

ORDINANCE NO. 2010-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STEPHENVILLE AND CREATING SECTION 71.08 PROHIBITING THE USE OF WIRELESS COMMUNICATION DEVICES FOR ELECTRONIC MESSAGING WHILE OPERATING A MOTOR VEHICLE INSIDE THE CITY LIMITS AND CREATING AN OFFENSE AND PROVIDING A PENALTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:

Section 71.08 of the City Code is created to read:

§71.08 Use of Wireless Communication Device for Electronic Messaging While Operating a Motor Vehicle is Prohibited

A. Definitions.

1. Electronic message means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to , a text-based communication, a command or request to access an internet site, or other data that uses a commonly recognized electronic communications protocol.
2. Wireless communication device has the meaning assigned in Section 545.425 (Use of Wireless Communication Device; Offense) of the Texas Transportation Code.

B. Electronic Messaging While Driving.

1. A driver of a motor vehicle may not use a wireless communication device to view, send, or compose an electronic message while operating a motor vehicle.
2. It is an affirmative defense to prosecution of an offense under this section if a wireless communications device is used:
 - a. While the vehicle is stopped;
 - b. For making a telephone call;
 - c. As a global positioning or navigation system that is affixed to the vehicle;
 - d. For obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed;
 - e. In the reasonable belief that a person's life or safety is in immediate danger; or
 - f. If the device is permanently installed inside the vehicle.
3. This section does not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity.
4. To the extent that this section conflicts with the Texas Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors, or Texas Transportation Code Section, 545.425, regarding

the use of wireless communications devices in school crossing zones, this section does not apply.

Passed and **Approved** this 6th day of April, 2010.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary

Reviewed by Mark Kaiser,
City Administrator

Approved as to form and legality
Randy Thomas, City Attorney