

ORDINANCE NO. 2013-09

AN ORDINANCE TO AMEND THE TOWN OF BLUFFTON CODE OF ORDINANCES BY ADDING TO CHAPTER 26, ARTICLE VI, ESTABLISHING A REGULATION PROHIBITING THE USE OF A HANDHELD ELECTRONIC COMMUNICATION DEVICES FOR THE REVIEWING, DRAFTING, OR SENDING OF ELECTRONIC COMMUNICATIONS WHILE OPERATING A MOTOR VEHICLE WITHIN THE TOWN OF BLUFFTON; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, studies have shown that drivers attempting to compose, send, or review electronic messages on handheld electronic communication devices while operating a motor vehicle pose a special danger to themselves, other vehicles, bicycles, and pedestrians on the roadway; and

WHEREAS, Town of Bluffton finds that it is in the best interests of the vehicle operators and other vehicles to prohibit the use of handheld electronic communication devices to compose, send, or review electronic messages while operating a motor vehicle within the Town of Bluffton; and

WHEREAS, Bluffton Town Council declares that the purpose of this ordinance is to protect the health and safety of the residents and visitors of the Town of Bluffton; and

WHEREAS, Bluffton Town Council now desires to prohibit the use of handheld electronic communication devices to compose, send, or review electronic messages while operating a motor vehicle within the Town of Bluffton in the manner provided for in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID BLUFFTON TOWN COUNCIL, AS FOLLOWS:

Article VI – TEXT MESSAGING

“Section 26-145. Electronic Communications While Operating a Motor Vehicle.

(a) Definitions:

“Electronic communications device” means an electronic device used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

“Electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices.

“Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.


- (b) It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle on the streets and roads within the Town of Bluffton.
- (c) Exceptions. This section shall not apply to a person operating a motor vehicle while:
- (1) off the traveled portion of a roadway;
 - (2) using an electronic communication device in a hands free, voice-activated, or voice-operated mode that allows the driver to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function;
 - (3) summoning medical or other emergency assistance; or
 - (4) using a citizens band radio, commercial two-way radio communication device, in-vehicle security, or amateur or ham radio device.
- (d) Exemptions. The provisions contained within this Article shall not apply to public safety personnel employed by a federal, state, county or municipal organization who are utilizing an electronic communication device during the course and scope of their official duties.
- (e) Penalty. A person who violates this section is guilty of misdemeanor distracted driving and, upon conviction, shall be fined one hundred dollars for a first offense, two hundred dollars for a second offense, and three hundred dollars for a third or subsequent offense. This fine is subject to all applicable court costs, assessments, and surcharges.

Section 1-3. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.


Effective Date. This Ordinance shall become effective upon adoption by the Town of Bluffton, South Carolina.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF BLUFFTON ON THIS TWELFTH DAY OF NOVEMBER, 2013.


First Reading on this Ordinance was held on October 8, 2013.


Lisa Sulka, Mayor


ATTEST:


Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

Second and Final Reading on this Ordinance was held on November 12, 2013.


Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:


Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina