

REFERENCE TITLE: text messaging while driving; prohibition

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

## **SB 1102**

Introduced by  
Senator Farley; Representative Steele; Senator Hobbs

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22;  
RELATING TO TEXT MESSAGING 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 22, to read:

4 ARTICLE 22. TEXT MESSAGING WHILE DRIVING

5 28-1211. Text messaging while driving; prohibition; exceptions

6 A. A PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON A HIGHWAY WHILE USING  
7 A WIRELESS COMMUNICATION DEVICE TO SEND OR RECEIVE A WRITTEN MESSAGE.

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

9 1. LAW ENFORCEMENT AND SAFETY PERSONNEL WHILE IN PERFORMANCE OF  
10 OFFICIAL DUTIES.

11 2. DRIVERS OF AUTHORIZED EMERGENCY VEHICLES WHILE IN PERFORMANCE OF  
12 OFFICIAL DUTIES.

13 28-1212. Nonmoving violation; civil penalties; accident reports

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

15 B. IF A PERSON COMMITS A FIRST VIOLATION OF THIS ARTICLE AND THE  
16 PERSON IS NOT INVOLVED IN A MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO  
17 A CIVIL PENALTY OF ONE HUNDRED DOLLARS.

18 C. IF A PERSON COMMITS A SECOND OR SUBSEQUENT VIOLATION OF THIS  
19 ARTICLE AND THE PERSON IS NOT INVOLVED IN A MOTOR VEHICLE ACCIDENT, THE  
20 PERSON IS SUBJECT TO A CIVIL PENALTY OF THREE HUNDRED DOLLARS.

21 D. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS INVOLVED IN A  
22 MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF FIVE  
23 HUNDRED DOLLARS EXCEPT THAT IF THE ACCIDENT RESULTS IN THE DEATH OF ANOTHER  
24 PERSON, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF TEN THOUSAND DOLLARS.

25 E. IF A PERSON IS CITED FOR VIOLATING THIS ARTICLE, THE PERSON IS  
26 INVOLVED IN A MOTOR VEHICLE ACCIDENT AND A WRITTEN ACCIDENT REPORT IS  
27 REQUIRED PURSUANT TO ARTICLE 4 OF THIS CHAPTER, THE LAW ENFORCEMENT OFFICER  
28 INVESTIGATING THE ACCIDENT SHALL INDICATE ON THE WRITTEN ACCIDENT FORM THE  
29 PERSON'S USE OF A WIRELESS COMMUNICATION DEVICE TO SEND OR RECEIVE A WRITTEN  
30 MESSAGE AT THE TIME OF THE ACCIDENT.