

## Chapter 335. Miscellaneous Driving Rules

### Section 335.280. Text Messaging While Operating a Motor Vehicle Prohibited.

[Ord. No. 1012 §§ 1 — 7, 9, 7-1-2013]

- A. Except as otherwise provided in this Section, no operator of a motor vehicle upon the public streets of this City shall, by means of a hand-held electronic wireless communication device, send, read, or write a text message or electronic message.
- 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 communication device to:
    - a. Report illegal activity.
    - b. Summon medical or emergency aid.
    - c. Prevent injury to a person or property.
    - d. Relay information between a transit/for-hire operator and 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 communication device, while operating a motor vehicle.
- D. Definitions. As used in this Section, the following terms shall have the meanings indicated:

#### **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.

#### **HAND-HELD ELECTRONIC WIRELESS COMMUNICATION DEVICE**

Includes all hand-held cell phones, palm pilots, BlackBerry®, or other mobile electronic devices used to communicate verbally or by text or electronic messaging, but shall not apply to any device permanently embedded into the design of the motor vehicle.

- E. A violation of this Section shall be deemed an infraction and shall be deemed a moving violation for purposes of point violation.
- F. The provisions of this Section shall not apply to:
  - 1. The operator of a vehicle that is lawfully parked.
  - 2. While in the performance of official duties, a Law Enforcement Officer, member of a Fire Department, or the operator of a public or private ambulance.
  - 3. The use of factory-installed GPS or wireless communication devices used to transmit/receive data as part of a digital dispatch system.

4. The use of voice-operated technology.
  5. The use of two-way radio transmitters/receivers by a license of the Federal Communications Commission in the Amateur Radio Service.
- G. Any person violating the provisions of this Section shall be subject to the penalty provisions in Section **100.010** of the Municipal Code of the City of St. John, Missouri.