

AN ORDINANCE RELATING TO THE OPERATION OF
MOTOR VEHICLES TO PROHIBIT ANY PERSON FROM
OPERATING A MOTOR VEHICLE ON A PUBLIC STREET
ROAD, OR HIGHWAY WHILE USING A WIRELESS
TELECOMMUNICATIONS DEVICE

Sponsored by: Mr. Williams.

WHEREAS, the City Council of the City of Mobile, Alabama, is aware of growing public concern regarding the safety implications of the widespread use of wireless telecommunication devices while operating motor vehicles; and,

WHEREAS, the City Council finds that restricting the use of wireless telecommunications devices while operating motor vehicles would protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED B Y THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, as follows:

SECTION 1. For purposes of this act, the following words shall have the following meanings:

(1) “cell telephone” shall mean a cellular, analog, wireless or digital telephone.

(2) “electronic communication device” shall mean a cell phone, personal digital assistant, electronic device with mobile data access, laptop computer, pager,

broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

(3) “hands-free electronic communication device” shall mean an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either or both hand.

(4) “hands-free equipment” shall mean the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call without the use of either or both hand.

(5) “engages or engaging in a call” shall mean when a person dials or punches a phone number on, talks into or listens on an electronic communication device.

(6) “using” shall mean holding an electronic communication device while:

a. Viewing or transmitting images or data;

b. Playing games;

c. Composing, sending, reading, viewing, accessing, browsing,

transmitting, saving or retrieving e-mail, text messages or other electronic data;

d. Writing, sending, or reading a text-based communication; or

e. Engaging in a call.

(7) “writing, sending, or reading a text-based communication” shall mean using a wireless telecommunication device to manually communicate with any person using text-based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail. The term does not include reading, selecting, or entering a telephone number or name in a cell or wireless telephone or communication device for the purpose of making a telephone call.

SECTION 2. No driver shall operate a motor vehicle on any public road, street, or highway while using an electronic communication device while such vehicle is in motion.

SECTION 3. Section 2 of this Ordinance shall not apply to:

(1) a law-enforcement officer, a firefighter, an emergency medical technician, a paramedic or the operator of an authorized emergency vehicle in the performance of their official duties;

(2) a person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs or any other crime.

(3) a person using a hands-free electronic communication device and its hand-free equipment when such person engages in a call; and

(4) the activation or deactivation of hands-free equipment or a function of hands-free equipment.

SECTION 4. A person who violates Section 2 of this Ordinance is subject to fines as follows:

- (a). Two Hundred Fifty dollars (\$250.00) for a first violation;
- (b). Three Hundred Fifty dollars (\$350.00) for a second violation;
- (c). Five Hundred dollars (\$500.00) for a third or subsequent violation.

SECTION 5 Law enforcement officers enforcing this Ordinance may treat a violation of this Ordinance as the primary or sole reason for issuing a citation to a driver.

SECTION 6. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED:

CITY CLERK