REFERENCE TITLE: text messaging while driving; prohibition

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

S. B. ____
Introduced by ____________________

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22; RELATING TO TEXT MESSAGING WHILE DRIVING.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 28, chapter 3, Arizona Revised Statutes, is amended by adding article 22, to read:

ARTICLE 22. TEXT MESSAGING WHILE DRIVING

28-1211. Text messaging while driving; prohibition; exceptions

A. A person shall not operate a motor vehicle on a highway while using an electronic wireless communications device to send or receive a written message.

B. This section does not apply to any of the following:
   1. Law enforcement and safety personnel while in performance of official duties.
   2. Drivers of authorized emergency vehicles while in performance of official duties.
   3. The use of an electronic wireless communications device for the sole purpose of communicating with any of the following regarding an emergency situation:
      (a) An emergency response operator.
      (b) A provider of ambulance services.
      (c) A provider of firefighting services.
      (d) A law enforcement agency.

28-1212. Nonmoving violation; civil penalties; accident reports

A. A violation of this article is a nonmoving civil traffic violation.

B. If a person commits a first violation of this article and the person is not involved in a motor vehicle accident, the person is subject to a civil penalty of one hundred dollars.

C. If a person commits a second or subsequent violation of this article and the person is not involved in a motor vehicle accident, the person is subject to a civil penalty of three hundred dollars.

D. If a person violates this article and the person is involved in a motor vehicle accident, the person is subject to a civil penalty of three hundred dollars.

E. If a person is cited for violating this article, the person is involved in a motor vehicle accident and a written accident report is required pursuant to article 4 of this chapter, the law enforcement officer investigating the accident shall indicate on the written accident form the person's use of an electronic wireless communications device to send or receive a written message at the time of the accident.

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.