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Incorporated 1899

# TOWN OF JEROME

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## RESOLUTION NO. 578

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "ARTICLE 10-3, DRIVING WHILE USING A PORTABLE COMMUNICATIONS DEVICE," AN AMENDMENT TO THE TOWN CODE OF THE TOWN OF JEROME**

WHEREAS, the Town desires to make copies of "Article 10-3, Driving While Using A Portable Communications Device," available for review by the public; and

WHEREAS, A.R.S. § 9-802 permits the enactment and publication by reference of a public record in the interest of economy; and

WHEREAS, the document entitled "Article 10-3, Driving While Using A Portable Communications Device," attached hereto as Exhibit A, qualifies for enactment by reference;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Jerome, Arizona, as follows:

1. "Article 10-3, Driving While Using A Portable Communications Device," an amendment to the Town Code of the Town of Jerome, attached hereto as Exhibit A and incorporated herein, is hereby declared to be a public record pursuant to A.R.S. § 9-802.
2. Three copies of "Article 10-3, Driving While Using A Portable Communications Device," shall be filed in the office of the Town Clerk and kept available for public use and inspection.

ADOPTED AND APPROVED by a majority vote of the Jerome Town Council on the 12th day of February, 2019.



ATTEST:

  
Candace Gallagher, Town Manager/Clerk

APPROVED:

  
Christina "Alex" Barber, Mayor

APPROVED AS TO FORM:

  
William J. Sims, Town Attorney

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center



**RESOLUTION NO. 578  
EXHIBIT "A"**

**ARTICLE 10-3 Driving While Using A Portable Communications Device**

- 10-3-1 Definitions
- 10-3-2 Illegal Activities
- 10-3-3 Exemptions
- 10-3-4 Enforcement and Penalties

**Section 10-3-1 Definitions.**

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

"Hands-free mobile device" shall mean:

1. A device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such device, which is not held by the driver during motor vehicle use. The device must not obstruct the driver's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.
2. A device that is programmed before a person begins to drive or operate a motor vehicle such as a global positioning device (GPS).

"Motor vehicle," "drive," and "driver" shall have the same meaning as defined in A.R.S. Title 28, Chapter 1, Transportation.

"Portable communications device" shall mean any handheld mobile telephone, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communications device, two-way messaging device, electronic game, or "portable computing device."

"Use" shall mean holding a portable communications device and performing the illegal activities stated in Section 10-3-2 of the Jerome Town Code.

**Section 10-3-2 Illegal Activities.**

A person shall not drive a motor vehicle while using a portable communications device to engage in a call unless that device is configured to allow hands-free listening and talking, and is used exclusively in that manner while driving. Texting and typing while operating a motor vehicle are banned.

**Section 10-3-3 Exemptions.**

This Article does not apply to any of the following:

- A. When the driver uses a hands-free mobile device.

- B. When the purpose of the call is to communicate an emergency to a police or fire department, a hospital or physician's office, or an ambulance corps.
- C. When operating an authorized law enforcement or emergency vehicle in the performance of official duties.
- D. When a person holds a valid amateur radio operator license or any license issued by the Federal Communications Commission and is operating an amateur radio under the direction of authorized first responders in the event of an emergency.
- E. When a person is driving a motor vehicle on private property.
- F. When a driver has pulled off of the traveled portion of the roadway in a safe and legal location and placed the vehicle in park in order to operate a handheld portable communications device.

Section 10-3-4 Enforcement and Penalties.

- A. A law enforcement officer may stop a motor vehicle or motor driven cycle if the officer has reasonable cause to believe a violation of this chapter is occurring.
- B. A violation of this chapter is a nonmoving civil traffic violation.
- C. A person found to be in violation of this section and who is not involved in a motor vehicle accident is subject to a civil penalty of up to \$100.00 plus any other penalty assessments authorized by law.
- D. A person found to be in violation of this chapter and involved in a motor vehicle crash is subject to a civil penalty of \$250.00, plus any other penalty assessments authorized by law.
- E. Violations of this chapter shall be administered pursuant to the procedures for civil traffic violations, as set forth in Title 28, Chapter 5, of the Arizona Revised Statutes.