

Sec. 27-14. - Use of hand-held wireless communications devices.

(a)

Definitions. For the purposes of this section, the following words and phrases shall have the meaning ascribed thereto:

Hand-held wireless communication device means a wireless communication device which requires physical manipulation of the device to send or receive data. A hand-held wireless communications device shall include a hands-free wireless communications device which is manually manipulated by the driver in the same manner as a hand-held device.

Hands-free wireless communications device means a wireless communications device which is activated by the user without being physically manipulated by the user and which does not have to be held to the driver's ear.

Wireless communications device means a full-duplex device which uses cellular or satellite technology to transmit and receive electronic data in either digital or analog format which is converted by the device to either voice, text, or graphic communication. A wireless communications device shall include attachments, add-ons, or built in features which allow a car stereo receiver, or components thereof, to be used as a two-way communications device.

(b)

Violation. It shall be and is hereby declared unlawful and shall be a separate offense for any person within the corporate limits or police jurisdiction of the city to use a hand-held wireless communication device while committing any violation included in the Alabama Rules of the Road Act (§ 32-5A-1 et seq.). Use of a hands-free wireless communications device, as defined herein, shall not be a violation of this section. Any person found to have been in violation of this section shall be punished as follows:

(1)

Any person found to have been in violation of this section on any one occasion shall be punished by a fine of not more than \$50.00, or by imprisonment in the city jail for not more than ten days;

(2)

Any person found to have been in violation of this section on a second occasion within a 12-month period shall be punished by a fine of not more than \$100.00, or by imprisonment in the city jail for not more than ten days, or by any combination of said fine and imprisonment;

(3)

Any person found to have been in violation of this section on a third or subsequent occasion within a 12-month period shall be punished by a fine of

not more than \$500.00, or by imprisonment in the city jail for not more than three months, or by any combination of said fine and imprisonment.

(c)

Exceptions. A person operating a motor vehicle shall not be found to have been in violation of this section where that person is:

(1)

Using a hand-held wireless communications device as a global positioning or navigation system where the device is affixed to the motor vehicle at the time of its use;

(2)

Using hand-held wireless communications device to obtain emergency assistance to report a traffic accident, medical emergency, traffic hazard, or a crime—whether the crime has been committed, is in the process of being committed, or has recently been committed—or where the person operating an automobile has a reasonable belief that a person's life or safety is in immediate danger;

(3)

An operator of an authorized emergency vehicle and engaged in the line and scope of his or her duties;

(4)

An employee of a company providing utility services to the public and engaged in emergency response or repair services during or immediately after a utility emergency which poses a threat to human life or public safety;
or

(5)

An operator of an amateur radio during a natural or man-made disaster or emergency where other wired and wireless communications have become inoperable or ineffective. For the purposes of this section an amateur radio is a radio transceiver which allows the user to change or manipulate the radio frequencies used to transmit and receive messages.

(Ord. No. 34-2010, §§ I—III, 8-3-2010)