

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1538

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-913; RELATING TO THE USE OF HANDHELD WIRELESS 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, article 15, Arizona Revised Statutes,
3 is amended by adding section 28-913, to read:

4 28-913. Handheld wireless communication device use while
5 driving; prohibition; exceptions; civil penalties

6 A. A PERSON MAY NOT USE A HANDHELD WIRELESS COMMUNICATION DEVICE TO
7 MANUALLY WRITE, SEND OR READ A WRITTEN MESSAGE WHILE OPERATING A MOTOR
8 VEHICLE.

9 B. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

10 1. AN OPERATOR OF AN AUTHORIZED EMERGENCY VEHICLE OR A LAW ENFORCEMENT
11 OFFICER USING EQUIPMENT NECESSARY FOR THE OPERATOR'S OR LAW ENFORCEMENT
12 OFFICER'S DUTIES.

13 2. A PERSON WHO READS, SELECTS OR ENTERS A TELEPHONE NUMBER OR NAME IN
14 A HANDHELD WIRELESS COMMUNICATION DEVICE FOR THE PURPOSE OF MAKING OR
15 RECEIVING A TELEPHONE CALL.

16 3. A PERSON WHO OPERATES A VEHICLE THAT IS NOT IN MOTION AND THAT IS
17 EITHER OF THE FOLLOWING:

18 (a) NOT IN A LANE OF TRAFFIC.

19 (b) IN A LANE OF TRAFFIC. THIS SUBDIVISION DOES NOT APPLY IF THE
20 VEHICLE IS NOT IN MOTION DUE TO A TRAFFIC CONTROL DEVICE OR SIGN.

21 C. A VIOLATION OF THIS SECTION IS A NONMOVING CIVIL TRAFFIC VIOLATION.

22 D. IF A PERSON VIOLATES THIS SECTION AND THE PERSON IS NOT INVOLVED IN
23 A MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF FIFTY
24 DOLLARS.

25 E. IF A PERSON VIOLATES THIS SECTION AND THE PERSON IS INVOLVED IN A
26 MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF TWO
27 HUNDRED DOLLARS.

28 Sec. 2. Warning period

29 Notwithstanding section 28-913, Arizona Revised Statutes, as added by
30 this act, for the purpose of informing and educating persons who operate
31 motor vehicles, beginning January 1, 2012 through January 31, 2012, any law
32 enforcement officer authorized to issue traffic complaints may stop motor
33 vehicles and shall only issue a warning to persons violating section 28-913,
34 Arizona Revised Statutes, as added by this act.

35 Sec. 3. Short title

36 This act may be cited as the "No Texting While Driving Act".

37 Sec. 4. Effective date

38 Section 28-913, Arizona Revised Statutes, as added by this act, is
39 effective from and after December 31, 2011.