



ORDINANCE NUMBER 4-2014

AN ORDINANCE TO AMEND THE CITY OF GREER CODE OF ORDINANCES, CHAPTER 86, ARTICLE II, DIVISION 1 TO ADD SECTION 86-68 PROHIBITING THE USE OF A MOBILE TELEPHONE FOR TEXT MESSAGING, ELECTRONIC MEDIA OR EMAILING WHILE DRIVING INCLUDING THE OFFENSE, EXCEPTIONS, AND PENALTIES.

WHEREAS, automobiles are a dangerous instrumentality; and,

WHEREAS, the use of mobile telephone devices while driving is distracting and unsafe;

and,

WHEREAS, Council of the City of Greer finds it is essential that it take action to improve the safety of the community by limiting the use of mobile telephones while driving; and,

WHEREAS, Greer City Council wishes to amend Chapter 86, Traffic and Vehicles, Article II Operations, Division 1 by adding Section 86-68 to make it unlawful to use a mobile telephone for text messaging or electronic media while driving.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Greer, South Carolina that the Greer City Code of Ordinance Chapter 86 be amended to add the following:

CHAPTER 86 TRAFFIC AND VEHICLES

ARTICLE II. OPERATIONS

DIVISION 1. GENERALLY

Sec. 86-68. Unlawful use of mobile telephone for text messaging or electronic media while driving.

(A) *Offense*: It is unlawful for a person to drive a motor vehicle in motion on a public street or highway or in a public vehicular area such as a parking lot, etc., within the city limits while text messaging, reading text messages, reading electronic media, or emailing.

(B) *Consent*: If an arresting officer has probable cause to believe that a motor vehicle driver has violated this section, the Officer may request consent to view the mobile telephone transmitting

or receiving device upon which the violation occurred to ascertain whether the violation occurred at the time of the incident.

(C) *Exceptions.* The provisions of this section shall not apply to the following:


- (1) The driver of a motor vehicle that is lawfully parked or stopped;
- (2) A law enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety personnel using a mobile data terminal device solely for the performance of his or her official duties.
- (3) The use of factory-installed GPS system; aftermarket global positioning systems (GPS); use of the GPS capability of a mobile phone if it is not being held by a driver; or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
- (4) The use of voice-operated technology.

(D) *Penalty.* A violation of this section shall be punishable by a fine of \$100.00 or thirty (30) days in jail or both together with court costs.

Secs. 86-69 – 86-90. - Reserved

This ordinance shall be effective July 1, 2014 upon approval by the Council of the City of Greer.

CITY OF GREER, SOUTH CAROLINA


Richard W. Danner, Mayor

ATTEST:

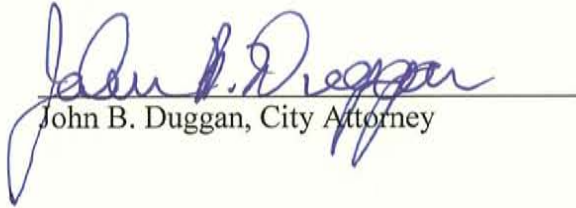

Tammela Duncan, Municipal Clerk

Introduced by: Councilwoman Judy Albert

First Reading: April 8, 2014

Public Hearing,
Second and
Final Reading: April 22, 2014

Approved as to Form:



John B. Duggan, City Attorney