

AN ORDINANCE AMENDING SECTION 340.280 AN OFFENSE FOR HAND-HELD ELECTRONIC COMMUNICATIONS DEVICE; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; AND PROVIDING FOR THE EFFECT DATE THEREOF.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DEXTER, MISSOURI, AS FOLLOWS:

Section 1: §340.280 of the Code of the City of Dexter is hereby amended and shall hereafter read as follows:

~~A. No person twenty-one (21) years of age or younger operating a moving motor vehicle upon the highways or streets in the City shall, by means of a hand-held electronic device, shall send, read, or write a text message or electronic message.~~

~~1. *Definitions.* — Electronic wireless communication device includes but is not limited to cell phones, personal digital assistants, electronic devices with mobile data access, laptop computers, pagers, broadband personal communication devices, electronic games, or portable computing devices. “Electronic wireless communication device” shall not include global navigation satellite system receivers used for positioning, emergency notification, or navigation purposes, or two-way or citizens band radio services.~~

~~B. Any person who is convicted of violation of this Ordinance shall be subject to a \$50.00 fine. In the event such violation should occur in a work zone, when workers are present, or in an area designated as a school zone, shall be subject to a \$100.00 fine.~~

1. As used in this section, the following terms shall mean:

A. *Commercial Motor Vehicle*, the same meaning as is ascribed to such term in §302.700 RSMo.

B. *Electronic Communications Device*, a portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically.

(i) Such term shall include but not be limited to: cellular telephones, portable telephones, text-messaging devices, personal digital assistants, pagers, broadband personal communication devices, electronic devices with mobile data access, computers, including but not limited to tablets, laptops, notebook computers, and electronic or video game systems, devices capable of transmitting, retrieving, or displaying a video, movie broadcast television image, or visual image, and any substantially similar device that is used to initiate or receive communication or store and review information, videos, images, or data.

(ii) Such term shall not include: radios, citizen band radios, commercial two-way radio communication devices or their functional equivalent, subscription-based emergency communication devices, prescribed medical devices, amateur or ham radio devices, or global positioning system receivers, security, navigation, communication, or remote diagnostics systems permanently affixed to the vehicle.

C. *Highway*, the same meaning as is ascribed to such term in §302.010 RSMo.

D. *Noncommercial Motor Vehicle*, the same meaning as is ascribed to such term in §302.700 RSMo.

E. *Operating*, the actual physical control of a vehicle.

F. *Operator*, a person who is in actual physical control.

G. *School Bus*, the same meaning as is ascribed to such term in §302.700 RSMo.

H. *Voice-Operated or Hands-Free Feature or Function*, a feature or function, whether internally installed or externally attached or connected to an electronic communication device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

2. Except as otherwise provided in this section, while operating a noncommercial motor vehicle or commercial motor vehicle on any highway or property open to the public for vehicle traffic in this state, no operator shall:

A. Physically hold or support, with any part of his or her body, an electronic communication device;

B. Write, send, or read any text-based communication, including but not limited to a text message, instant message, email, or social media interaction on an electronic communication device. This subdivision shall not apply to operators of a noncommercial motor vehicle using a voice-operated or hands-free feature or function that converts the message to be sent as a message in a written form, provided that the operator does not divert his or her attention from lawful operation of the vehicle;

C. Make any communication on an electronic communication device, including a phone call, voice message, or on-way voice communication; provided however, that this prohibition shall not apply to use of a voice-operated or hands-free feature or function;

D. Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

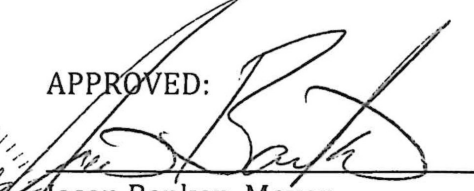
- E. Watch a video or movie on an electronic communication device, other than watching data related to navigation of the vehicle; or**
 - F. Record, post, send, or broadcast video, including a video conference, on an electronic communication device, provided that this prohibition shall not apply to electronic devices used for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle.**
- 3. The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers.**
- 4. This section shall not apply to:**
- A. Law enforcement officers or operators of emergency vehicles, as such term is defined in §304.022 RSMo., who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties;**
 - B. Operators using the electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;**
 - C. Operators of noncommercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;**
 - D. Operators of commercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;**
 - E. Operators of commercial motor vehicles reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide in size;**
 - F. Operators using electronic communication devices while the vehicle is lawfully stopped or parked;**
 - G. Commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by a motor club as defined in §385.450 RSMo., or a towing company as defined in §304.001 RSMo.;**
 - H. The use of an electronic communication device to relay information between a**

transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle;

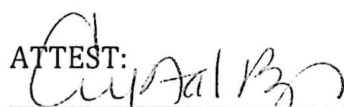
- I. The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or
 - J. The use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver provided the device is mounted or affixed to the vehicle.
5. A violation of this section while operating a commercial motor vehicle shall be deemed a serious traffic violation, as such term is defined in §302.700 RSMo., for purposes of commercial driver's license disqualification under §302.755 RSMo.
6. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall not issue a citation for a violation of this section and shall only issue a warning.
7. Any person who is convicted of violation of this Ordinance shall be subject to the penalties set forth in §100.220 of the City Code.

Read two (2) times, passed and approved this 5th day of September, 2023.

APPROVED:


Jason Banken, Mayor

ATTEST:


Crystal Bishop, City Clerk

