

ORDINANCE NO. 2017-____

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 devices while operating a motor vehicle protects the public health and safety by promoting and encouraging safe driving on Pima County highways.
6. Pima County adopted Ordinance No. 2016-31, restricting the use of handheld electronic devices while operating motor vehicles. While that Ordinance was more restrictive than the then-applicable City of Tucson ordinance regulating handheld electronic devices, it allowed some use of handheld electronic devices other than hands-free use.

7. The Town of Oro Valley recently adopted Ordinance No. (O)16-15, and the City of Tucson recently adopted Ordinance No. 11442. Both ordinances restrict the use of handheld electronic devices to hands-free use only, with exceptions.
8. Drivers should, to the extent feasible, be subject to uniform rules throughout Pima County regarding their use of handheld electronic devices while driving.

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

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

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

. . .

10.34.015 – Definitions.

For purposes of this chapter:

1. “Handheld electronic device” means a wireless communication device that is designed to engage in calls or receive and transmit text, image messages, or data.
2. “Hands-free use” means the use of a handheld electronic device without the use of either hand by employing an internal feature of, or an attachment to, the device.
3. “Motor vehicle” has the same meaning given that term in Arizona Revised Statutes Title 28, Chapter 1.
4. “Operating” means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light, a stop sign, or otherwise, but excludes being in actual physical control of a motor vehicle when the motor vehicle has stopped on a highway or street at a location that is both not within a travel lane and safe for the motor vehicle to remain stationary.

10.34.020 - Prohibited conduct.

A person may not, while driving a motor vehicle on a highway, manually manipulate use a handheld electronic device while operating a motor vehicle on a street or highway unless that device is specifically designed or configured to allow hands-free use and is used in that manner. 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 10.34.020 does not apply to any of the following:

1. Use of a handheld electronic device for the sole purpose of reporting an emergency situation and continued communication with emergency or medical personnel during the emergency situation.
- ~~12. Use of handheld electronic devices by authorized law enforcement or emergency personnel in the performance of official duties.~~
- ~~23. A person driving operating a school bus or transit vehicle that is subject to Arizona or United States Department of Transportation regulations.~~
- ~~34. 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.~~
5. The activation or deactivation of hands-free use, as long as the handheld electronic device is securely configured and attached to the motor vehicle or integrated into the motor vehicle.

. . .

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 _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

ANDREW FLAGG