

City of Cincinnati

KCF
[Signature]

An Ordinance No. 334

- 2010

MODIFYING the provisions of Title V, "Traffic Code," of the Cincinnati Municipal Code by enacting a new Section 506-98, "Sending, Reading or Writing a Text Message or Accessing the Internet While Driving."

WHEREAS, the City of Cincinnati has an interest in protecting the health, safety, and welfare of its citizens; and

WHEREAS, 80% of automobile accidents are caused by driver distraction within 3 seconds of the event; and

WHEREAS, 65% of near accidents are caused by driver distraction; and

WHEREAS, it is estimated that 57% of drivers text while operating a motor vehicle; and

WHEREAS, a study done by the American Automobile Association found that 46% of teenaged drivers text while driving and that 37% say that texting is extremely or very distracting; and

WHEREAS, automobile crashes are the number one cause of death of teenagers in the nation; and

WHEREAS, the City of Cincinnati has an interest in protecting the rights and safety of all citizens using its roadways and sidewalks; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Title V, "Traffic Code," of the Cincinnati Municipal Code is hereby modified by enacting new Section 506-98, "Sending, Reading or Writing a Text Message or Accessing the Internet While Driving," which is hereby ordained to read as follows:

Sec. 506-98. Sending, Reading or Writing a Text Message or Accessing the Internet While Driving.

(a) As used in this section:

- (1) "Text message" means a message sent, stored or received via a mobile communication device. For purposes of this section, an e-mail message shall be considered a text message.

(2) "Mobile communication device" means any portable electronic device capable of transmitting or receiving data in the form of a text message or capable of accessing the internet, including but not limited to a wireless telephone, a text-messaging device, a personal digital assistant, or a personal computer.

(b) No person shall operate a motor vehicle while using a mobile communication device to:

- (1) Compose, send or read a text message; or
- (2) Send, read, create, play or interact with internet-based content.

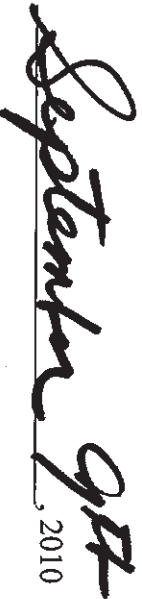
(c) Notwithstanding the provisions of division (b), this section shall not be construed to prohibit the use of a mobile communication device inside a motor vehicle by:

- (1) A driver using a mobile communication device to report a health or safety emergency; or
- (2) A driver using a mobile communication device or inputting data into a navigational system while the motor vehicle is parked, standing, or stopped and is removed from the flow of traffic, in accordance with applicable laws, or is stopped due to the inoperability of such vehicle; or
- (3) A driver using a mobile communication device in the course of the driver's duties while operating an emergency or public safety vehicle; or
- (4) A driver receiving data from a permanently installed or hands free navigational system. A driver may only input data into a navigational system in accordance with subsection (2) herein.

(d) Whoever violates this section is guilty of a minor misdemeanor.

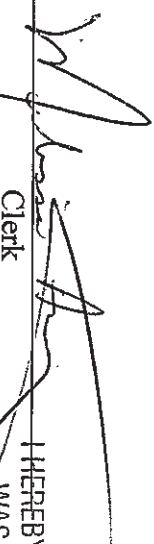
Section 2. That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: September 9th, 2010



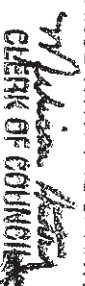
Mayor

Attest:



Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 336-2010
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9-21-2010



W. Alison Heston
CLERK OF COUNCIL