

ORDINANCE 2018-10

AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING SECTION 15-528 OF THE TOWN CODE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING THE SECTION NAME AND TEXT BODY TO PROVIDE FOR ATTENTION WHILE DRIVING AND PENALTY FOR TEXTING WHILE IN OPERATION OF MOTOR VEHICLE; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER OKLAHOMA:

Section 1. That Section 15-528 of the Code of Ordinances for the Town of Luther Oklahoma shall be amended as follows:

15-528. ATTENTION TO DRIVING REQUIRED.

A. The operator of every vehicle while driving shall devote their full time and attention to such driving. A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the Town of Luther while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).

C. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;
2. A hospital, physician's office or health clinic;
3. A provider of ambulance services;
4. A provider of firefighting services; or
5. A law enforcement agency.

D. Definitions – For the purpose of this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;
3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global

positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

(Prior Code, Chapter 20)

Section 2. **REPEALER.**


All former ordinances or parts of Ordinances conflicting or inconsistent with the provisions of the Ordinance are hereby repealed.

Section 3. **SEVERABILITY.**


If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. **EMERGENCY.** It being immediately necessary for the preservation of the public health, peace and safety of the Town of Luther and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage, as provided by law.

PASSED AND APPROVED this 11 day of Dec, 2018



Mayor

ATTEST:


Town Clerk/Treasurer

APPROVED as to form this 11 day of Dec, 2018.



Matthew L. Winton^{PLLC}
Town Attorney

