

ORDINANCE 543
DISTRACTED DRIVING

BE IT ORDAINED by the Common Council of the City of Box Elder, as follows:

ARTICLE 1 – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE

Ordinance 543 is an ordinance regulating distracted driving within the City of Box Elder. The Common Council of the City of Box Elder has deemed these regulations and controls to be reasonable and reasonably related to the health, safety and welfare of the residents of the City of Box Elder.

SECTION 2 – JURISDICTION

This ordinance shall govern all territory within the statutory jurisdiction of the City of Box Elder, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY

Should any Article, Section, Subsection, or Provision of this ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

ARTICLE II – DEFINITIONS

For the purpose of this ordinance, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; words in the plural include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive.

CITY: The City of Box Elder, South Dakota.

COUNCIL: The Common Council of the City.

DISTRACTED DRIVING: Distracted driving is inattentive driving while operating a motor vehicle caused by texting, reading, writing, performing personal grooming, interacting with pets, passengers, or unsecured cargo, using personal communications technologies, mobile phones, or other electronic device, or engaging in any other activity which may cause driver distraction.

MOBILE PHONE: A cellular, analog, wireless, or digital telephone capable of sending or receiving telephone calls, messaging, text or electronic mail without an access line for service

OTHER ELECTRONIC DEVICE: Including but not limited to handheld computers, pagers, and video games.

TEXT OR TEXTING: Means using an electronic wireless communications device to compose or send a written message or image using a text based communication system, including communications referred to as a text message, instant message or electronic mail.

USE: Talking, placing, texting, or receiving a call, or attempting to place, text or receive a call, on a wireless communications device, including a mobile phone.

SECTION 2 – DISTRACTED DRIVING PROHIBITED

- A. Except as otherwise allowed in Section 3, no person while operating a moving motor vehicle upon a public street or highway shall engage in distracted driving.
- B. No person having an instruction permit or a restricted minor's permit shall use any mobile telephone or other electronic device while operating a moving motor vehicle on a public street or highway or upon the property of a public or private school, college, or university.

SECTION 3 – EXCEPTIONS

- A. The above prohibitions shall not apply to any person using a mobile phone or other electronic device to summon aid in an emergency.
- B. The above prohibitions shall not apply to any Law Enforcement Officer, Firefighter, Emergency Medical Technician or Emergency Management Personnel while engaged in public safety related duties.

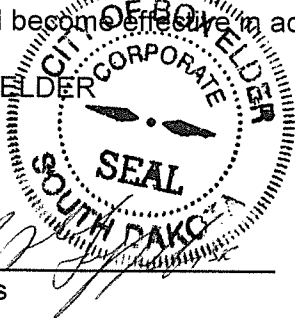
ARTICLE III – VIOLATIONS AND PENALTIES

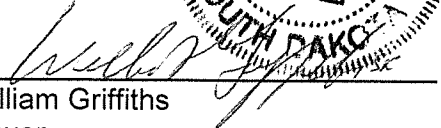
A violation of any provision of this ordinance or any amendment thereto, or a failure to perform any act required hereunder, is a Class II Misdemeanor. This ordinance shall be enforced as a secondary offense. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case and any restitution necessary to personally compensate any victim for personal injury or property damage.

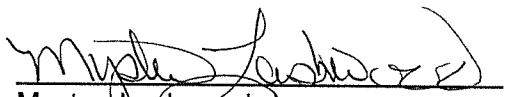
BE IT FURTHER ORDAINED by the Common Council of the City of Box Elder that his ordinance shall become effective in accordance to law.

CITY OF BOX ELDER

ATTEST:




William Griffiths
Mayor


Mystee Lashwood
Finance Officer

First Reading: January 21, 2014
Second Reading: February 4, 2014
Date Published: February 8, 2014