



Legislation Details (With Text)

**File #:** 19-0008      **Version:** 1      **Name:** Distracted Driving Ordinance  
**Type:** Ordinance-Coded      **Status:** Passed  
**File created:** 12/21/2018      **In control:** City Council Legislative Session  
**On agenda:** 1/9/2019      **Final action:** 1/9/2019

**Title:** Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 21, Motor Vehicles and Traffic, Article IV Entitled, "Operation of Vehicles - Generally" Pertaining to Distracted Driving Through Use of a Handheld Personal Communications Device

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Distracted Driving Ordinance 10.29.18 - redline

Date	Ver.	Action By	Action	Result
1/9/2019	1	City Council Legislative Session	approved	Pass

Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 21, Motor Vehicles and Traffic, Article IV Entitled, "Operation of Vehicles - Generally" Pertaining to Distracted Driving Through Use of a Handheld Personal Communications Device

**PURPOSE/BACKGROUND:**

Distracted driving is a dangerous problem on streets nationwide, claiming 3,450 lives in 2016 alone. While distracted driving is any activity that diverts attention from driving, including eating and drinking, talking to others in your vehicle and fiddling with the stereo, entertainment or navigation system, the Hampton Police Division believes that use of a handheld personal communications device (i.e. cell or smart phone) is particularly dangerous.

**Recommendation:**

Approve the Ordinance Amendment

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Section 21-113 of Article IV, Chapter 21 of the City Code of the City of Hampton, Virginia be adopted to read as follows:

**Chapter 21 - MOTOR VEHICLES AND TRAFFIC**

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**ARTICLE IV. - OPERATION OF VEHICLES GENERALLY**

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**Sec. 21-113. - Improper driving; use of handheld communication device while driving vehicle.**

- A. Any person who drives a motor vehicle on any public street or highway in the city while using any handheld personal communications device where such use diverts the driver's attention from the operation of the motor vehicle is guilty of distracted driving.
- B. The provisions of this section shall not apply to an operator (i) of any emergency vehicle while he is engaged in the performance of his official duties; (ii) who is lawfully stopped or parked; (iii) using a handheld personal communications device to report an emergency; or, (iv) using a handheld radio-based communications device during an emergency or disaster relief operation.
- C. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.
- D. A violation of this section is a traffic infraction punishable, for a first offense by a fine of \$125.00 and, for a second or subsequent offense, by a fine of \$250.00.

**Secs. 21-114 - 21-125. - Reserved.**