

ORDINANCE NO. 020, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 239 OF THE FORT COLLINS TRAFFIC
CODE RELATING TO MISUSE OF A MOBILE ELECTRONIC
DEVICE

A. On February 18, 2003, by Ordinance No. 016, 2003, the City Council adopted the Fort Collins Traffic Code (the "Traffic Code").

B. When City Council adopted the Traffic Code, it was with the understanding staff and the City Council that the Traffic Code would most likely be subject to future amendments, not only to clarify and correct errors, but also to ensure that the Traffic Code remains consistent with Colorado traffic laws.

C. In 2024, the Colorado General Assembly passed, and the Governor signed, Senate Bill 2024-065, amending the Colorado traffic laws to regulate the use of electronic mobile devices for all drivers, not just drivers under the age of 18 years old.

D. To help ensure the safety of all drivers and to maintain consistency between the Traffic Code and state traffic laws, Fort Collins Police Services recommends that the Traffic Code be amended to include the General Assembly's updates.

E. The City Council has determined that these Traffic Code amendments are in the best interests of the City and its residents.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 239 of the Fort Collins Traffic Code is hereby amended to read as follows:

239. Misuse of a mobile electronic device - definitions.

...

(b) *Hands-free accessory* shall mean an accessory with a feature or function that enables an individual to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(c) (I) *Mobile electronic device* shall mean a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data.

(II) *Mobile electronic device* shall not include:

- (A) A radio, citizens band radio, or citizens band radio hybrid;
 - (B) A commercial two-way radio communication device or its functional equivalent.
 - (C) A subscription-based emergency communication device;
 - (D) A prescribed medical device;
 - (E) An amateur or ham radio device; or
 - (F) Systems that are designed for an installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.
- (d) *Operating a motor vehicle* shall mean driving a motor vehicle on a public highway, but *operating a motor vehicle* shall not mean maintaining the instrument of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.
- (e) *Use or using* shall mean:
- (I) Physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct a voice-based communication; except that an individual may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone;
 - (II) Watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or
 - (III) Writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet data, on a mobile electronic device; except that text-based communication does not include:
 - (A) A voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or

- (B) Communication concerning the navigation of a motor vehicle.
- (2) No person under eighteen (18) years of age shall use a mobile electronic device while operating a motor vehicle.
 - (3) Except as specified in Subsection (4) of this Section, an individual shall not use a mobile electronic device while operating a motor vehicle.
 - (4) It is not a violation of Subsections (2) or (3) of this Section to use a mobile electronic device:
 - (a) to contact a public safety entity;
 - (b) during an emergency;
 - (c) When an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;
 - (d) When an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or
 - (e) During the performance of a first responder's official duties.
 - ...
 - (6)
 - (a) An operator of a motor vehicle shall not be cited for a violation of Subsection (2) of this Section unless the operator was under eighteen (18) years of age and a law enforcement officer saw the operator use a mobile electronic device.
 - (b) An operator of a motor vehicle shall not be cited for a violation of Subsection (3) of this Section unless a law enforcement officer saw the operator use a mobile electronic device for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by Section 1402.
 - (7) This Section does not apply to an individual with a commercial driver's license who is operating a commercial vehicle.

- (8) The provisions of this Section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

Introduced, considered favorably on first reading on March 3, 2026, and approved on second reading for final passage on April 7, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: April 17, 2026
Approving Attorney: Andrew Treviño

Exhibit: None