

CITY OF KINGMAN

ORDINANCE NO. 1807

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AMENDING CHAPTER 7 OF THE CITY OF KINGMAN CODE OF ORDINANCES BY BANNING THE USE OF HAND HELD ELECTRONIC DEVICES IN MOTOR VEHICLES WHILE OPERATING ON PUBLIC RIGHTS OF WAY.

WHEREAS, the Mayor and Common Council has determined that the public health, safety, and welfare will be promoted by modifying the following provision to the City of Kingman Code of Ordinances;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1 Chapter 7, Article II of the Code of Ordinances of the City of Kingman, is created by adding text to read as follows

Sec. 7-85. Unlawful use of a mobile electronic device.

(a) It shall be unlawful for any person to operate a motor vehicle while using a mobile electronic device.

(b) Definitions.

(1) *Mobile electronic device* means any handheld or other portable electronic equipment capable of providing wireless or data communication between two or more persons or of providing amusement, including by not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer video game, or digital photographic device, but does not include any audio equipment or any equipment installed to the motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seat of the motor vehicle.

(2) *Use or using* means holding a mobile electronic device while operating a motor vehicle.

(3) *Hands-free accessory* means an attachment, add-on, built-in feature, or addition to the mobile telephone, whether or not permanently installed to the motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel.

(4) *Operating a motor vehicle* means operating a motor vehicle on any right of way including being temporarily stationary due to traffic, road conditions or traffic control sign or signal, but not including being parked on the side or shoulder of any right of way where such vehicle is safely able to maintain stationary.

(c) Exceptions. The provisions of this section do not apply to:

(1) Emergency responders using a mobile electronic device while in the performance and the scope of their official duties;

(2) A driver who is reporting a medical emergency, a safety hazard or criminal activity, or who is requesting assistance related to a medical emergency, a safety hazard, or criminal activity;

(3) A driver using a two-way radio or a private Land Mobile Radio System, within the meaning of title 47 Code of Federal Regulations part 90, while in the performance and scope of their work-related duties and who are operating fleet vehicles or who possess a commercial vehicle license; or