

**CITY OF SHOREACRES**  
**ORDINANCE 2010-72**

AN ORDINANCE PROHIBITING THE USE OF WIRELESS COMMUNICATION DEVICES TO VIEW, SEND, OR COMPOSE ELECTRONIC MESSAGES WHILE OPERATING A MOTOR VEHICLE; PROVIDING EXCEPTIONS; AND, ESTABLISHING A PENALTY FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES THAT:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof; and,

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 62-6, which section reads as follows:

**Sec. 62-6. Electronic messaging while driving.**

(a) Definitions. The following definitions apply to this section:

(1) Electronic message means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, a text-based communication, a command or request to access an internet site, or other data that uses a commonly recognized electronic communications protocol.

(2) Wireless communication device has the meaning assigned in V.T.C.A., Transportation Code § 545.425 (Use of Wireless Communication Device; Offense).

(b) A driver of a motor vehicle may not use a wireless communication device to view, send, or compose an electronic message or engage other application software while operating a motor vehicle in a driving lane, including when stopped in a driving lane, except:

(1) Making a telephone call;

(2) Operating a global positioning or navigation system that is affixed to the vehicle;

(3) Obtaining emergency assistance to report a traffic accident, medical emergency, serious traffic hazard, fire, explosion or hazardous material release;

(4) To prevent or report the immediate commission of a crime;

(5) In the reasonable belief that a person's life or safety is in immediate danger;

(6) If the device is permanently installed inside the vehicle; or

(7) Solely operated in a voice-activated or other hands-free mode.

(c) This section does not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity.


(d) To the extent that this section conflicts with the V.T.C.A., Transportation Code § 545.424, as amended, regarding the use of wireless communication devices while operating a motor vehicle by minors, or V.T.C.A., Transportation Code § 545.425, as amended, regarding use of wireless communication devices in school crossing zones, state law shall control.

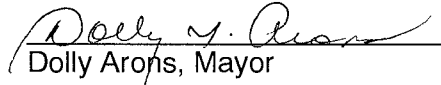
(e) The violation of any provision of this section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding five hundred dollars (\$500.00).

This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED this the 28TH day of JUNE 2010.

ATTEST:

  
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David K. Stall, City Secretary

  
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Dolly Arons, Mayor