

BILL NO. 3007

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING TEXTING WHILE OPERATING A MOTOR VEHICLE

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1 Except as otherwise provided in this Section, no person operating a moving motor vehicle on roads exclusively within the jurisdiction of the City of Chesterfield, Missouri, by means of a hand-held electronic wireless communications device shall send, read or write a text message or electronic message.

Section 2 The provisions of Section (1) of this section shall not apply to a person operating:

- A. An authorized emergency vehicle; or
- B. A moving motor vehicle while using a hand-held electronic wireless communications device to:
 - 1. Report illegal activity;
 - 2. Summon medical or other emergency help;
 - 3. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

Section 3 Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle on roads exclusively within the jurisdiction of the City.

Section 4 As used in this section, "*electronic message*" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "*Electronic message*" includes, but is not limited to, electronic mail, a text message, an instant message or a command or request to access an internet site.

Section 5 As used in this Section, "*hand-held electronic wireless communications device*" includes any hand-held cellular phone, Palm Pilot, Blackberry or other mobile electronic devices used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

Section 6 As used in this Section, “*making or taking part in a telephone call*” means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

Section 7 As used in this Section, “*send, read or write a text message or electronic message*” means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message . Sending reading or writing a text message or electronic message does not include reading, selecting or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

Section 8 The provisions of this Section shall not apply to:

- A. The operator of a vehicle that is lawfully parked or stopped:
- B. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
- C. The use of voice-operated technology;
- D. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

Section 9 This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

BILL NO. 3007 BLUE SHEET AMENDMENT

Add the following language:

WHEREAS, the City Council of the City of Chesterfield seeks to protect the health and safety of its citizens; and

WHEREAS, the City Council of Chesterfield has reviewed the danger posed by drivers who text while operating a motor vehicle; and

WHEREAS, the City Council of Chesterfield has determined that traffic safety will be improved if the City prohibits drivers from texting while driving; and

WHEREAS, numerous other state and local governments have prohibited texting and driving; and

WHEREAS, the City Council determines that it is in the best interest of the public health and safety of the citizens of the City that texting while driving be prohibited;

Section 9. Violation of this section shall be a misdemeanor, punishable by a fine of not less than five dollars (\$ 5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.