



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: June 9, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Ordinance Relating to Handheld Device While Driving

Background

The Judge suggested that the Board consider adding an ordinance relating to handheld device while driving to the town code of ordinances. A number of ordinances were collected and reviewed.

However, following staff discussion, it is acknowledged that with the approval of the 2020 Edition of the Model Traffic Code, use of cell phones is incorporated in the 2020 MTC section 239 (1-3):

239. Misuse of a wireless telephone – definitions - penalty - preemption.

(1) As used in this section, unless the context otherwise requires:

(a) “Emergency” means a situation in which a person:

(I) Has reason to fear for such person’s life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) “Operating a motor vehicle” means driving a motor vehicle on a public highway, but “operating a motor vehicle” shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) “Use” means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section.

(3) A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

Therefore, staff suggests that there is no need to consider/adopt a separate ordinance.