



Distracted Driving Ordinance

QUESTIONS & ANSWERS

Q: What is the purpose of the ordinance?

A: The purpose of the ordinance is to encourage and promote safe driving habits; regulate the safe use of mobile electronic devices in motor vehicles; and to reduce vehicle accidents, injury to people and damage to property.

Q: Can I read the ordinance myself?

A: Yes. It is City of Idaho Falls Municipal Code Title 5, Section 4-9. It can be accessed by clicking on "City Code" under the "Government" section on the front page of the city website. It can be found at www.idahofallsidaho.gov

Q: Did the ordinance go into effect immediately when the City Council approved it on October 11, 2018?

A: No. The ordinance was approved by City Council on October 11, 2018. The infraction amounts were set by City Council through a Fee Resolution at a later date and the ordinance will not be enforced until **January 1, 2019**.

During this time, Idaho Falls Police will be issuing warnings to drivers and educating the public when they see a violation of the new ordinance.

Q: Can I still talk on my phone while I drive.

A: Yes. The ordinance does not ban the use of your phone in hands-free or Bluetooth

Q: Can I be stopped by a police officer for using a mobile electronic device while my motor vehicle is in motion?

A: Yes. Because the danger created by the misuse of a mobile electronic device is significant, police officers are authorized to stop a motorists for the sole purpose of enforcement.

Q: What is the punishment for the use of a mobile electronic device while operating a motor vehicle?

A: The District Driving Ordinance makes the use of a mobile electronic device while operating a moving vehicle a primary vehicle stop for law enforcement. A violation of the ordinance counts as an infraction,

while three (3) violations in any two (2) year period will result in a misdemeanor charge. The infraction amounts are \$100 for the first violation. The second violation is \$200.

Q: What is considered a mobile electronic device?

A: Any handheld or portable electronic device capable of receiving, producing, displaying or providing wireless data or voice communication including a cellular telephone; broadband personal communication device; two-way messaging device; text messaging device; pager; electronic device that can receive or transmit text or character-based images, access or store data or connect to the internet; personal digital assistant; laptop computer; computer tablet; stand-alone computer; portable computing device; mobile device with a touchscreen display that is designated to be worn; electronic games; equipment that is capable of playing a video, taking photographs, capturing images or recording or transmitting video; and any similar device that is readily removable from a vehicle and may be used to write, send or read text or data or capture images or video through manual input.

Q: What is not considered an electronic mobile device?

A: An electronic mobile device shall not include a radio designed for the citizens band service or the amateur radio service of the Federal Communications Commission (FCC) or a commercial two-way radio communications device.

Q: Are there exceptions for the public while using a mobile device inside a motor vehicle?

A: Yes. Motorists can use their mobile devices when their vehicle is stopped, parked (engaged in loading or unloading property or passengers) or standing (complete halting of vehicle, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers). The ordinance also allows for the use of mobile electronic devices where the use outweighs the danger generated by the use.

Q: Can I use my global positioning or navigation system feature of a mobile electronic device?

A: Yes. A GPS or navigation system can be used in a motor vehicle as long as the operator of the vehicle is not manually entering information into the device and the device is not in the operator's hand while operating the motor vehicle. The device should be in the voice-operated or hands free mode while the vehicle is in motion. The only exception is the activation or deactivation of the voice-operated function of the device.

Q: Can the City Council authorize a Distracted Driving Ordinance?

A: Yes. The ordinance was adopted and will be enforced as a reasonable exercise of municipal police powers granted to the City pursuant to Idaho Code Title 50, Chapter 3 and as a temporary regulation necessary to cover the special condition of driving while using a mobile electronic device in the absence of a State-wide regulation.

Q: Will the Distracted Driving Ordinance be reviewed and evaluated by City Council at a later time to determine its effectiveness?

A: Yes. The ordinance shall be reviewed and assessed on or before October 1, 2021 to determine whether or not it should be revoked or continued.

Q: Are public safety personnel exempt from this ordinance?

A: Yes. Provisions to the ordinance apply to law enforcement officers, firefighters, emergency medical technicians, paramedics, operators of authorized emergency vehicles or similarly engaged paid or volunteer public safety first responder during the performance of that persons' official duties, and a public utility employee or contractor acting within the scope of that person's employment when responding to a public utility emergency. The ordinance also allows for the use of mobile electronic devices where the use outweighs the danger generated by the use.

Q: What is defined as an emergency purpose for the use of a mobile device?

A: The use of a mobile device including a text messaging device for emergency purposes includes contacting the 911 system; reporting an emergency to a law enforcement agency, healthcare provider, fire department or other emergency services agency or entity; reporting a fire, traffic accident, serious road hazard or medical or hazardous materials emergency to appropriate authorities; and reporting the operator of another motor vehicle who is driving in a reckless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs to law enforcement.