

ULCT Local Officials Day January 30, 2019

Youth Council Legislation Packet

Mock Debates

Capitol Auditorium in State Office Building

Group 1 – 8:15 am - 9:00am

Group 2- 9:15 am – 10:00 am

Contact: Meg Ryan

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Registration Open

January 30, 2019

Utah State Capitol
Salt Palace Convention Center

Mock Committee Role Play Instructions

The program will begin with a short video on how committee meetings work at the Legislature.

After the video we will ask YCC volunteers come to the stage if they are committee members. If you are an audience member wanting to participate, please sit near the microphone to be ready to give their comments.

Issue:

This year youth councils will be deliberating on legislation that addresses a decision every driver must make, texting and driving! House Bill 914 defines what a handsfree device is, who can use them while operating a motor vehicle, and when they can be used while operating a motorized vehicle.

Process:

We will start with a short video on how a committee hearing works. Then assigned students will act as a mock committee with a chair that will run the meeting. There will be one bill under discussion and we will have assigned students propose two amendments to the bill. Members from the public will also be asked to give input on the bill. We have assigned some students to take certain positions. All the assigned roles are filled at this time. Public input is open to all other YCC students who may want to enter their opinion into the debate.

What the bill proposes:

House Bill 914 defines:

1. what a handsfree device is,
2. who can use them while operating a motor vehicle, and;
3. when they can be used while operating a motorized vehicle.

Proposed Amendment #1: Changes age limits to those under 18 and those over 70 and allows certain exceptions to remain in the statute.

Proposed Amendment #2: Would change the age limits to apply the law to everyone regardless of their age.

The Bill:

Please have all students read before the debate.

Note: Text in **black** denotes current statute while text in **red** indicates proposed additional language.

DISTRACTED DRIVER AMENDMENTS

HB 0914

2019 GENERAL SESSION

STATE OF UTAH

1. **LONG TITLE**

2. **General Description:**

- 3. This bill amends provisions related to the use of a handheld wireless communication
- 4. device while operating a motor vehicle.

5. **Highlighted Provisions:**

- 6. This bill:
- 7. defines terms related to the operation of handheld wireless communication devices;
- 8. prohibits certain uses of a handheld wireless communication device while operating
- 9. a motor vehicle on a roadway by those of a certain age;
- 10. removes exceptions to the prohibition on the use of a handheld wireless
- 11. communication device while operating a motor vehicle on a roadway; and
- 12. makes technical changes.

13. **Money Appropriated in this Bill:**

- 14. None

15. **Other Special Clauses:**

- 16. None

17. **Utah Code Sections Affected:**

- 18. AMENDS:
- 19. 41-6a-1716, as last amended by Laws of Utah 2014, Chapter 416

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

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

22. **41-6a-1716. Prohibition on using a handheld wireless communication device**
23. **while operating a moving motor vehicle -- Exceptions -- Penalties.**
24. As used in this section:
25. (i) "Handheld wireless communication device" means a handheld device used for
26. the transfer of information without the use of electrical conductors or wires.
27. ~~(b)~~ (ii) "Handheld wireless communication device" includes [a]:
28. ~~(i)~~ (A) a wireless telephone;
29. ~~(ii)~~ (B) a text messaging device;
30. ~~(iii)~~ (C) a laptop; or
31. ~~(iv)~~ (D) any substantially similar communication device that is readily removable
32. from the vehicle and is used to write, send, or read text or data through manual input.
33. (b) "Hands-free operation" means the use of a handheld wireless communication
34. device without manual manipulation.
35. (c) (i) "Manual manipulation" means the use of a hand to hold or operate a handheld
36. wireless communication device.
37. (ii) "Manual manipulation" does not include the use of a hand to activate or deactivate
38. a feature or function of the handheld wireless communication device if:
39. the manipulation is a single swipe or tap of a finger; and
40. the handheld wireless communication device is mounted on the vehicle's
41. windshield, dashboard, or center console in a manner that does not hinder the operator's view
42. of the road.
43. (2)(a) Except as provided in Subsection (3), [a person] an individual may not hold or use
44. a handheld wireless communication device while operating a moving motor vehicle on a
45. [highway] roadway in this state [to manually].
46. ~~[(a) write, send, or read a written communication, including:]~~
47. ~~[(i) a text message;]~~
48. ~~[(ii) an instant message; or]~~
49. ~~[(iii) electronic mail;]~~
50. ~~[(b) dial a phone number;]~~
51. ~~[(c) access the Internet;]~~
52. ~~[(d) view or record video; or]~~
53. (b) Provisions contained in Subsection 2(a) only apply to individuals under the age of 21

