
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING SECTION 340.180 TO PROHIBIT DISTRACTED DRIVING WHICH INTERFERES WITH THE EXERCISE OF THE HIGHEST DEGREE OF CARE BY DRIVERS.

WHEREAS, both state law (Sec. 304.012, RSMo.) and city ordinance (Sec. 340.180) have always required the operator of a motor vehicle to exercise the highest degree of care and prohibit careless and imprudent driving so as not to endanger the well being and property of others; and

WHEREAS, the Mayor and City Council are deeply concerned that the conveniences and capabilities built in and attendant to modern vehicles have an increasing capacity to distract drivers from the most critical and core responsibility incumbent on all motorists: to focus their full and undivided attention on the operation of their vehicle and the activities of motorists and pedestrians in the vicinity; and

WHEREAS, the Mayor and City Council believe it will enhance public safety to more fully articulate some of the more distracting and dangerous circumstances which detract from a driver exercising the highest degree of care;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

Section One. Section 340.180 of Chapter 340 of Title III of the Code of ordinances of the City of O'Fallon, Missouri, is hereby repealed and a new Section 340.180 is hereby enacted in lieu thereof to read as follows:

TITLE III: TRAFFIC CODE

Chapter 340. Miscellaneous Driving Rules

Section 340.180. Careless and Imprudent Driving.

A. Every person operating a motor vehicle on the streets or highways within the corporate limits of the City of O'Fallon, Missouri, shall drive the vehicle in a careful and prudent manner and at a rate of

speed so as not to endanger the property of another, or the life or limb of any person, and shall exercise the highest degree of care.

B. Every person operating a motor vehicle on publicly owned or privately owned parking lots, roads or driveways within the corporate limits of the City of O'Fallon, Missouri, shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another, or the life or limb of any person, and shall exercise the highest degree of care.

C. It shall be prima facie evidence that a vehicle operator is not exercising the highest degree of care if the operator of a moving vehicle engages in any conduct that causes his or her vision or attention to be obscured, diminished or directed away from the path of travel or operation of the vehicle, including, but not limited to, by using a mirror to engage in grooming; reading anything located in the vehicle other than operational information displayed on vehicle gauges and equipment; writing; drawing; manually inputting information into a GPS or mapping device, or turning one's head substantially away from the path of travel to observe things in the vehicle or outside the vehicle but contrary to the path of travel.

Section Two. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of re-codifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Three. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection thereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Four. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON,
MISSOURI, THIS 23 DAY OF OCTOBER, 2014.**



Bill Hennessy
Presiding Officer

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk

**APPROVED BY THE MAYOR OF THE CITY OF O'FALLON, MISSOURI,
ON THIS 23 DAY OF OCTOBER, 2014.**

Bill Hennessy
Bill Hennessy, Mayor

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk

Approved as to Form:

Kevin M. O'Keefe
Kevin M. O'Keefe, City Attorney

