COUNCIL BILL NO. 2025-600 ORDINANCE NO.

AN ORDINANCE amending Chapter 114, Traffic, Article III, Operation of Vehicles, by enacting Division 6, Sections 114-351 through 114-357, for the purpose of adopting the "Siddens Bening Hands Free Law;" prohibiting the use of electronic communication devices while driving; and,

WHEREAS, the City Council for the City of Joplin, Missouri, deems it necessary, desirable, advisable, and in the public interest to prohibit dangerous distracted behaviors while driving to promote safety on our roadways, reduce motor vehicle accidents, and prevent unnecessary deaths; and,

WHEREAS, the proposed ordinance mirrors Revised Statute of Missouri 304.822 effective on January 1, 2025, and specifically enumerates all necessary definitions, prohibitions, exceptions, and penalties required for uniform enforcement; and,

WHEREAS, the Missouri Department of Transportation requires passage of such an ordinance in order to receive certain grant funding in the future; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 114, Traffic, Article III, Operation of Vehicles, Division 6 Section 114-321 through Section 114-327, are enacted as follows

"DIVISION 6. - ELECTRONIC DEVICES PROHIBITED WHILE DRIVING; SIDDENS BENING HANDS FREE LAW

Section 114-351. Generally.

This section shall be known as the "Siddens Bening Hands Free Law".

Section 114-352. Definitions.

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

(1)"Commercial motor vehicle", the same meaning as is ascribed to such term in RSMo. 302.700;

(2)"Electronic communication device", a portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically.

(a) 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.

(b) Such term shall not include: radios; citizens 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;

(3) "Highway", the same meaning as is ascribed to such term in RSMo. 302.010;

(4) "Noncommercial motor vehicle", the same meaning as is ascribed to such term in RSMo. 302.700;

(5) "Operating", the actual physical control of a vehicle;

(6) "Operator", a person who is in actual physical control;

(7) "School bus", the same meaning as is ascribed to such term in RSMo. 302.700;

(8) "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.

Section 114-353. Use of Handheld Electronic Device Prohibited While Driving.

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 vehicular traffic in this state, no operator shall:

(1) Physically hold or support, with any part of his or her body, an electronic communication device;

(2) 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;

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

(4) Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on an electronic communication device;

(6) Watch a video or movie on an electronic communication device, other than watching data related to the navigation of the vehicle; or

(7) 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.

Section 114-354. School Bus Drivers – Prohibited Devices.

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.

Section 114-355. Exceptions.

This section shall not apply to:

(1) Law enforcement officers or operators of emergency vehicles, as such term is defined in RSMo. 304.022, who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties;

(2) Operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;

(3) Operators of noncommercial motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function;

(4) 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;

(5) 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;

(6) Operators using electronic communication devices while the vehicle is lawfully stopped or parked;

(7) Commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by a motor club as defined in RSMo. 385.450 or a towing company as defined in RSMo. 304.001;

(8) 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;

(9) The use of an electronic communication device to access or view a map for navigational purposes;

(10) The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or

(11) 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.

Section 114-356. Penalties.

(1) Except as otherwise provided in this subsection, violation of this section shall be an infraction. Penalties for violations of this section shall be as provided in this subsection. Prior convictions shall be pleaded and proven in the same manner as required under RSMo. 558.021.

(2) For a conviction under this section where there is no prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to one hundred fifty dollars.

(3) For a conviction under this section where there is one prior conviction under this

section within the preceding twenty-four months, the court shall impose a fine of up to two hundred fifty dollars.

(4) For a conviction under this section where there are two or more prior convictions under this section in the preceding twenty-four months, the court shall impose a fine of up to five hundred dollars.

(5) For a conviction under this section where the violation occurred in a work zone when workers are present, as such terms are defined in RSMo. 304.580, or for a conviction under this section where the violation occurred in an area designated as a school zone and marked in any way that would alert a reasonably prudent operator to the presence of the school zone, the court shall impose a fine of up to five hundred dollars.

(6) A violation of this section while operating a commercial motor vehicle shall be deemed a serious traffic violation, as such term is defined in RSMo. 302.700, for purposes of commercial driver's license disqualification under RSMo. 302.755.

Section 114-357. Miscellaneous Provisions.

(1) A law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death.

(2) A violation of this section shall not be used to establish probable cause for any other violation.

(3) The provisions of this section shall be subject to the reporting requirements set forth in RSMo. 590.650.

(4) No person shall be stopped, inspected, or detained solely for a violation of this section."

Section 2. That this division of ordinances shall be in full force and effect from the day after its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ___day of January 2025, by a vote of _____ .

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Keenan D. Cortez, Sr., Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney