

ORDINANCE NO.: 2010-158

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article I, In General is amended to add Sec. 12-19 E-mailing or text messaging on mobile device while operating a motor vehicle

BE IT ORDAINED by the Mayor and Council this 29th day of March, 2011, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article I, In General is amended to add Sec. 12-19 E-mailing or text messaging on mobile device while operating a motor vehicle to read as follows:

Sec. 12-19. E-mailing or text messaging on mobile device while operating a motor vehicle.

(a) It shall be unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways within the City.

(b) For the purposes of this section, the following definitions shall apply:

Hands-free wireless electronic communication device means an electronic device, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device or a computer, that allows a person to wirelessly communicate with another person without the use of either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands-free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

Text-based communication means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

Wireless electronic communication device means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device, or a computer.

Driving or operating a motor vehicle means that the motor vehicle is moving or in motion.

(c) This section does not apply to a person who is:

- (1) lawfully parked or stopped;
- (2) using a hands-free wireless electronic communication device or a voice-activated feature or function of the device;
- (3) activating or deactivating a wireless electronic communication device or an internal feature or function of the device;
- (4) reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;
- (5) summoning medical or other emergency assistance;
- (6) transmitting or receiving data as part of a digital dispatch system;
- (7) using a citizen's band radio;
- (8) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties; or

(d) A person who violates this section is guilty of an infraction and shall be issued a Uniform Traffic Citation assessing a civil penalty in the amount of \$100.00. The civil penalty is subject to all other applicable court costs, assessments, and surcharges, if any.

(e) A law enforcement officer must not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways of the city;

(2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest for a violation of this section.

(f) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.

This ordinance is effective as of final reading.

Requested by:

Councilmember Newman _____

MAYOR

Approved by:

City Manager

Approved as to form:

ATTEST:

City Attorney

City Clerk

Introduced: 3/1/2011

Final Reading: 3/29/2011