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Troy City Council Approves Distracted Driving Ordinance

On Monday, July 12, the Troy City Council voted to approve a proposed Distracted Driving Ordinance. The Ordinance is scheduled to become effective on Thursday, July 29.

The Ordinance defines and prohibits three distinctive types of distracted driving behavior.

The first type is similar to the behavior prohibited by the State of Michigan Texting Law that went into effect on July 1. It prohibits, with exceptions, any activity necessary to or associated with the use of a two way wireless electronic communication device for the purpose of sending or receiving text messages while driving a motor vehicle.

The second type prohibits, with exceptions, any activity necessary to or associated with the use of a hand held wireless electronic device for the purpose of sending or receiving voice messages while driving a motor vehicle. The use of a hands free device is allowed.

The third type prohibits any other activity that distracts a driver, such that it results in the failure of the driver to use due care and caution in the safe operation of a motor vehicle. Examples include, but are not limited to, eating, grooming, reading, writing, or other activities that prevent the driver from having control of the motor vehicle, with at least one hand on the steering wheel or other steering mechanism.

The Troy Police Department is in the process of educating the public about the new ordinance. The Police Department appreciates your assistance with these educational efforts. Police Officers are prepared to enforce the ordinance as soon as it becomes effective.

Sections of Chapter 106, Traffic, of the Troy City Code relating to distracted driving read as follows:

1.20.05 **“Distracted Driving”** means the following:

1. The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy. As used in this subsection, a wireless 2-way communication device does not

include a global positioning or navigation system that is affixed to the motor vehicle.

2. The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy; or
3. Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Troy. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.

5.14c. **Distracted Driving; Violation as Civil Infraction.**

1. A person shall not engage in distracted driving within the City of Troy.
2. A person who violates this section is responsible for a civil infraction.
3. Exceptions. This section does not apply to a person who is using a electronic communication device to do one or more of the following:
 - a) Report a traffic accident, medical emergency or serious road hazard.
 - b) Report a situation in which the person believes his or her personal safety is in jeopardy.
 - c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
 - d) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.