

ORDINANCE 808 (15)

AN ORDINANCE AMENDING PART 15, CHAPTER 5, ARTICLE 15-516 OF THE MOORE MUNICIPAL CODE PROHIBITING TEXTING WHILE DRIVING; PROVIDING A PENALTY; PROVIDING EXCEPTIONS; PROVIDING DEFINITIONS; PROVIDING FOR RENUMBERING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER;

SECTION 15-516

INATTENTION TO DRIVING; TEXTING WHILE DRIVING

- A. Every driver shall remain alert and give full attention to the safe control and operation of his vehicle while it is in motion. Any driver who engages in any activity or does any act while driving that interferes with the safe operation and control of his vehicle is guilty of inattention to driving. A driver of a motor vehicle who collides with another vehicle or with any person or property because of inattention is guilty of careless driving.
- B. 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.
- C. Any person who violated 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) or the maximum designated by state law. Ref. Title 47 O.S. 11-901(d).
- D. The provisions of Subsection B of this section shall not apply if the person is using a cellular or electronic device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:
 - 1. An emergency responder;
 - 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.
- E. For the purpose of this Section:
 - 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.

Severability

If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer

Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 19 DAY OF OCTOBER, 2015.

Glenn Lewis Mayor
GLENN LEWIS, Mayor



ATTEST: (Seal)

Brooks D. Mitchell

BROOKS MITCHELL, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Randy C. Brink

RANDY C. BRINK, City Attorney