

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Soper

1 Amend reengrossed bill page 4, strike lines 11 through 14 and substitute:

2 "(I) PHYSICALLY HOLDING A MOBILE ELECTRONIC DEVICE IN THE  
3 DRIVER'S HAND OR PINNING A MOBILE ELECTRONIC DEVICE TO A DRIVER'S  
4 EAR TO CONDUCT VOICE-BASED COMMUNICATION; EXCEPT THAT AN  
5 INDIVIDUAL MAY USE A SPEAKER OR OTHER LISTENING DEVICE THAT IS  
6 BUILT INTO PROTECTIVE HEADGEAR OR A DEVICE OR PORTION OF A DEVICE  
7 THAT ONLY COVERS ALL OR A PORTION OF ONE EAR AND THAT IS  
8 CONNECTED TO A WIRELESS, HANDHELD TELEPHONE AS PROVIDED IN  
9 SECTION 42-4-1411;"

10 Page 4, line 27, strike "(a)", and strike "(2)(b)" and substitute "(4)".

11 Page 5, strike lines 3 through 6.

12 Page 5, line 7, strike "(a)" and strike "(3)(b)" and substitute "(4)".

13 Page 5, strike lines 11 through 24 and insert:

14 "(4) IT IS NOT A VIOLATION OF SUBSECTION (2) OR (3) OF THIS  
15 SECTION TO USE A MOBILE ELECTRONIC DEVICE:

- 16 (a) TO CONTACT A PUBLIC SAFETY ENTITY;
- 17 (b) DURING AN EMERGENCY;
- 18 (c) WHEN IN A MOTOR VEHICLE THAT IS PARKED;
- 19 (d) WHEN AN EMPLOYEE OR CONTRACTOR OF A UTILITY IS ACTING  
20 WITHIN THE SCOPE OF THE EMPLOYEE'S OR CONTRACTOR'S DUTIES WHEN  
21 RESPONDING TO A UTILITY EMERGENCY;
- 22 (e) WHEN AN EMPLOYEE OR CONTRACTOR OF A CITY OR COUNTY  
23 IS ACTING WITHIN THE SCOPE OF THE EMPLOYEE'S OR CONTRACTOR'S  
24 DUTIES AS A CODE ENFORCEMENT OFFICER OR ANIMAL PROTECTION  
25 OFFICER; OR
- 26 (f) DURING THE PERFORMANCE OF A FIRST RESPONDER'S OFFICIAL  
27 DUTIES.

28 (5) A LAW ENFORCEMENT OFFICER SHALL NOT STOP OR CITE AN  
29 INDIVIDUAL FOR A VIOLATION OF SUBSECTION (2) OR (3) OF THIS SECTION  
30 UNLESS:

- 31 (a) (I) A LAW ENFORCEMENT OFFICER SAW THE OPERATOR USE A  
32 MOBILE ELECTRONIC DEVICE WHILE DRIVING; AND
- 33 (II) DURING THE USE OF THE MOBILE ELECTRONIC DEVICE, THE  
34 DRIVER WAS:  
35 (A) IN CLOSE PROXIMITY TO A VULNERABLE ROAD USER, AS

1 DEFINED IN SECTION 42-4-1402.5 (1), ON THE ROADWAY OR ON AN  
2 IMMEDIATELY ADJACENT SIDEWALK;  
3 (B) IN A SCHOOL ZONE;  
4 (C) ADJACENT TO A PARK;  
5 (D) IN A CONSTRUCTION ZONE; OR  
6 (E) ADJACENT TO A DESIGNATED BIKE LANE.  
7 (b) THE INDIVIDUAL WAS STOPPED BY A LAW ENFORCEMENT  
8 OFFICER FOR AN ALLEGED VIOLATION OF ANY OF THE FOLLOWING:  
9 (I) OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES, AS  
10 SPECIFIED IN SECTION 42-4-603;  
11 (II) FAILURE TO YIELD A RIGHT-OF-WAY, AS SPECIFIED IN PART 7  
12 OF THIS ARTICLE 4;  
13 (III) FAILURE TO EXERCISE DUE CARE TO AVOID PEDESTRIANS, AS  
14 SPECIFIED IN SECTION 42-4-807;  
15 (IV) FAILURE TO YIELD TO AN INDIVIDUAL WITH A DISABILITY, AS  
16 SPECIFIED IN SECTION 42-4-808;  
17 (V) LIMITATIONS ON TURNING AROUND, AS SPECIFIED IN SECTION  
18 42-4-902;  
19 (VI) FAILURE TO DRIVE ON THE RIGHT SIDE OF THE ROAD, AS  
20 SPECIFIED IN SECTION 42-4-1001;  
21 (VII) UNSAFE LANE CHANGE, AS SPECIFIED IN SECTION 42-4-1007;  
22 (VIII) FOLLOWING TOO CLOSELY, AS SPECIFIED IN SECTION  
23 42-4-1008;  
24 (IX) DRIVING ON THE WRONG SIDE OF ROAD, AS SPECIFIED IN  
25 SECTION 42-4-1010;  
26 (X) SPEEDING, AS SPECIFIED IN SECTION 42-4-1101;  
27 (XI) RECKLESS DRIVING, AS SPECIFIED IN SECTION 42-4-1401; OR  
28 (XI) CARELESS DRIVING, AS SPECIFIED IN SECTION 42-4-1402."

29 Renumber succeeding subsections accordingly.

30 Page 5, line 25, strike "(4)(b)" and substitute "(6)(b)".

31 Page 6, line 3, strike "(3)(a)" and substitute "(3)".

32 Page 6, strike line 8 and substitute "(5)(b)".

33 Page 6, strike line 11 and substitute "(6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS  
34 SECTION."

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