

## Sample Distracted Driving Ordinance

### [Municipal Code Chapter and Title] Use of electronic communication devices

- (A) Definitions:
- (1) For the purposes of this section, “electronic communication device” shall include but not be limited to mobile, cellular, analog wireless or digital telephones, personal digital assistants, or portable or mobile computers.
  - (2) For the purposes of this section, “using an electronic communication device” shall include, but not be limited to, the following activities: (a) talking or listening to another person on the telephone; (b) composing, sending, reading, or listening to a text message or other electronic message; or (c) browsing the Internet via mobile, cellular, analog wireless, or digital telephone.
  - (3) For the purposes of this section, “a hands-free device” is an internal software application, or an external device that allows the user to engage in a telephone call without touching the user's electronic communication device.
- (B) Except as otherwise provided in subsection (C) of this section, no person shall operate a motor vehicle while using an electronic communication device.
- (C) The provisions of this section shall not apply to:
- (1) Law enforcement officers and operators of emergency vehicles, when on duty and acting in their official capacities.
  - (2) Persons using an electronic communication device with a hands-free device activated.
  - (3) Persons using a telephone to call 911 telephone numbers or other emergency telephone numbers.
  - (4) Persons using a telephone while maintaining a motor vehicle in a stationary parked position, and not in gear.
- (D) Any person who violates the requirements of this section shall be subject to a fine of one hundred dollars (\$100.00), provided, however, that if a violation occurs at the time of a traffic crash, the driver shall be subject to an additional fine not to exceed five hundred dollars (\$500.00).