

REFERENCE TITLE: cellular telephone use; texting; driving

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1334

Introduced by
Senators Melvin, Aguirre, Allen C; Representative Farley: Senator Pierce
S; Representative Heinz

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22;
RELATING TO THE USE OF COMMUNICATION DEVICES 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. USE OF COMMUNICATION DEVICES WHILE DRIVING

5 28-1221. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CELLULAR TELEPHONE" MEANS AN ANALOG OR DIGITAL WIRELESS TELEPHONE
8 THAT IS AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION TO OPERATE IN THE
9 FREQUENCY BANDWIDTH RESERVED FOR CELLULAR RADIOPHONES AND THAT DOES NOT
10 INCLUDE A VOICE-OPERATED OR HANDS-FREE DEVICE.

11 2. "PERSONAL DIGITAL ASSISTANT" MEANS A WIRELESS ELECTRONIC
12 COMMUNICATION DEVICE THAT PROVIDES FOR DATA COMMUNICATION OTHER THAN BY
13 VOICE, OR THAT PROVIDES FOR DATA COMMUNICATION AND VOICE COMMUNICATION, BUT
14 THAT DOES NOT INCLUDE A VOICE-OPERATED OR HANDS-FREE DEVICE.

15 3. "VOICE-OPERATED OR HANDS-FREE DEVICE" MEANS A DEVICE THAT ALLOWS A
16 PERSON TO WRITE, SEND OR READ A WRITTEN MESSAGE WITHOUT THE USE OF EITHER
17 HAND EXCEPT TO ACTIVATE OR DEACTIVATE A FEATURE OR FUNCTION.

18 4. "WRITE, SEND OR READ" MEANS THE MANUAL ENTRY, SENDING OR RETRIEVAL
19 OF A WRITTEN MESSAGE TO COMMUNICATE WITH ANY PERSON OR DEVICE VIA WIRELESS
20 MEANS.

21 28-1222. Use of communication device while driving;
22 prohibition; exceptions

23 A. A PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON A HIGHWAY WHILE USING
24 A HANDHELD CELLULAR TELEPHONE OR A HANDHELD PERSONAL DIGITAL ASSISTANT TO
25 WRITE, SEND OR READ A WRITTEN MESSAGE.

26 B. THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

27 1. AN OPERATOR OF AN AUTHORIZED EMERGENCY VEHICLE OR A LAW ENFORCEMENT
28 OFFICER USING EQUIPMENT NECESSARY FOR THE OPERATOR'S OR LAW ENFORCEMENT
29 OFFICER'S DUTIES.

30 2. A PERSON WHO READS, SELECTS OR ENTERS A TELEPHONE NUMBER OR NAME IN
31 A HANDHELD CELLULAR TELEPHONE OR A HANDHELD PERSONAL DIGITAL ASSISTANT FOR
32 THE PURPOSE OF MAKING OR RECEIVING A TELEPHONE CALL.

33 28-1223. Nonmoving violation; civil penalties

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

35 B. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS NOT INVOLVED IN
36 A MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF FIFTY
37 DOLLARS.

38 C. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS INVOLVED IN A
39 MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF TWO
40 HUNDRED DOLLARS.

1 Sec. 2. Warning period

2 Notwithstanding section 28-1222, Arizona Revised Statutes, as added by
3 this act, for the purpose of informing and educating persons who operate
4 motor vehicles, beginning January 1, 2011 through January 31, 2011, any law
5 enforcement officer authorized to issue traffic complaints may stop motor
6 vehicles and shall only issue a warning to persons violating section 28-1222,
7 Arizona Revised Statutes, as added by this act.

8 Sec. 3. Effective date

9 Title 28, chapter 3, article 22, Arizona Revised Statutes, as added by
10 this act, is effective from and after December 31, 2010.

11 Sec. 4. Short title

12 This act may be cited as the "No texting while driving act".