

1ST READING
2ND READING

9-27-11
10-4-11

ORDINANCE NO. 12546

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE I, BY ADDING A NEW SECTION 24-49 RELATIVE TO USE OF HAND-HELD MOBILE TELEPHONE OR PERSONAL DIGITAL ASSISTANT PROHIBITED WHILE DRIVING.

WHEREAS, T.C.A. § 5-8-199 prohibits text messaging while driving; and

WHEREAS, the Mayor and City Council of the City of Chattanooga believe that enacting a similar ordinance is in the best interest of the City;

NOW THEREFORE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 24, Article I, Section 24-49, be and is hereby added as follows:

Sec. 24-49. Use of hand-held mobile telephone or personal digital assistant prohibited while driving.

- (a) "Mobile telephone" means a cellular, analog, wireless or digital device that provides for voice communication and for data communication other than by voice; and
- (b) "Personal digital assistant" means a wireless electronic communication device that provides for data communication other than by voice.
- (c) "Texting" means to select, enter, transmit or read a written message via a hand-held mobile telephone or a hand-held personal digital assistant device.
 - (1) No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written or text message; provided, that a driver does not transmit, read a written message for the purpose of this subsection if the driver reads, selects, enters or dials a telephone number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call. No driver shall "text" while

operating a motor vehicle on any public road or highway. However, for the purpose of this subsection, a person may use a mobile telephone or personal digital assistant to receive or make a telephone call while operating a motor vehicle.

- (2) This section shall only apply to a person driving a motor vehicle that is in motion at the time a written message from a mobile telephone or hand-held personal digital assistant is transmitted or read by the person.
- (3) A violation of this section is subject to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.
- (4) This section shall not apply to the following persons:
 - (a) Officers of the state or of any county, city or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;
 - (b) Campus police officers and public safety officers, as defined by T.C.A. § 49-7-118, when in the actual discharge of their official duties;
 - (c) Emergency medical technicians, emergency medical technician-paramedics and firefighters, both volunteer and career, when in the actual discharge of their official duties; and
 - (d) Emergency management agency officers of the state or of any county, city or town, when in the actual discharge of their official duties.
- (5) A traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

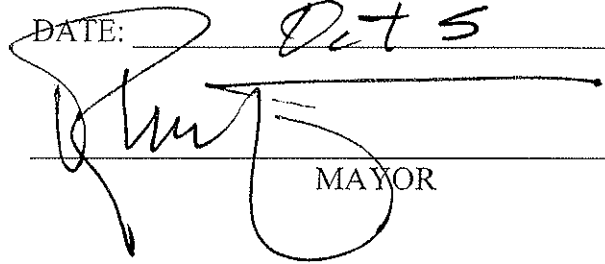
PASSED on Second and Final Reading

October 4, 2011.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: Oct 5, 2011


MAYOR

PPB/KOF/mms