

*Walter H. Drane Company - Sample Legislation - 1 Sample - 2 Pages
Texting While Driving*

By Council Members _____ . An emergency ordinance to supplement the Codified Ordinances of _____ , by enacting new Section _____ prohibiting the use of wireless handsets to text message while driving.

Whereas, according to the Governors Highway Safety Association, four states — Alaska, Minnesota, New Jersey and Washington — outlaw text messaging while driving and legislation is being considered in 16 other states; and Whereas, mobile texters in the United States sent 158 billion messages in 2006, up 95 percent from 2005, according to industry statistics cited by the New York Times; and

Whereas, according to a 2006 study by Nationwide Insurance, 19 percent of drivers use text messaging while at the wheel and that number jumped to 37 percent among drivers aged 18 to 27; and

Whereas, a national American Automobile Association survey of 1,000 16 and 17-year-old drivers found that 46 percent send text messages with their cell phones while driving; and

Whereas, each year, 21% of fatal car crashes involving teenagers between the ages of 16 and 19 were the result of cell phone use and this result is expected to grow as much as 4% every year; and

Whereas, in one tragic accident in Canandaigua, New York, police found that text messages were sent and received on a 17-year-old driver's cell phone moments before the vehicle slammed head-on into a truck, killing her and four other recent high school graduates; and

Whereas, this Council believes that regulation of text messaging while driving is necessary for the health and safety of Ohio citizens; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the _____ :

Section 1. That the Codified Ordinances of the _____ , are hereby supplemented by enacting new Section _____ to read as follows:

Section XXX.XX TEXT MESSAGING WHILE DRIVING.

(a) As used in this section:

- (1) "Text message" means a message sent or received via a process using wireless handsets. For the purposes of this section, an e-mail shall be considered a "text message."
- (2) "Wireless handset" means a portable electronic device capable of transmitting or receiving data in the form of a text message.

(b) No person shall use a wireless handset to compose, send or read text messages while driving a motor vehicle in the Municipality of _____ .

(c) Notwithstanding the provisions of division b, this section shall not be construed to prohibit the use of a wireless handset inside a motor vehicle to compose, send or read a text message by:

- (1) A driver using a wireless handset to contact any law enforcement, police officers, emergency services personnel, emergency medical technicians, or fire safety officials to report an emergency situation; or
- (2) A driver using a wireless handset inside a motor vehicle while such vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws or rules, or is stopped due to the inoperability of such vehicle.

(d) **Penalty.** Whoever violates this section shall be fined one hundred dollars for the first offense, two hundred and fifty dollars for a second offense, and no more than five hundred dollars for each subsequent offense.

Section 2. That the provisions of Section XXX.XX(d) shall take effect ninety days after the effective date of this ordinance.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, and Law; Committees on Public Safety, Legislation, Finance.