

# No Texting While Driving Ordinance

Homeland Security and Public Safety Committee April 10, 2013

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BTW THKS	where ru? OMW Running late See u soon TTYL BTW THKS Distracted Drivings	Where r u?
•	18% of drivers admit to texting while driving. (Nat'l. Highway Transp. Safety Adm.)	OMW
2moro	Text messaging creates a crash risk 23 times worse than driving while not distracted. (Va. Tech. Traffic Inst.)	Running late See u
Running late See u soon	Sending or receiving a text takes a driver's eyes from the road for an average of 4.6 seconds, the equivalent-at 55 mph-of driving the length of an entire football field, blind. (Va. Tech. Traffic Inst.) In the month of June 2011, more than 196 billion text messages were sent or received in the US, up nearly 50% from June 2009. (Cellular	soon 2moro TTYL
er u?	Telecomm. & Internet Assoc.)	BTW
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2009 - State law provided that use of wireless communication devices by drivers could be prohibited, with appropriate signage, in school zones.

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- 2011- State law was expanded to authorize cities, counties • and other political subdivisions to prohibit use of wireless devices by drivers throughout the jurisdiction. See u soon
  - A statewide ban on texting while driving was passed by both houses but vetoed by the governor.
  - Legislation prohibiting use of wireless communications devices by drivers under the age of 18 was enacted. These drivers may use the devices only in the case of emergency.
- OMW 2013 - Legislation again introduced providing for a statewide ban on texting while driving; the outcome remains to be seen.

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## **Other Cities**

- Dallas Prohibits use of mobile communication devices in school zones while operating a motor vehicle.
- San Antonio Prohibits use of mobile communication devices in school zones while operating a motor vehicle.
- Austin Prohibits use of a wireless communication device to send, read or compose a message while operating a motor vehicle.
- Missouri City Prohibits use of a wireless communication device to send, read or compose a message while operating a motor vehicle.
  - West University Prohibits use of a wireless communication device to view, send, or compose an electronic message while operating a motor vehicle.

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- Conroe prohibits texting or internet browsing while driving.
- Bellaire prohibits texting or internet browsing while driving.

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• Galveston – prohibits texting or internet browsing while driving.

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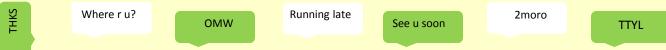
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### **Proposed Ordinance**

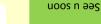
- Wireless communication device means an electronic communication device capable of creating, sending or receiving an electronic message. The term includes but is not limited to a mobile phone, a personal digital assistant, a computer, a mobile computer, a tablet computer, a media player and a vehicle's onboard computer.
- Unlawful for a person to use a wireless communication device to:
  - View;
  - Send; or
  - Create an electronic message while operating a motor vehicle upon a roadway within the city.

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# **Affirmative Defenses**

#### Use of a wireless communications device --

- In the course and scope of the user's duties as the operator of an emergency vehicle;
- To communicate with an emergency response operator, fire department, law enforcement agency, hospital, physician's office, or health clinic regarding a medical or other See u soon emergency situation;
  - In a vehicle that was parked or stopped out of the traffic lanes of a roadway; Attached to or installed in the vehicle as a global positioning or navigation system;

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- MMO Solely in a voice-activated or other hands-free mode; or
  - Under a license issued by the Federal Communications **Commission**. **WMO**

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