

**ORDINANCE NO. 2015-09**

**AN ORDINANCE WITHIN THE CITY OF SALLISAW, OKLAHOMA RELATING TO TEXTING WHILE DRIVING; MAKING IT UNLAWFUL TO OPERATE A MOTOR VEHICLE WHILE MANUALLY COMPOSING, SENDING OR READING AN ELECTRONIC TEXT MESSAGE; PROVIDING PENALTY; PROVIDING EXCEPTIONS; AND PROVIDING CODIFICATION AS CHAPTER 94, ARTICLE III SECTION 94-170; AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.**

**SECTION 1.**

That the City of Sallisaw Code of Ordinances be amended by adding a new section which reads as follows, to-wit:

**SECTION 2.**

It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state 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.

**SECTION 3.**

Any person who violates the provisions of Section 2 shall, upon conviction, be punished by a fine of not more than One Hundred Dollars (\$100.00).

**SECTION 4.**

The provision of Section 2 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:

- a. An emergency response operator;
- b. A hospital, physician's office or health clinic;
- c. A provider of ambulance services;
- d. A provider of firefighting services; or
- e. A law enforcement agency.

**SECTION 5.**

For the purpose of this section:

- a. "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;

- b. "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;
- c. "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
- d. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

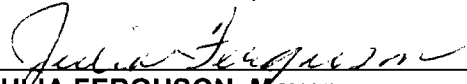
**SECTION 6.**

**WHEREAS**, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

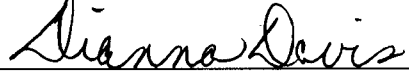
**PASSED AND APPROVED** this 9th day of November, 2015.

**CITY OF SALLISAW, OKLAHOMA**

By:

  
**JULIA FERGUSON, Mayor**

**ATTEST:**

  
**DIANNA DAVIS, City Clerk**  
[SEAL]