#_102__

AN ORDINANCE OF THE CITY OF COAHOMA, TEXAS PROHIBITING TEXTING OR OTHER ELECTRONIC MESSAGING WHILE OPERATING A MOTOR VEHICLE, PROVIDING FOR AFFIRMATIVE DEFENSES, PROVIDING FOR SEVERABILITY, PROVIDING FOR A MAXIMUM PENALTY OF TWO HUNDRED FIFTY DOLLARS, PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Coahoma, Texas finds it to be necessary in order to protect public safety to prohibit texting while operating a motor vehicle;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COAHOMA, TEXAS:

Section 1. THAT

A. A driver of a motor vehicle may not use a wireless communication device to view, send or compose an electronic message or engage other application software while operating a motor vehicle.

B. It is an affirmative defense to prosecution under this section if a wireless communications device is used:

(1) While the vehicle is stopped;
(2) Strictly to engage in a telephone conversation, including dialing or deactivating the call;
(3) As a global position or navigation system that is affixed to the vehicle;
(4) For obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed;
(5) In the reasonable belief a person's life or safety is in immediate danger; or
(6) Solely in a voice activated or other hands-free mode.

C. This Section does not apply to an operator of an authorized emergency vehicle using wireless communication device while acting in an official capacity.

D. To the extent this section conflicts with the V.T.C.A. Transportation Code Section 545.424, regarding the use of wireless communication devices while operating a motor

vehicle by minors, or V.T.C.A. Transportation Code Section 545.425, regarding the use of wireless communication devices in school crossing zones, this section does not apply.

E. Penalty. Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a maximum fine of $250.00. Each day such violation shall continue shall constitute a separate offense.

Section 2. THAT, if any paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any other part or provision thereof.

Section 3. THAT, all ordinances or resolutions or parts thereof heretofore passed and adopted by the governing body of the City of Coahoma, Texas that are in conflict herewith, shall be and the same are hereby repealed to the extent of such conflict.

Section 4. THAT, the City Secretary is hereby ordered to publish the caption of this ordinance and a description of the penalty prescribed herein in accordance with state law.

Section 5. THAT, this ordinance shall become effective immediately upon its publication in accordance with law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Coahoma on this _19th__ day of _____July_____, 2012.

Warren Wallace, Mayor

ATTEST:

Tammy Griffith, City Secretary