54. ~~[(e) enter data into a handheld wireless communication device.]~~
55. (3) (a) Subsection (2) does not prohibit ~~[a person]~~ an individual from:
56. hands-free operation of a wireless communication device while operating a motor
57. vehicle on a roadway; or
58. (ii) using a handheld wireless communication device while operating a ~~[moving]~~ motor
59. vehicle on a roadway:
60. ~~[(a) when using a handheld communication device for voice communication;]~~
61. ~~[(b) to view a global positioning or navigation device or a global positioning or~~
62. ~~navigation application;]~~
63. if the motor vehicle is parked on the roadway in a manner allowed under this
64. chapter;
65. ~~[(c)]~~ (B) during a medical emergency;
66. ~~[(d)]~~ (C) when reporting a safety hazard or requesting assistance relating to a safety
67. hazard;
68. ~~[(e)]~~ (D) when reporting criminal activity or requesting assistance relating to a criminal
69. activity; or
70. ~~[(f)]~~ (A) when used by a law enforcement officer or emergency service personnel acting
71. within the course and scope of the law enforcement officer's or emergency service personnel's
72. employment ~~[; or]~~.
73. ~~[(g) to operate:]~~
74. ~~[(i) hands-free or voice-operated technology; or]~~
75. ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
76. (b) Except as allowed under Subsection (3)(a)(ii), an individual under the age of 21 may not use
- a handheld
77. wireless communication device while operating a motor vehicle on a roadway to:
78. read a written communication, including:
79. a text message;
80. an instant message; or
81. electronic mail; or
82. (ii) view or record video.
83. (4) A person convicted of a violation of this section is guilty of a:
84. class C misdemeanor ~~[with a maximum fine of \$100]; or~~

85. ~~class B~~ class A misdemeanor if the person:
86. has also inflicted serious bodily injury upon another as a proximate result of using a
87. handheld wireless communication device in violation of this section while operating a moving
88. motor vehicle on a highway in this state; or
89. (ii) has a prior conviction under this section, that is within three years of:
90. the current conviction under this section; or
91. the commission of the offense upon which the current conviction is based.

Proposed Amendment #1 – Introduced by a committee member to the chair

Proposal: I propose that we amend the bill to change the age limits to those under 18 and those over 70 and to keep the certain exceptions as currently drafted.

*Note: Text in **black** denotes current statute while text in **blue** indicates proposed amendment.*

Proposed text

1. (2)(a) Except as provided in Subsection (3), ~~[a person]~~ an individual may not ~~hold or~~ use
2. a handheld wireless communication device while operating a moving motor vehicle on a
3. ~~[highway]~~ roadway in this state ~~[to manually];~~
4. ~~[(a) write, send, or read a written communication, including:]~~
5. ~~[(i) a text message;]~~
6. ~~[(ii) an instant message; or]~~
7. ~~[(iii) electronic mail;]~~
8. ~~[(b) dial a phone number;]~~
9. ~~[(c) access the Internet;]~~
10. ~~[(d) view or record video; or]~~
11. (b) Provisions contained in Subsection 2(a) only apply to individuals under the age of ~~21~~ 18, and individuals over the age of 75.
12. ~~[(e) enter data into a handheld wireless communication device.]~~
13. (3) (a) Subsection (2) does not prohibit ~~[a person]~~ an individual from:
14. ~~hands-free operation of a wireless communication device while operating a motor~~
15. ~~vehicle on a roadway; or~~
16. ~~(ii) using a handheld wireless communication device while operating a [moving] motor~~
17. ~~vehicle on a roadway;~~
18. ~~[(a) when using a handheld communication device for voice communication;]~~
19. ~~[(b) to view a global positioning or navigation device or a global positioning or~~
20. ~~navigation application;]~~
21. ~~if the motor vehicle is parked on the roadway in a manner allowed under this~~
22. ~~chapter;~~
23. [(c)] (B) during a medical emergency;

24. [(d)] (C) when reporting a safety hazard or requesting assistance relating to a safety
 25. hazard;
 26. [(e)] (D) when reporting criminal activity or requesting assistance relating to a criminal
 27. activity; or
 28. ~~[(f)]~~ **(A)** when used by a law enforcement officer or emergency service personnel acting
 29. within the course and scope of the law enforcement officer's or emergency service personnel's
 30. employment ~~[-or-]~~.
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Proposed Amendment #2: Introduced by a committee member to the chair

Proposal: I propose that we amend the bill to change the age limits to apply the law to everyone regardless of their age.

Proposed text would strike the age limitation.

1. ~~(b) Provisions contained in Subsection 2(a) only apply to individuals under the age of 21-18, and individuals over the age of 75.~~