

**§ 12-1-34 - USE OF PORTABLE ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE OR BICYCLE.**

(A) In this section:

- (1) portable electronic device means a hand-held mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, pager, broadband personal communication device, global positioning or navigation system, electronic game device, or portable computing device.
- (2) use means employing a portable electronic device for any reason including, without limitation, the following activities while holding or touching the device:
  - (a) dialing or deactivating a phone call;
  - (b) speaking in or listening to a conversation;
  - (c) viewing, taking, or transmitting electronic images;
  - (d) composing, sending, viewing, accessing, browsing, retrieving, or saving email messages, text messages, or other electronic data;
  - (e) entering or changing information in a global positioning or navigation system or any software or application designed for navigation;
  - (f) accessing or viewing an internet website or computer application; or
  - (g) playing a game.
- (3) operating a bicycle means astride a permanent seat attached to the bicycle while the bicycle is in motion.
- (4) authorized emergency personnel means a person who is a law enforcement officer, firefighter, member of a governmental emergency medical services function, or member of a governmental emergency management function.

(B) An operator of a motor vehicle may not use a portable electronic device while the vehicle is in motion.

(C) A person may not use a portable electronic device while operating a bicycle.

(D) It is an affirmative defense to prosecution of an offense under this section if:

- (1) the motor vehicle or bicycle is at a complete stop;
- (2) the portable electronic device is used in a hands-free mode of operation and used to engage in telephone communication or to listen to audio transmissions;
- (3) the portable electronic device is a global positioning or navigation device, or global positioning or navigation software on a device, and the device is affixed to the motor vehicle or bicycle;
- (4) use of a portable electronic device is for obtaining emergency assistance to report a crime, traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed; or
- (5) use of a portable electronic device is in the reasonable belief that a person's life or safety is in immediate danger.

(E) This section does not apply to authorized emergency personnel using a portable electronic device while acting in an official capacity.

- (F) This section does not apply to an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a portable electronic device or an operator using a two-way radio communication in a commercial vehicle.
- (G) To the extent that this section conflicts with the Texas Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors, or Texas Transportation Code Section 545.425, regarding the use of wireless communication devices in school crossing zones, this section does not apply.

*Source: Ord. 20091022-028; Ord. 20091217-090; Ord. No. 20140828-041, Pt. 1, 1-1-15.*