

ORDINANCE 3146

AN ORDINANCE AMENDING TITLE 10, CHAPTER 39, SECTION 110 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE PENALTY FOR THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE OPERATING A MOTORIZED VEHICLE OR A BICYCLE

WHEREAS, the City Commission recognizes the dangers of distracted driving including the use of electronic devices; and

WHEREAS, on July 3, 2012, the City Commission adopted Ordinance 3090 which became effective on August 2, 2012, prohibiting the use of electronic devices while operating a motorized vehicle or bicycle in the incorporated city limits of Great Falls; and

WHEREAS, driving while using an electronic device violations are occurring in unacceptable numbers in the City of Great Falls.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1. Title 10, Chapter 39, Section 110, Subsection 2 of the OCCGF pertaining to the penalty for the use of electronic communication devices while operating a motorized vehicle or a bicycle be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike-out~~ and adds any language which is **bolded**; and,

Section 2: This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading October 18, 2016.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 1, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3146 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Courthouse;
On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

Lisa Kunz, City Clerk

EXHIBIT "A"

Title 10 - VEHICLES AND TRAFFIC

Chapter 39 MISCELLANEOUS DRIVING RULES

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Sections:

...

10.39.110 Use of electronic communication devices while operating a motorized vehicle or a bicycle.

...

10.39.110 Use of electronic communication devices while operating a motorized vehicle or a bicycle.

1. Electronic communication device usage while driving prohibited.

- (a) No person operating a motorized vehicle or a bicycle on a public highway within the city limits of Great Falls shall use a mobile telephone to engage a call and/or use any other hand held electronic communication device to compose, send, view or retrieve email, a text message, or other electronic data.
- (b) "Hand held electronic communication device" includes wireless or cellular phones, laptop and notebook computers, GPS and navigational systems, pagers, electronic games and any other device that would permit wireless communications to and from the user of the device.
- (c) Exceptions.
 - (1) This provision shall not apply to any person reporting a health, fire, safety, or police emergency.
 - (2) This provision shall not apply to governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other "authorized emergency vehicle" as defined in Montana Code Annotated Sec. 61-8-102(2)(a).
 - (3) This provision shall not apply to operators or passengers of a motorized vehicle using a hand held electronic communication device while in a parking lane or space out of moving traffic lanes.
 - (4) This provision shall not apply to persons using a "hands free device." A "hands free device" is an external device that connects to a wireless telephone, wireless or electronic communication device that allows use of the hands free device.
 - (5) This provision shall not apply to drivers using two-way radios while in the performance and scope of their work-related duties, or to drivers holding a valid amateur radio operator license issued by the Federal Communications Commission while using a two-way radio.

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Chapter 39 MISCELLANEOUS DRIVING RULES

2. ~~Violation; penalty: A person who is found to have committed a violation of Section 10.39.110 shall be fined a minimum penalty of one hundred dollars (\$100.00) up to a maximum penalty of five hundred dollars (\$500.00).~~ **Penalty: The penalty(ies) for a person who is found to have committed a violation of Section 10.39.110 shall be as follows:**
- (a) **A first conviction for a violation of Section 10.39.110, shall be punishable by a fine not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00).**
 - (b) **A second conviction, within 24 months after the first conviction, for a violation of Section 10.39.110, shall be punishable by a fine not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). The Defendant shall further participate in twenty (20) hours of Court approved community service to be completed within ninety (90) days of the date of the second conviction. The Defendant shall provide completion of community service to the Great Falls Municipal Court.**
 - (c) **A third or subsequent conviction, within 24 months after the first conviction, for a violation of Section 10.39.110, shall be punishable by a fine not less than four hundred dollars (\$400.00) and more than five hundred dollars (\$500.00). The Defendant shall further participate in forty (40) hours of community service to be completed within ninety (90) days of the date of conviction. Additional penalties may include forfeiture of license plates of the vehicle, driven at the time of the offense, or forfeiture of the Defendant's driver's license for a period not to exceed 180 days, or both.**

(Ord. 3146, 2016; Ord. 3090, § 1(Exh. A), 7-3-2012, eff. 8-2-2012)