

June 16, 2014

## Proposed Recommendations for a DD Ordinance

Definition of electronic devices – model after the definitions found in the Delaware state law, the Amarillo city ordinance and/or similar language found elsewhere.

Definition of usage – model after language in New York State law to the effect that if near the ear/mouth it is assumed (by law enforcement) that the device is in use.

Definition of “hands-free”: is what it says it is. There is a caveat in some laws and ordinances that enable the use of a single keystroke to turn a hands-free system on or off. Ideally that should be done before the vehicle is in motion, of course.

Ordinance should include modes of transport other than motor vehicles – like bicycles, mopeds, motor cycles, etc.

Ban use by pedestrians on or near (on the road shoulder, for instance) a roadway. It has been well documented that pedestrians pose a risk to themselves and other motorists when they are distracted thus. This would not completely ban the use of devices by pedestrians (a complete ban would be unrealistic and meet with considerable resistance).

Define “emergency”: a huge item with respect to enforcement. A driver may use a device if there is reasonable belief that their safety or life is in immediate danger. This language is seen in many state laws and city ordinances. This might be extended (judiciously) to other persons in the driver’s immediate vicinity. Otherwise the vehicle must be parked in a legal and safe place for usage to occur.

Where the ordinance is in effect: all streets, roads and highways within the city limits. Public parking lots, hike and bike trails, public parkland and publicly owned and maintained infrastructure.

Who the ordinance applies to: certainly all adults. In the case of under-aged persons riding bicycles, etc - judicial remedies could be devised that may already be in place for other offences.

Effective date of ordinance/break-in or grace period: warning tickets could be given for a period of at least one month before the a new ordinance took effect.

Appropriate public education and promotional campaigns for the new policy would need enough time to have impact on the public.

Also appropriate signage would be needed on targeted roadways in the city.

Distracted driving should be a primary offence (drivers can be ticketed for DD alone - not in conjunction with another driving offence like running a red light, etc).

Driving or operating a motor vehicle (or other mode of transport) includes while being temporarily stopped in traffic for any reason (red light, stop sign, traffic conditions).

Use can occur only if the vehicle is parked in a safe and legal place off the roadway.

Penalties for violations: substantial fines for first offence – a minimum of at least \$100.00. Then graduated (doubled) amounts for further offences. In the case of persons who demonstrate inability to pay fines, there should be an option to perform community service for a length of time (to be determined by a judge). Ideally, this service should be related to driving safety if possible.

Comments, suggestions are encouraged and welcomed.