

AN ORDINANCE PROHIBITING TEXT MESSAGING AND USING A HAND-HELD
MOBILE DEVICE WHILE OPERATING A MOTOR VEHICLE

Whereas, the Aldermen of the City of Seligman, Missouri desire to enact an Ordinance defining the criminal offense of text messaging or using a hand-held mobile device while operating a motor vehicle in the City of Seligman and providing for a penalty for its violation.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SELIGMAN, AS FOLLOWS:

SECTION ONE: Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

SECTION TWO: Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.

SECTION THREE: Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.

SECTION FOUR: The provisions of subsection 1 through subsection 3 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device

to: (a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) 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 FIVE: 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 noncommercial motor vehicle upon the highways of this state.

SECTION SIX: Terms used in this ordinance are defined as follows:

1. "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.

2. "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device 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.

3. "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

4. "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 SEVEN: A violation of this ordinance shall be deemed a moving violation for purposes of point assessment under section 302.302 RSMo.

SECTION EIGHT: The provisions of this ordinance shall not apply to:

1. The operator of a vehicle that is lawfully parked or stopped;
2. Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;
3. 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;
4. The use of voice-operated technology;
5. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

SECTION NINE: If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION TEN: Any person who violates the provisions of this ordinance, shall, upon conviction, be subject to a fine of not less than \$50.00 nor more than \$500.00.

SECTION ELEVEN: This ordinance shall be in full force and effect from and after its passage and approval.

SECTION TWELVE: Said approval being effective the ____ day of _____, 2017.

Mayor

PASSED AND ADOPTED by the following vote:

Mayor of Seligman

ATTEST

City Clerk

BE IT REMEMBERED that the above Ordinance was adopted upon its second reading by the following votes:

ALDERMAN _____ VOTES _____

ALDERMAN _____ VOTES _____

ALDERMAN _____ VOTES _____

ALDERMAN _____ VOTES _____