



Legislation Details (With Text)

File #: ORD-3466 **Version:** 1

Type: Ordinance **Status:** Consent Agenda

File created: 8/30/2017 **In control:** City Council

On agenda: 9/12/2017 **Final action:**

Title: Consider adopting Ordinance No. 3466, repealing wireless communication devices while driving, in Section 82-22 of the Code of Ordinances; and take appropriate action.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance No. 3466 Repeal of Texting Ordinance, 2. Sec.82-22 Farmers Branch Code of Ordinances Wireless Devices

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Consider adopting Ordinance No. 3466, repealing texting while driving, in Section 82-22 of the Code of Ordinances; and take appropriate action.

BACKGROUND:

On March 3, 2014, the Farmers Branch City Council passed Ordinance No. 3274, restricting the use of wireless communication devices by the operator of a motor vehicle within the corporate limits of the City of Farmers Branch. The state law at the time only provided for restricted use of wireless communication devices while driving in school zones. This ordinance expanded that coverage to include all roadways within Farmers Branch therefore increasing the safety of the motoring public.

DISCUSSION:

In the 85th session of the Texas State Legislature, House Bill No. 62 was passed and signed into law by the Governor. This law amended Chapter 545 of the Texas Transportation Code to make it a violation of state law for an operator of a motor vehicle to use a portable wireless communication device to read, write, or send an electronic message unless the vehicle is stopped. This new state law negates the need for the current City Ordinance and further states that if law enforcement is going to enforce restrictions on the use of wireless communication devices to text while driving that they must do so utilizing the newly enacted state law.

Other significant State Law amendments include:

- Texting awareness education for new licensee prior to the issuance of a Texas driver's license.
- Officer must issue written promise to appear in lieu of arrest for texting violation.
- Affirmative defense to prosecution that the operator that was texting was utilizing a hands-free device to do so.

RECOMMENDATION:

City Administration recommends adopting Ordinance No. 3466, repealing Section 82-22 of the Code of Ordinances.

POSSIBLE COUNCIL ACTION:

1. I move to approve Ordinance No. 3466, as presented.
2. I move to approve Ordinance No. 3466, with modifications.
3. I move to table the issue for further study or take no action.

ATTACHMENTS:

1. Ordinance No. 3466
2. Code of Ordinance Sec. 82-22: Wireless Devices