

**RESTRICTIONS ON USE OF WIRELESS  
COMMUNICATION DEVICES IN VEHICLES**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Phil Riesen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to using a wireless communication device while operating a motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ prohibits a person from using a wireless communication device while operating a motor vehicle on a highway in this state;
- ▶ provides exceptions to the wireless communication device prohibition; and
- ▶ provides that it is a class C misdemeanor for violating the wireless communication device prohibition.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**41-6a-1716**, Utah Code Annotated 1953

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

Section 1. Section **41-6a-1716** is enacted to read:

**41-6a-1716. Prohibition on using a wireless communication device while operating a motor vehicle -- Penalty.**

(1) As used in this section:

(a) "Text messaging" has the same meaning as defined in Section 76-4-401.

(b) (i) "Wireless communication device" means a device used for the transfer of information without the use of electrical conductors or wires.

(ii) "Wireless communication device" includes a:

(A) wireless telephone;

(B) two-way radio;

(C) personal digital assistant;

(D) pager; or

(E) text messaging device.

(2) (a) A person may not use a wireless communication device while operating a motor vehicle on a highway in this state.

(b) Use of a wireless communication device under Subsection (2)(a) includes use of the wireless communication device for text messaging communication.

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

(a) during an emergency;

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

or

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

(4) A person who violates this section is guilty of a class C misdemeanor.

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**Legislative Review Note**

**as of 1-8-09 2:45 PM**

**Office of Legislative Research and General Counsel**