



ORDINANCE 708

AN ORDINANCE OF THE CITY OF THE VILLAGE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE BY ADDING A NEW SECTION 13-372; PERTAINING TO TEXTING WHILE DRIVING; PROVIDING FOR PENALTY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE

Section 1. That Chapter 13 of The Village City Code is hereby amended by adding a new Section 13-372 to read as follows:

“Sec. 13-372. Texting while driving.

- A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this city while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.
- B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).
- C. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:
 1. *An emergency response operator;*
 2. *A hospital, physician's office or health clinic;*
 3. *A provider of ambulance services;*
 4. *A provider of firefighting services; or*
 5. *A law enforcement agency.*
- D. For the purpose of this section:



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1. "*Cellular telephone*" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
2. "*Compose*", "*send*" or "*read*" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;
3. "*Electronic communication device*" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and
4. "*Text message*" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

E. Chapter 13, Section 13-372 shall become effective November 1, 2015."

State law reference – Title 47, O.S. Section 11-901d
(Ord. No. 708, §1, 07-21-2015)

Section 2. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

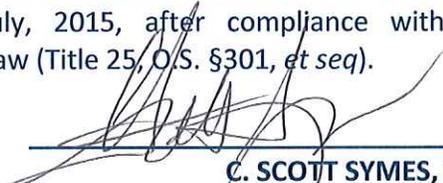
Section 4. Emergency. **WHEREAS**, it being necessary for the preservation of the peace, health, safety, and public good of The City of The Village and the



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inhabitants thereof, an emergency is hereby declared to exist, and by reason whereof, this ordinance shall take full force from and after its passage, as provided by law.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 21st day of July, 2015, after compliance with notice requirements of the Open Meeting Law (Title 25, O.S. §301, *et seq*).



C. SCOTT SYMES, MAYOR

ATTEST:


City Clerk

APPROVED as to form and legality this 21st day of July, 2015.



ASSISTANT CITY ATTORNEY