

### **331.45 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICES.**

(a) Definitions. As used in this section:

(1) "Electronic wireless communications device" means a mobile telephone and/or a portable electronic device capable of transmitting and/or receiving data and includes the following: a text-messaging device; a personal digital assistant; and a computer, including a laptop computer and a computer tablet.

(2) "Mobile telephone" includes, but is not limited to, cellular, analog, wireless and digital telephones.

(3) "Use" means to use an electronic wireless device for dialing, answering, talking, listening and/or composing, sending or receiving text messages.

(4) "Text message" means a message sent or received via a process using wireless handsets. For the purposes of this section, an e-mail shall be considered a "text message."

(5) "Voice operated or hands-free device" means an electronic wireless communications device that allows the user to dial, answer, talk, or listen or vocally compose or send, or listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

(6) "Composing, sending, or receiving text messages" means to manually write or send, or read a text message using an electronic wireless communications device.

(b) No person shall use an electronic wireless communications device in any manner while driving a motor vehicle in the City, including composing, sending, or receiving text messages and using an electronic wireless communications device to dial, answer, talk, or listen unless such use is otherwise authorized in subsection (c)

(c) Notwithstanding the provision of subsection (b) of this section, this section shall not apply when;

(1) A driver is using an electronic wireless communications device to contact any law enforcement agency, police officers, emergency services personnel, emergency medical technicians, or tire safety officials to report an emergency situation; or

(2) A driver is using an electronic wireless communications device inside a motor vehicle when such vehicle is parked, standing, or stopped and is removed from the flow of traffic, in accordance with applicable laws or rules, or is stopped due to the inoperability of such vehicle;

(3) A driver is using a voice operated or hands-free device which allows the driver to maintain both hands on the vehicle's steering device while the vehicle is operation; or

(4) Safety and public service personnel, employed by a governmental agency, are using electronic wireless communications devices in the course of their work.

(d) Violations of division (b) of this section shall constitute a primary offense.

(e) Whoever violates division (b) of this section shall be fined one hundred dollars (\$100.00) for the first offense, two hundred and fifty dollars (\$250.00) for a second offense, and no more than five hundred dollars (\$500.00) for each subsequent offense. Violations of division (b) shall also constitute a two-point license violation.