

REFERENCE TITLE: text messaging while driving; prohibition

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2129

Introduced by
Representatives Farley, Sinema: Bradley, Crandall, Driggs, Kavanagh,
Lopes, Prezelski

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21;
RELATING TO THE USE OF CELLULAR TELEPHONES AND PERSONAL DIGITAL ASSISTANTS
WHILE DRIVING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 3, Arizona Revised Statutes, is amended
3 by adding article 21, to read:

4 ARTICLE 21. USE OF CELLULAR TELEPHONES AND
5 PERSONAL DIGITAL ASSISTANTS WHILE DRIVING

6 28-1191. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "CELLULAR TELEPHONE" MEANS AN ANALOG OR DIGITAL WIRELESS TELEPHONE
9 AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION TO OPERATE IN THE
10 FREQUENCY BANDWIDTH RESERVED FOR CELLULAR RADIOPHONES.

11 2. "PERSONAL DIGITAL ASSISTANT" MEANS A WIRELESS ELECTRONIC
12 COMMUNICATION DEVICE THAT PROVIDES FOR DATA COMMUNICATION OTHER THAN BY
13 VOICE.

14 28-1192. Use of cellular telephones or personal digital
15 assistants while driving; prohibition; exceptions

16 A. A PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON A HIGHWAY WHILE USING
17 A CELLULAR TELEPHONE OR A PERSONAL DIGITAL ASSISTANT TO SEND OR RECEIVE A
18 WRITTEN MESSAGE WHILE THE MOTOR VEHICLE IS IN MOTION.

19 B. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

- 20 1. LAW ENFORCEMENT AND SAFETY PERSONNEL.
21 2. DRIVERS OF AUTHORIZED EMERGENCY VEHICLES.
22 3. HOLDERS OF COMMERCIAL DRIVER LICENSES WHILE DRIVING WITHIN THE
23 SCOPE OF THEIR EMPLOYMENT.

24 4. PUBLIC TRANSIT PERSONNEL.

25 5. A PERSON WHO IS REPORTING RECKLESS OR NEGLIGENT BEHAVIOR.

26 6. A PERSON WHO BELIEVES THE PERSON IS IN PHYSICAL DANGER IF THE
27 PERSON IS THE ONLY ADULT IN THE MOTOR VEHICLE.

28 7. THE USE OF A CELLULAR TELEPHONE OR A PERSONAL DIGITAL ASSISTANT FOR
29 THE SOLE PURPOSE OF COMMUNICATING WITH ANY OF THE FOLLOWING REGARDING AN
30 EMERGENCY SITUATION:

- 31 (a) AN EMERGENCY RESPONSE OPERATOR.
32 (b) A HOSPITAL, PHYSICIAN'S OFFICE OR HEALTH CLINIC.
33 (c) A PROVIDER OF AMBULANCE SERVICES.
34 (d) A PROVIDER OF FIRE FIGHTING SERVICES.
35 (e) A LAW ENFORCEMENT AGENCY.

36 28-1193. Nonmoving violation; civil penalties; accident reports

37 A. A VIOLATION OF THIS ARTICLE IS A NONMOVING CIVIL TRAFFIC VIOLATION.

38 B. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS NOT INVOLVED IN
39 A MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF FIFTY
40 DOLLARS.

41 C. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS INVOLVED IN A
42 MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF TWO
43 HUNDRED DOLLARS.

44 D. IF A PERSON IS CITED FOR VIOLATING THIS ARTICLE, THE PERSON IS
45 INVOLVED IN A MOTOR VEHICLE ACCIDENT AND A WRITTEN ACCIDENT REPORT IS

1 REQUIRED PURSUANT TO ARTICLE 4 OF THIS CHAPTER, THE LAW ENFORCEMENT OFFICER
2 INVESTIGATING THE ACCIDENT SHALL INDICATE ON THE WRITTEN ACCIDENT FORM THE
3 USE OF A CELLULAR TELEPHONE OR A PERSONAL DIGITAL ASSISTANT TO SEND OR
4 RECEIVE A WRITTEN MESSAGE AT THE TIME OF THE ACCIDENT.

5 Sec. 2. Warning period

6 For the purpose of informing and educating persons who operate motor
7 vehicles, beginning on January 1, 2008 through January 31, 2008, any law
8 enforcement officer authorized to issue traffic complaints may stop motor
9 vehicles and issue verbal warnings to persons who would be violating section
10 28-1192, Arizona Revised Statutes, as added by this act, if it was effective
11 on the day the warning is issued.

12 Sec. 3. Effective date

13 Title 28, chapter 3, article 21, Arizona Revised Statutes, as added by
14 this act, is effective from and after January 31, 2008.