Distracted Driving Ordinance

AN ORDINANCE TO AMEND [community code of ordinances] TO PROHIBIT THE USE OF HAND-HELD PERSONAL COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE IN [community name].

**WHEREAS,** numerous studies have determined that it is unsafe to operate a vehicle while distracted with a hand-held, personal communication device; and

**WHEREAS,** any use of a hand-held personal communication device while driving is seen as a hazard to the driver, passengers, and others on the road; and

**WHEREAS,** ceasing all hand-held, personal communication devices is more manageable to enforce than ceasing text messaging only; and

**WHEREAS,** [community name] has the duty to promote the safety and well-being of its residents and visitors to the city.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF** [community name] **THAT**:

Section 1.

[specific section of code] is hereby amended as follows:

1. No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.
2. No person shall operate a motor vehicle while using a hand-held, personal communication device unless such use is otherwise authorized in subsection (c). For the purpose of this subsection, "hand-held, personal communication device" is defined as a portable electronic device capable of transmitting and/or receiving data and includes but is not limited to any of the following components: wireless telephone; internet-connected device; text-messaging or instant-messaging device; computer.
3. Subsection (b) of this section shall not apply:
   1. When a driver is using a hand-held, personal communication device inside a motor vehicle when such vehicle is parked, standing, or stopped and is removed from the flow of traffic; or
   2. When a driver is using a voice operated or hands-free device, which allows one-touch activation and otherwise allows the driver to maintain both hands on the vehicle's steering device while the vehicle is operating; or
   3. To the operator of an emergency vehicle, or to any person reporting a health or safety emergency to 911 or to applicable police, fire or EMS.
4. Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

Section 2.

This ordinance shall go into effect, and be in force, upon the earliest date allowed by the law.