

REFERENCE TITLE: **distracted driving; penalties; motorcycles**

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

HB 2109

Introduced by
Representative Martinez

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

37 C. This section does not apply to:

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

41 2. An operator who is licensed by the federal communications
42 commission while operating a radio frequency device other than a portable
43 wireless communication device.

44 3. An operator who uses a two-way radio or private land mobile
45 radio system, within the meaning of 47 Code of Federal Regulations part

90, while in the performance and scope of the operator's work-related duties and who is operating a fleet vehicle or who possesses a commercial driver license.

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

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

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

(i) A dispatcher.

(ii) A digital network or software application service.

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

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

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

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

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

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

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

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

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

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

G. Except as provided in section 28-3312, a department or agency of this state may not consider a violation of this section for the purpose of determining whether the person's driver license should be suspended or revoked.

H. The regulation and use of portable wireless communication devices while operating a motor vehicle are of statewide concern. ~~From and after December 31, 2020,~~ The regulation of portable wireless communication devices pursuant to this section and their use while operating a motor vehicle is not subject to further regulation by a county, city, town or other political subdivision of this state. ~~From and after December 31, 2020,~~ A regulation by a county, city, town or other

1 political subdivision that violates this subsection, ~~whether enacted~~
2 ~~before or after January 1, 2021,~~ is void.

3 I. For the purposes of this section:

4 1. "Portable wireless communication device":

5 (a) Means a cellular telephone, a portable telephone, a
6 text-messaging device, a personal digital assistant, a stand-alone
7 computer, a global positioning system receiver or a substantially similar
8 portable wireless device that is used to initiate or receive
9 communication, information or data.

10 (b) Does not include a radio, citizens band radio, citizens band
11 radio hybrid, commercial two-way radio communication device or its
12 functional equivalent, subscription-based emergency communication device,
13 prescribed medical device, amateur or ham radio device or in-vehicle
14 security, navigation or remote diagnostics system.

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