

AN ORDINANCE OF THE CITY OF ROBERTS, IDAHO, TO DEFINE AND PROHIBIT THE USE OF A MOBILE ELECTRONIC DEVICE WHILE DRIVING; ESTABLISH PENALTIES; ALLOW POLICE TO STOP VEHICLES FOR VIOLATIONS; PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, ESTABLISHING EFFECTIVE DATE AND DATE FOR REVIEW AND ASSESSMENT.

ORDINANCE # 553

WHEREAS, driving is a high risk and dangerous activity when drivers are distracted and not paying proper attention to surrounding conditions as they drive; and

WHEREAS, the purpose of this Ordinance is to encourage and promote safe driving habits, regulate the safe use of mobile electronic devices in motor vehicles, and to reduce vehicle accidents, injury to people, and damage to property; and

WHEREAS, distractions that divert attention from the task of driving are inherently dangerous to the drivers, their passengers, and others on or near the roadway; and

WHEREAS, mobile electronic devices, if used improperly or at inappropriate times while driving, contribute to driver distractions; and

WHEREAS, research supports the conclusion that driving while distracted (including texting while driving) is dangerous; and

WHEREAS, adoption of this Ordinance will encourage drivers to use their mobile electronic devices (with some exceptions) only when stopped, parked, or standing (and not while the vehicle is moving); and

WHEREAS, this Ordinance allows for the use of mobile electronic devices where the use outweighs the danger generated by use; and

WHEREAS, because of the dangers created by the misuse of mobile electronic devices is significant, this Ordinance specifically authorizes a City peace officer to stop a vehicle for the sole purpose of enforcing this Ordinance; and

WHEREAS, this Ordinance creates an infraction fine unless the driver continues to violate the Ordinance, in which case, the fine may be a misdemeanor; and

WHEREAS, this Ordinance is being adopted and enforced as a reasonable exercise of municipal police powers granted to the City pursuant to Idaho Code Title 50, Chapter 3, and as a temporary regulation necessary to cover the special condition of driving while

using a mobile electronic device in the absence of a State-wide regulation of the same;
and

WHEREAS, this Ordinance shall be reviewed and assessed on or before October 1, 2021,
to determine whether this Ordinance should be revoked or continued.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF ROBERTS, IDAHO, THAT:

SECTION 1.

DISTRACTED DRIVING

(A) DEFINITIONS

- (1) **Mobile Electronic Device.** Any handheld or portable electronic device capable of receiving, producing, displaying, or providing wireless data or voice communication, including a cellular telephone; broadband personal communication device; two-way messaging device; text messaging device; pager; electronic device that can receive or transmit text or character-based images, access or store data or connect to the internet; personal digital assistant; laptop computer; computer tablet; stand-alone computer; portable computing device; mobile device with a touch screen display that is designed to be worn; electronic games; equipment that is capable of playing a video, taking photographs, capturing images or recording or transmitting video; and any similar device that is readily removable from a vehicle and may be used to write, send or read text or data or capture images or video through manual input. "Mobile electronic device" shall not include a radio designed for the citizens band service or the amateur radio service of the Federal Communications Commission or a commercial two-way radio communications device.
- (2) **Motor Vehicle.** A device or vessel classified as a "motor vehicle" in Idaho Code Section 49-123"V".
- (3) **Operate.** Driving or occupying the driver's position of a motor vehicle in motion upon a public way, street, road or highway. "Operate" shall not include a motor vehicle that is lawfully parked or standing.
- (4) **Park.** Standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.