



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 05/17/2016

Title: Ordinance relating to the Use of Handheld Electronic Devices While Operating a Motor Vehicle

Introduction/Background:

The intent and enactment of this ordinance is to promote and encourage public health and safety in Pima County by restricting the use of handheld electronic devices while operating a motor vehicle and encourage safe driving on any and all roads and highways in Pima County.

Discussion:

In 2011, 52 percent of drivers reported owning a smartphone, and by 2014 that number had grown to 80 percent. In 2014, 3,179 people were killed, and 431,000 were injured in motor vehicle crashes involving distracted drivers. Ten percent of all drivers 15 to 19 years old involved in fatal crashes were reported as distracted at the time of the crashes. (Source NHTSA) The percentage of drivers text-messaging or visibly manipulating handheld devices increased from 1.7 percent in 2013 to 2.2 percent in 2014. At any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving, a number that has held steady since 2010. (Source NOPUS).

Conclusion:

Law enforcement is tasked daily with the response to motor vehicle accidents, vehicle fatalities or pedestrians being stuck on the roadways. With statistics stated above - it is imperative that this ordinance be enacted for the health, safety and welfare of the residence in Pima County that share, ride or walk on or near all road or highways in Pima County.

Recommendation:

It is recommended that this ordinance be enacted to promote public safety in Pima County by restricting the use of handled electronic devices while operating a motor vehicle on any and all roads and highways in Pima County. That the Board incorporate Chapter 10.34 entitled USE OF HANDHELD ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE to Title 10 of the Pima County Code.

Fiscal Impact:

No fiscal impact

Board of Supervisor District:

- 1 2 3 4 5 All

Department: Pima County Sheriff's Department Telephone: 520-351-4701

Department Director Signature/Date:  4-20-16

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE USE OF HANDHELD ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE. (All Districts)

The Board of Supervisors of Pima County, Arizona, finds that:

1. The Pima County Board of Supervisors has the authority under Arizona Revised Statutes ("A.R.S.") § 11-251(4) to lay out, maintain, control, and manage public roads, ferries, and bridges within the County; under A.R.S. § 11-251(17) to adopt provisions necessary to preserve the health of the County; and under A.R.S. § 11-251(31) to make and enforce all local, police, sanitary, and other regulations not in conflict with the general laws.
2. The Pima County Board of Supervisors has authority under A.R.S. § 28-626(B) and A.R.S. § 11-251.05 to adopt, by ordinance, additional traffic regulations on Pima County highways that are not in conflict with A.R.S. Title 28, Chapters 3, 4, or 5.
3. The use of handheld electronic devices while operating motor vehicles has increased in recent years and causes distracted driving, which has been shown to increase the risk of motor-vehicle crashes.
4. The Arizona Legislature, to date, has not enacted legislation directly regulating the use of handheld electronic devices while operating a motor vehicle.
5. Regulation of the use of handheld electronic while operating a motor vehicle will protect the public health and safety by promoting and encouraging safe driving on Pima County highways.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Title 10 of the Pima County Code is amended to add new chapter 10.34 to read as follows:

Chapter 10.34
USE OF HANDHELD ELECTRONIC DEVICES
WHILE OPERATING A MOTOR VEHICLE

Sections:

- 10.34.010 Purpose and intent.**
- 10.34.020 Prohibited conduct.**
- 10.34.030 Exemptions.**
- 10.34.040 Classification and penalty.**
- 10.34.050 Severability.**

10.34.010 Purpose and intent.

The purpose and intent of this ordinance is to promote public safety in Pima County by restricting the use of handheld electronic devices while operating a motor vehicle on Pima County highways.

10.34.020 Prohibited conduct.

A person may not, while driving a motor vehicle on a highway, manually manipulate a handheld electronic device for any purpose other than to initiate, receive, or engage in voice communication. For purposes of this section, "drive" and "motor vehicle" have the same meaning as those terms are given in Arizona Revised Statutes Title 28, Chapter 1.

10.34.030 Exemptions.

Section 10.34.030 does not apply to any of the following:

1. Use of handheld electronic devices by authorized law enforcement or emergency personnel in the performance of official duties.
2. A person driving a school bus or transit vehicle that is subject to Arizona or United States Department of Transportation regulations.
3. Use of a handheld electronic device on property that is not open to vehicular travel by the general public.
4. Use of a handheld electronic device while a motor vehicle is stationary.

10.34.040 Classification and penalty.

- A. A violation of Section 10.34.030 is civil traffic violation.
- B. A peace officer may stop and issue a citation to a person operating a motor vehicle on a highway if the peace officer has reasonable cause to believe that a violation of Section 10.34.030 has occurred.
- C. A person who violates Section 10.34.030 and is not involved in a motor vehicle crash is subject to a civil penalty of one hundred dollars (\$100.00), plus any other penalty assessments authorized by law.
- D. A person who violates Section 10.34.030 and is involved in a motor vehicle accident is subject to a civil penalty of two hundred fifty dollars (\$250.00), plus any other penalty assessments authorized by law.

10.34.050 Severability.

If any provision of this chapter, or the application of any provision of this chapter, is invalid, that invalidity shall not affect other provisions or applications of this chapter. The provisions of this chapter are severable.

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 3. This ordinance is effective 30 days after the date of adoption.


PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney