

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB24-065

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB24-065,
concerning the use of mobile electronic devices when driving a motor
vehicle, and, in connection therewith, making an appropriation, has met
and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 2, line 5, strike "**declaration - repeal.**" and
substitute "**declaration.**".

Page 5, strike line 16.

Reletter succeeding paragraphs accordingly.

Page 8, strike line 8.

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendments
be recommended:

Amend rerevised bill, page 4, after line 9 insert:

"(e) "OPERATING A MOTOR VEHICLE" MEANS DRIVING A MOTOR
VEHICLE ON A PUBLIC HIGHWAY. "OPERATING A MOTOR VEHICLE" DOES
NOT INCLUDE MAINTAINING THE INSTRUMENTS OF CONTROL OF A MOTOR
VEHICLE WHILE THE MOTOR VEHICLE IS AT REST IN A SHOULDER LANE OR

LAWFULLY PARKED."

Reletter succeeding paragraph accordingly.

Page 5, strike lines 4 through 13 and substitute:

"(2) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, AN INDIVIDUAL SHALL NOT USE A MOBILE ELECTRONIC DEVICE WHILE OPERATING A MOTOR VEHICLE.

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

Page 5, strike lines 26 and 27.

Strike pages 6 and 7.

Page 8, strike line 1 and substitute:

"(4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION, AND THE COURT SHALL ASSESS A PENALTY AS FOLLOWS:

(I) A FINE OF SEVENTY-FIVE DOLLARS AND A SURCHARGE OF TEN DOLLARS FOR THE FIRST OFFENSE WITHIN THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS;

(II) A FINE OF ONE HUNDRED FIFTY DOLLARS AND A SURCHARGE OF TEN DOLLARS FOR THE SECOND OFFENSE WITHIN THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS; OR

(III) A FINE OF TWO HUNDRED FIFTY DOLLARS AND A SURCHARGE OF TEN DOLLARS FOR THE THIRD OR SUBSEQUENT OFFENSE WITHIN THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS.

(b) (I) AN INDIVIDUAL CHARGED WITH VIOLATING SUBSECTION (2) OF THIS SECTION SHALL NOT BE CONVICTED IF THE INDIVIDUAL:

(A) PRODUCES A HANDS-FREE ACCESSORY OR PROOF OF PURCHASE OF A HANDS-FREE ACCESSORY; AND

(B) AFFIRMS UNDER PENALTY OF PERJURY THAT THE INDIVIDUAL HAS NOT PREVIOUSLY HAD A CHARGE DISMISSED UNDER THIS SUBSECTION (4)(b).

(II) THE COURT CLERK MAY DISMISS THE CHARGE IF THE CLERK VERIFIES THAT THE INDIVIDUAL HAS COMPLIED WITH BOTH SUBSECTIONS

(4)(b)(I)(A) AND (4)(b)(I)(B) OF THIS SECTION.

(c) IF THE INDIVIDUAL'S ACTIONS ARE THE PROXIMATE CAUSE OF BODILY INJURY TO ANOTHER, THE INDIVIDUAL COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE AND SHALL BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3)(a)(II).

(d) IF THE INDIVIDUAL'S ACTIONS ARE THE PROXIMATE CAUSE OF DEATH TO ANOTHER, THE INDIVIDUAL COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE AND SHALL BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3)(a)(II).

(5) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WITH A COMMERCIAL DRIVER'S LICENSE WHO IS OPERATING A COMMERCIAL VEHICLE.

(6) AN INDIVIDUAL OPERATING A MOTOR VEHICLE SHALL NOT BE CITED FOR A VIOLATION OF SUBSECTION (2) OF THIS SECTION UNLESS A LAW ENFORCEMENT OFFICER SAW THE INDIVIDUAL USE A MOBILE ELECTRONIC DEVICE IN A MANNER THAT CAUSED THE INDIVIDUAL TO DRIVE IN A CARELESS AND IMPRUDENT MANNER, WITHOUT DUE REGARD FOR THE WIDTH, GRADE, CURVES, CORNERS, TRAFFIC, AND USE OF THE STREETS AND HIGHWAYS AND ALL OTHER ATTENDANT CIRCUMSTANCES, AS PROHIBITED BY SECTION 42-4-1402."

Renumber succeeding subsection accordingly.

Page 8, strike lines 4 through 7 and substitute "PROVIDED BY LAW."

Page 9, line 4, after "**amend**" insert "(4)(a)(I)(D) and".

Page 9, strike lines 24 through 27.

Strike pages 10 and 11.

Page 12, strike lines 1 through 16 and substitute:

(D) Equipment violations:		
42-4-201	\$ 35.00	\$ 10.00
42-4-202	35.00	10.00
42-4-204	15.00	6.00
42-4-205	15.00	6.00
42-4-206	15.00	6.00
42-4-207	15.00	6.00

42-4-208	15.00	6.00
42-4-209	15.00	6.00
42-4-210	15.00	6.00
42-4-211	15.00	6.00
42-4-212	15.00	6.00
42-4-213	15.00	6.00
42-4-214	15.00	6.00
42-4-215	15.00	6.00
42-4-216	15.00	6.00
42-4-217	15.00	6.00
42-4-218	15.00	6.00
42-4-219	15.00	6.00
42-4-220	15.00	6.00
42-4-221	15.00	6.00
42-4-222 (1)	15.00	6.00
42-4-223	15.00	6.00
42-4-224	15.00	6.00
42-4-225 (1)	15.00	6.00
42-4-226	15.00	6.00
42-4-227	50.00	16.00
42-4-228 (1), (2), (3), (5), or (6)	15.00	6.00
42-4-229	15.00	6.00
42-4-230	15.00	6.00
42-4-231	15.00	6.00
42-4-232	15.00	6.00
42-4-233	75.00	24.00
42-4-234	15.00	6.00
42-4-235	50.00	16.00
42-4-236	65.00	16.00
42-4-237	65.00	6.00
42-4-239 (4)(a)(I)	75.00	10.00
42-4-239 (4)(a)(II)	150.00	10.00
42-4-239 (4)(a)(III)	250.00	10.00
42-4-241	65.00	16.00
42-4-1411	15.00	6.00
42-4-1412	15.00	6.00
42-4-1901	35.00	10.00
(P) Offenses by persons controlling vehicles:		
42-4-239 (5)(a)	\$50.00	\$6.00

42-4-239 (5)(b)	100.00	6.00
42-4-239 (5.5)	300.00	6.00
42-4-1704	\$ 15.00	\$ 6.00

Renumber succeeding sections accordingly.

Page 13, strike lines 10 and 11.