

House Engrossed

distracted driving; penalties; motorcycles

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2109

AN ACT

AMENDING SECTION 28-914, ARIZONA REVISED STATUTES; RELATING TO PORTABLE  
WIRELESS COMMUNICATION DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-914, Arizona Revised Statutes, is amended to  
3 read:

4 28-914. Use of portable wireless communication device while  
5 driving; prohibition; civil penalty; state  
6 preemption; definitions

7 A. Unless a motor vehicle is parked or stopped pursuant to section  
8 28-645, subsection A, paragraph 3 or section 28-851, a person may not  
9 operate a motor vehicle on a street or highway if the person does ~~either~~  
10 ~~ANY~~ of the following:

11 1. Physically holds or supports with any part of the person's body  
12 either of the following:

13 (a) A portable wireless communication device, except that a person  
14 may use a portable wireless communication device with an earpiece,  
15 headphone device or device worn on a wrist to conduct a voice-based  
16 communication.

17 (b) A stand-alone electronic device.

18 2. Writes, sends or reads any text-based communication, including a  
19 text message, ~~AN~~ instant message, ~~AN~~ email or internet data, on a portable  
20 wireless communication device or stand-alone electronic device. This  
21 paragraph does not apply to either of the following:

22 (a) The use of voice-based communications, including through the  
23 use of a portable wireless communication device or stand-alone electronic  
24 device, to direct the writing, sending, reading or other communicating of  
25 any text-based communication.

26 (b) The use of a portable wireless communication device or  
27 stand-alone device when used in a hands-free manner for:

28 (i) Navigation of the motor vehicle.

29 (ii) Use of a global positioning system.

30 (iii) Obtaining motor vehicle information or information related to  
31 driving a motor vehicle.

32 3. WATCHES, RECORDS OR STREAMS ON A PORTABLE WIRELESS COMMUNICATION  
33 DEVICE OR STAND-ALONE ELECTRONIC DEVICE ANY VIDEO-BASED DATA, INCLUDING  
34 ANY SOCIAL MEDIA WEBSITES OR APPLICATIONS OR ANY COMMUNICATION WITH VIDEO  
35 CAPACITY, EVEN IF THE PERSON DOES NOT PHYSICALLY HOLD OR SUPPORT WITH ANY  
36 PART OF THE PERSON'S BODY THE PORTABLE WIRELESS COMMUNICATION DEVICE OR  
37 STAND-ALONE ELECTRONIC DEVICE.

38 B. This section does not prohibit the operation of a motor vehicle  
39 while using a device, including a device that is accessible through an  
40 interface that is embedded in a motor vehicle, that allows communication  
41 without the use of either of the driver's hands, except to activate or  
42 deactivate a function of the device.

43 C. This section does not apply to:

1           1. An operator of an authorized emergency, law enforcement or  
2 probation vehicle who uses a portable wireless communication device while  
3 acting in an official capacity.

4           2. An operator who is licensed by the federal communications  
5 commission while operating a radio frequency device other than a portable  
6 wireless communication device.

7           3. An operator who uses a two-way radio or private land mobile  
8 radio system, within the meaning of 47 Code of Federal Regulations part  
9 90, while in the performance and scope of the operator's work-related  
10 duties and who is operating a fleet vehicle or who possesses a commercial  
11 driver license.

12          4. An operator who uses a portable wireless communication device  
13 either:

14           (a) To report illegal activity or summon emergency help.

15           (b) That was permanently or temporarily affixed to the motor  
16 vehicle to relay information in the course of the operator's occupational  
17 duties between the operator and either:

18           (i) A dispatcher.

19           (ii) A digital network or software application service.

20          D. ~~Beginning January 1, 2021,~~ A person who violates this section is  
21 subject to a civil penalty as follows:

22           1. At least \$75 but not more than \$149 for a first violation.

23           2. ~~At least \$150 but not more than \$250~~ \$400 for a second or  
24 subsequent violation.

25           3. AN ADDITIONAL \$150 IF A VIOLATION RESULTS IN AN ACCIDENT WITH A  
26 MOTORCYCLE.

27          E. The department shall post a sign at each point at which an  
28 interstate highway or United States highway enters into this state that  
29 informs an operator that both:

30           1. The use of a portable wireless communication device while  
31 operating a motor vehicle is prohibited in this state.

32           2. The operator is subject to a civil penalty if the operator uses  
33 a portable wireless communication device in violation of this section  
34 while operating a motor vehicle in this state.

35          F. A peace officer who stops a motor vehicle for an alleged  
36 violation of this section may not:

37           1. Take possession of or otherwise inspect a portable wireless  
38 communication device in the possession of the operator unless otherwise  
39 authorized by law.

40           2. Issue a citation for a violation of this section ~~before~~  
41 ~~January 1, 2021 and may issue only a warning beginning on April 22, 2019~~  
42 ~~through December 31, 2020.~~

43          G. Except as provided in section 28-3312, a department or agency of  
44 this state may not consider a violation of this section for the purpose of

1 determining whether the person's driver license should be suspended or  
2 revoked.

3 H. The regulation and use of portable wireless communication  
4 devices while operating a motor vehicle are of statewide concern. ~~From~~  
5 ~~and after December 31, 2020,~~ The regulation of portable wireless  
6 communication devices pursuant to this section and their use while  
7 operating a motor vehicle is not subject to further regulation by a  
8 county, city, town or other political subdivision of this state. ~~From and~~  
9 ~~after December 31, 2020,~~ A regulation by a county, city, town or other  
10 political subdivision that violates this subsection, ~~whether enacted~~  
11 ~~before or after January 1, 2021,~~ is void.

12 I. For the purposes of this section:

13 1. "Portable wireless communication device":

14 (a) Means a cellular telephone, a portable telephone, a  
15 text-messaging device, a personal digital assistant, a stand-alone  
16 computer, a global positioning system receiver or a substantially similar  
17 portable wireless device that is used to initiate or receive  
18 communication, information or data.

19 (b) Does not include a radio, citizens band radio, citizens band  
20 radio hybrid, commercial two-way radio communication device or its  
21 functional equivalent, subscription-based emergency communication device,  
22 prescribed medical device, amateur or ham radio device or in-vehicle  
23 security, navigation or remote diagnostics system.

24 2. "Stand-alone electronic device" means a portable device other  
25 than a portable wireless communication device that stores audio or video  
26 data files to be retrieved on demand by a user.