



MIDLOTHIAN POLICE DEPARTMENT

Information Bulletin

Understanding the new Hand-Held Wireless Device Ordinance

According to the National Highway Traffic Safety Administration (2012), driver distraction was the cause of almost 20% of fatal crashes, which accounted for over 3,300 traffic deaths, and over 420,000 wounded. Studies indicate that drivers who use cell phones while driving are 23 times more likely to be involved in a crash and response times in an emergency are quadrupled.

In 2015, Midlothian Police Department responded to over 700 incidents involving vehicle crashes. Of these, 339 of rose to the level of a formal report to the state, 134 of which cited driver inattention, a distraction in the vehicle or cell phone use as a causative factor. That's 39% of Midlothian crashes in 2015 that involved distracted drivers. In Midlothian's roadways are becoming more crowded and challenging to navigate. With the increased number of families calling Midlothian home, comes increased construction, vehicle and pedestrian traffic. All of this, and other factors, require an increased awareness on the part of Midlothian drivers.

Currently, 46 states ban texting while driving. Currently, 46 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. Of the 4 states without an all driver texting ban, 2 prohibit text messaging by novice drivers, 1 restricts school bus drivers from texting.

In May of this year the Midlothian City Council unanimously passed Ordinance 2016-12 which added an ordinance to Chapter 12 of the city ordinance ("Traffic and Vehicles") The new ordinance is titled "USE OF HAND-HELD WIRELESS COMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE PROHIBITED."

What does the ordinance prohibit?

This ordinance prohibits the use of a hand-held wireless communication device while operating a motor vehicle to:

- engage in a call,
- send, read or write a text message,
- take or view pictures or written text,
- access or view an internet website or software application,
- play a game,
- any other use of the device while operating a motor vehicle, including holding the device.

What is a hand-held wireless device?

A device that sends electronic (text or picture) messages or is used for wireless voice communication. Also included are, PDAs, e-readers, laptops, tablets, portable GPS devices, pagers, and electronic gaming devices or broadband devices with the above capabilities.

What is an acceptable hands-free device?

A mobile telephone or other wireless device (permanently installed or otherwise) that allows use of the device without use of the operator's hands.

What is "engaging in a call?"

Talking, dialing or listening on a hand held device or holding the device to activate or deactivate the device.

What does it mean to “operate a moving vehicle?”

If the car is moving, stopped or standing on a public street, highway or right of way, unless it is lawfully parked.

Are there exceptions?

Yes, here is a list of those exceptions:

- reporting crime to the police
- talking with 911 operators, police, fire, or medical facility about an emergency
- using the phone in a situation where it is reasonable to believe that a person’s life or safety is in immediate danger
- using a GPS that is installed in the vehicle

