

WIRELESS TELEPHONE USE RESTRICTIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Lyle W. Hillyard

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:

41-8-4, Utah Code Annotated 1953

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

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

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

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

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

(a) during a medical emergency;

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

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

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

(3) A person who violates this section is guilty of an infraction and shall be fined a maximum of \$25.

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

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