2), a person younger than 18 years of age,  
35 whether a resident or nonresident of this state, may not use a wireless telephone to  
36 communicate with another person while operating a motor vehicle upon a highway of this state.

37 (2) It is an affirmative defense to a violation of this section that a person younger than  
38 18 years of age was using a wireless telephone while operating a motor vehicle:

39 (a) during a medical emergency;

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

41 (c) when reporting a criminal activity or requesting assistance relating to a criminal  
42 activity; or

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

44 (3) A person who violates this section is guilty of an infraction and shall be fined a  
45 maximum of ~~Ĥ~~ → [\$50] \$25 ← Ĥ .

46 (4) (a) A violation of this section is not a reportable violation.

47 (b) The Driver License Division may not assess points under Section 53-3-221 against  
48 the driving record of the person who violates this section.

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**Legislative Review Note**  
as of 1-30-13 2:22 PM

**Office of Legislative Research and General Counsel**