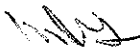




CITY OF DUBLIN.

Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Dublin City Council
From: Marsha Grigsby, City Manager 
Date: February 10, 2011
Initiated By: Heinz von Eckartsberg, Interim Chief of Police
Stephen J. Smith, Law Director
Jennifer D. Readler, Assistant Law Director

Re: Ordinance 08-11 (Amended) - Amending Section 72.058 of the Codified Ordinances of Dublin, Ohio to Create a Subsection Prohibiting “Sending, Reading, or Writing a Text Message or Accessing the Internet While Driving”

Summary

Since the introduction of Ordinance 08-11 on January 24, 2011, the Legal Department received comments from AT&T on the proposed revisions to Section 72.058 of the Dublin Codified Ordinances. AT&T has been involved with texting initiatives throughout the country. They made the following two suggestions:

- In division (D)(1), insert “Manually” before “Write.”

Per AT&T, this change would provide clarification that the prohibition is on a driver manually writing or sending so as not to inadvertently prohibit voice-activated in-vehicle technologies or text-to-speech applications from being used.

- In division (D)(4)(b), in the last clause, replace the phrase “an internet based vehicle navigation system” with a “global positioning or navigation system.”

Per AT&T, this change would provide clarification that the use of navigation applications on a smart phone is permitted; the exception should not be limited to in-vehicle navigation systems. The smart phone navigation applications, which perform the same functions as traditional navigation devices (both in-car and handheld), are increasing in popularity and their use should not be precluded.

We believe AT&T’s points are valid and, consequently, have made the suggested revisions to the attached ordinance. No other revisions have been made since the first reading.

Recommendation

Ordinance 08-11(Amended) is presented for second reading/public hearing on February 14, 2011.

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Ordinance No. 08-11(Amended)

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the form of a text message or capable of accessing the internet, including but not limited to a wireless telephone, a text-messaging device, a personal digital assistant, or a personal computer, but specifically excluding a commercial portable mobile data terminal and a global positioning or navigation system being used for that purpose.

(c) "Emergency vehicles" and "Public safety vehicles" have the same meaning as set forth in Ohio Revised Code Section 4511.01 (D) and (E).

(E) A violation of any of the divisions of this Section shall be considered a primary offense.

(F) Whoever violates divisions (C) or (D) of this Section shall be guilty of a fourth degree misdemeanor.

Section 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2011

Mayor - Presiding Officer

Attest:

Clerk of Council



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Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Dublin City Council
From: Marsha Grigsby, City Manager *MLG*
Date: January 20, 2011
Initiated By: Heinz von Eckartsberg, Interim Chief of Police
Stephen J. Smith, Law Director
Jennifer D. Readler, Assistant Law Director
Re: Ordinance 08-11 - Amending Section 72.058 of the Codified Ordinances of Dublin, Ohio to Create a Subsection Prohibiting "Sending, Reading, or Writing a Text Message or Accessing the Internet While Driving"

Summary

At Council's request, the Legal Department researched the issue of prohibiting texting while driving and, in consultation with the Police Department, has drafted the attached legislation for Council's consideration. It is based upon the legislation that was passed by the Ohio House of Representatives and is currently pending in the Ohio Senate.

The key elements of this legislation as currently drafted are as follows:

- Prohibits texting, accessing the internet, instant messaging and reading any such information;
- Permits making or receiving cellular telephone calls and does not mandate the use of a hands-free (Bluetooth) device;
- Provides for the following additional exceptions:
 - The use of an internet-based vehicle navigation system and a commercial portable mobile data terminal;
 - Emergency/public safety personnel, as defined by the Ohio Revised Code;
 - Motorists reporting a health/safety emergency;
 - Motorists parked outside the flow of traffic or stopped due to an inoperable vehicle.
- Provides that a violation is a primary offense. This means that a police officer may initiate a traffic stop based solely on a violation of this ordinance;
- Establishes the penalty as a fourth degree misdemeanor.

At the suggestion of the Police Department, the penalty for a violation of division (C) of Section 72.058 (Full Time Attention) was increased from a minor misdemeanor to a fourth degree misdemeanor.

In addition to the proposed legislation, the City is continuing with ongoing educational efforts to discourage texting and driving.

Memo re. Ordinance 08-11 – Prohibiting Texting While Driving
January 20, 2011
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Legal staff, along with the Police Department, will be available to respond to any questions regarding this legislation.

Recommendation

Ordinance 08-11 is presented to Council for first reading on January 24, 2011.