

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3146

AN ORDINANCE PROHIBITING DRIVING WHILE DISTRACTED

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 8, Traffic Regulations, of the Helena City Code is hereby amended by adding this following new Chapter 2:

CHAPTER 2

DISTRACTED DRIVING

SECTION:

- 8-2-1: Definitions
- 8-2-2: Prohibited Activities
- 8-2-3: Violation, Penalty

8-2-1: DEFINITIONS: For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

BICYCLE: Mechanical transportation device propelled solely by human power, having two tandem wheels, and a seat height of more than 25 inches from the ground; or a mechanical transportation device equipped with two or three wheels, foot pedals to permit muscular propulsions, and an independent power source that provides a maximum of 2 brake horsepower, with a piston or rotor displacement of not more than 3.05 cubic inches, 50 centimeters.

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ELECTRIC PERSONAL
ASSISTIVE MOBILITY DEVICE:

Mechanical transportation device having 2 non-tandem wheels, being self-balancing, and designed to transport only one person with an electric propulsion system that limits the maximum speed to 12 ½ mph.

ENGAGE IN A CALL:

Talking into or listening on a mobile telephone, whether directly or through hands-free accessory or hands-free mobile telephone.

HANDS-FREE ACCESSORY:

An attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel.

HANDS-FREE DEVICE:

A "hands free device" is an external device that connects to a wireless telephone, wireless communications device or electronic communications device that allows use of the device without touching the telephone or wireless or electronic communications device with one's hands and includes voice-activated technologies that can be utilized without touching the device.

MOBILE ELECTRONIC DEVICE:

Any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text-messaging device, a mobile telephone, a paging device, a personal digital assistant, or a laptop computer; equipment that is capable of

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playing a video game or a digital video disk; equipment on which digital photographs are taken or transmitted; or any combination of those functions.

The term does not include two-way radios, audio equipment, or any equipment installed in a 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 seats of the motor vehicle.

MOBILE TELEPHONE:

A cellular, analog, wireless, or digital telephone capable of sending or receiving telephone communications without an access line for service.

MOTORIZED NONSTANDARD VEHICLE:

Mechanical transportation device propelled by its own power, using an internal combustion engine or an electric motor and having a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches. This includes any motorized skateboard and pocket rocket.

MOTOR VEHICLE:

Mechanical transportation device propelled by its own power and designed or used to transport persons or property upon streets, alleys, and other public rights-of-way, except those moved by animal power or used exclusively upon stationary rails or tracks. This includes any car, truck, motorhome, motorcycle, quadricycle, and medium-speed electric

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vehicle having a maximum speed of 45 mph, propelled by an electric motor or other device that transforms electrical energy into motion, stores electricity in batteries, ultracapacitors, or other devices charged from a power grid or renewable electrical energy source, fully enclosed with at least one door for entry, and having a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater.

OPERATING:

Being in actual physical control of a vehicle, whether or not the vehicle is moving, while in a driving lane on any public street, sidewalk, or highway right-of-way, not including alleys if the vehicle is not in motion.

USING OR USE:

Holding a mobile telephone, accessing a mobile telephone's telecommunication capability through a hands-free accessory or hands-free mobile telephone even though the mobile telephone is not held by the user, or activating or physically manipulating or controlling a mobile electronic device.

VEHICLE:

Any motorized vehicle, motorized nonstandard vehicle, electric personal assistive mobility device, or bicycle.

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8-2-2: PROHIBITED ACTIVITIES:

A. Except as otherwise provided in this section, a person may not operate a vehicle while using a mobile telephone to engage in a call or while using a mobile electronic device.

B. Subsection (A) does not apply to:

1. the use of a mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation:

- a. an emergency response operator;
- b. a hospital, physician's office, or health clinic;
- c. an ambulance company or service;
- d. a fire department; or
- e. a police department.

2. any of the following persons while in the performance of their official duties and within the scope of their employment:

- a. a public safety officer as defined in Section 44-4-401, MCA; and
- b. a firefighter or operator of an ambulance or other authorized emergency vehicle as defined in Section 61-8-102, MCA.

8-2-3: VIOLATION, PENALTY: Any person convicted of a violation under this chapter shall be fined not to exceed \$100. A conviction

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under this chapter is not to be reported as a traffic regulation violation for purposes of points under Section 61-11-203, MCA.

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 26th DAY OF SEPTEMBER, 2011.**

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION

**FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 7th DAY OF NOVEMBER, 2011.**

MAYOR

ATTEST:

CLERK OF THE COMMISSION