

ORDINANCE 2025- 01-13-01-0

ESTABLISHING A RESTRICTED USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING

Became effective 30 days from and after the date of its adoption. "The Town of Snead shall post notification through the town at different locations".

SECTION ONE- Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as may be otherwise provided in this division, all words and phrases used in this division which are defined in Code of Ala. 1975, S 32-1-1.1 shall have the meanings ascribed to them in that section.

Text-based communication shall include, but is not limited to, a text message, instant message, e-mail, or internet data communicated through a wireless telecommunications device.

Utility services shall include electric, natural gas, water, wastewater, cable, telephone, or telecommunications services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way, or associated infrastructures.

Wireless telecommunications device shall include a cellular, analog, wireless or digital device, computer, or telephone, capable of accessing the internet or sending, receiving, or downloading any electronic or digital data or other wireless communication with another person, including, but not limited to, videos, pictures, text-based communications, or phone calls. Covered devices include, but are not limited to, devices commonly known as smartphones, cell phones, electronic readers, electronic tablets, laptops, netbooks, GPS devices and other similarly equipped wireless devices. Covered devices shall not include voice radios, mobile radios, land mobile radios, commercial mobile radios, two-way radios, or their functional equivalent with the capability to transmit and receive voice transmission utilizing a "push to talk" or "press to transmit" function, subscription-based emergency communication devices, prescribed medical devices, amateur or ham radio devices, or in-vehicle security, navigation, or remote diagnostic systems.

SECTION TWO - Restricted use of wireless communication devices while driving.

No person shall operate or drive a vehicle upon any highway, public roadway or street while doing any of the following:

- (1) Using a wireless telecommunications device to write, send, read, or otherwise engage in a text-based communication;
 - (2) Watching, recording, or capturing a photograph or video;
 - (3) using a handheld wireless telecommunications device to engage in a voice-based communication:
- and/or
- (4) Physically holding or otherwise supporting with any part of his or her body a wireless telecommunications device.

SECTION THREE- Exceptions.

- (1) An emergency services professional, including a law enforcement officer, emergency medical services personnel, ambulance operator, firefighter, volunteer firefighter, or other similarly employed public safety-first responder, using a wireless telecommunications device during the performance of his or her official duties.
- (2) An individual using an earpiece, a headphone device, steering wheel controls, speaker phone or any voice-activated technology, or other device worn on the person or mounted onto the dashboard, center console, windshield, or other part of the vehicle to conduct substantially handsfree voice-based wireless communications.
- (3) An individual using a wireless telecommunication device to obtain emergency services including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.
- (4) An individual using a wireless telecommunication device while the motor vehicle is parked on the shoulder of the highway, roadway or street, or the vehicle is stopped due to normal traffic being obstructed.
- (5) An individual using a wireless telecommunication device as a global positioning or navigation system to receive driving directions which has been pre-programmed with the desired coordinates
- (6) An individual using a continuous recording device that operates within or outside the vehicle, including, but not limited to, a dash camera or backup camera.

- (7) An individual using a wireless telecommunications device by an employee or contractor of a utility services provider within the scope of his or her employment while responding to a utility emergency or performing other critical utility services.
- (8) An individual using an ignition interlock device, as defined in Code of Ala. 1975, § 32-5A-191.4.
- (9) An individual using a wireless telecommunications device who is a passenger in a vehicle, and not the driver or operator of the vehicle.
- (10) An individual 18 years of age or older, using a wireless telecommunications device in a manner that requires the physical use of the individual's hand while operating or driving a motor vehicle if both of the following occur:
 - a. The device is mounted to the vehicle, including the windshield, dashboard, or center console of the vehicle, and the device does not create an unsafe obstruction of the person's view of the road.
 - b. The individual's hand is used to activate or deactivate a feature or function of the device with the motion of one swipe or tap of the individual's finger, and the swipe or tap does not activate the camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than functions or features related to the transportation of persons or property for compensation or payment of a fee.
- (11) A licensed physician using a wireless telecommunications device while responding to an emergency medical situation.

SECTION 4 - Violations.

- (a) A law enforcement officer enforcing this section may treat a violation as the primary or sole reason for issuing a citation to the operator of a motor vehicle.
- (b) A law enforcement officer enforcing this section may not search a motor vehicle or the operator or passenger of the motor vehicle solely because of a violation of this section.
- (c)

A law enforcement officer may not use a violation of this section to establish probable cause for any other violation of state or local law without articulable suspicion pertaining to the other violation.

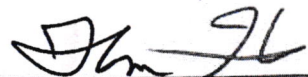
SECTION FIVE. - Penalty.

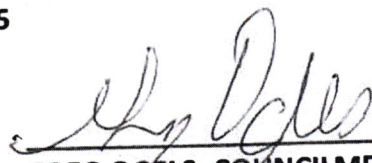
Any person who violates any provision of this division shall upon conviction be punished, in addition to such other punishment as may be provided by the court, by fines and penalties as follows:

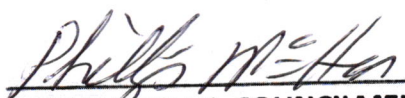
- (1) For a first conviction, within a 24-month period, by a fine of \$50.00.
- (2) For a second conviction, within a 24-month period, by a fine of \$100.00.
- (3) For a third or subsequent conviction, within a 24-month period, by a fine of \$150.00 and/or a term of community service.

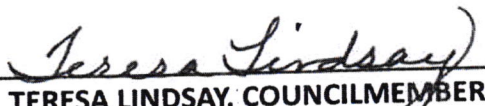
IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SNEAD, ALABAMA, that this ordinance shall become effective immediately on its passage and publication as required by law. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

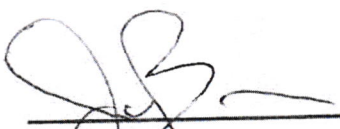
ADOPTED THIS THE 13th DAY OF January 2025

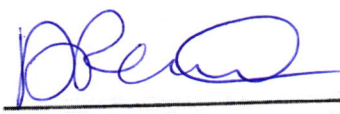

TIM KENT, MAYOR

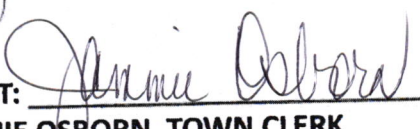

GREG OGELS, COUNCILMEMBER


PHILLIP MCHAN, COUNCILMEMBER


TERESA LINDSAY, COUNCILMEMBER


JOEY BROOM, COUNCILMEMBER


TREY CHRISTIAN, COUNCILMEMBER

ATTEST: 
JAMMIE OSBORN, TOWN CLERK

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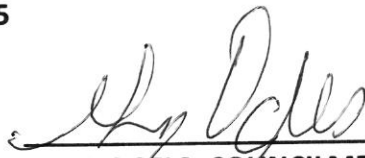
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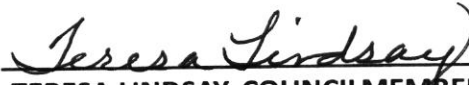
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ADOPTED THIS THE _____ DAY OF _____ 2025


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