

## Chapter 210. Offenses

### Article IV. Offenses Concerning Public Safety

#### Section 210.186. Limitations on Use of Hand-Held Electronic Wireless Communications Devices for Those Persons Over the Age of 21 for Purposes of Public Safety.

[Ord. No. 3184 §2, 10-1-2014]

- A. Except as otherwise provided in this Section, no person over twenty-one (21) years of age operating a moving motor vehicle upon the roads exclusively within the jurisdiction of the City of Ellisville, Missouri, shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message because it poses a serious health risk.
- B. The provisions of Subsection (A) of this Section shall not apply to a person operating:
  - 1. An authorized emergency vehicle; or
  - 2. A moving motor vehicle while using a hand-held electronic wireless communications device to:
    - a. Report illegal activity;
    - b. Summon medical or other emergency help;
    - c. Prevent injury to a person or property; or
    - d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
- C. Nothing in this Section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a noncommercial motor vehicle upon the roads exclusively within the jurisdiction of the City of Ellisville.
- D. As used in this Section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communications devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.
- E. As used in this Section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, Palm Pilot, Blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.
- F. As used in this Section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communications device.
- G. As used in this Section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include

reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

H. The provisions of this Section shall not apply to:

1. The operator of a vehicle that is lawfully parked or stopped;
2. Any of the following while in the performance of their official duties: a law enforcement officer; a member of a Fire Department; or the operator of a public or private ambulance;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital system;
4. The use of voice-operated technology;
5. The use of two-way transmitters or receivers by a licensee of the Federal Communications Commission in the amateur radio service.

I. A violation of this Section is an offense against public safety, and, notwithstanding any other provision of the Code of Ordinances, the fine for the infraction of violation of public safety shall be set by the Municipal Court from time to time, but under no circumstances may a person be imprisoned for such an infraction.