

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-288

As Amended

To amend ch. 27, art. II of the City Code by adding therein a new § 27-40.1, concerning distracted driving, for the purpose of prohibiting distracted driving while using a handheld personal communications device.

Patron – Mayor Stoney and All Members of Council

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2019 AT 6 P.M.

THE CITY OF RICHMOND HERBY ORDAINS:

§ 1. That Chapter 27, Article II of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** section numbered 27-40.1 as follows:

Sec. 27-40.1. Distracted driving.

(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 such person'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 the operator is engaged in the performance of the operator's official duties; (ii)

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 09 2019 REJECTED: _____ STRICKEN: _____

who is lawfully stopped or parked; (iii) who is using a handheld personal communications device to report an emergency; or (iv) who is using a handheld radio-based communications device during an emergency or disaster relief operation.

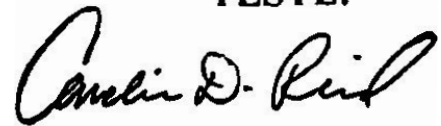
(c) A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute or ordinance.

(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, which shall be paid to the City treasury.

§ 2. This ordinance shall be effective 180 days after the date of adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carlin D. Rind".

City Clerk



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

4-8918

JUN 21 2019

Office of the
Chief Administrative Officer

RECEIVED

O&R REQUEST

JUN 26 2019

DATE: May 23, 2019

EDITION: OFFICE OF THE CITY ATTORNEY

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

FROM: Lieutenant Colonel William C. Smith, Interim Chief of Police

RE: **DISTRACTED DRIVING ORDINANCE**

ORD. OR RES. No. _____

PURPOSE:

To authorize the Chief Administrative Officer to adopt, on behalf of the City of Richmond, an ordinance regulating the use of handheld communication devices while operating a motor vehicle. Use of a handheld communications device while driving that causes distraction would be considered a traffic infraction punishable by a fine of \$125.00 for the first offense, and \$250.00 for a second or subsequent offense.

REASON:

Section 46.2-1300 of the Code of Virginia authorizes the governing bodies of cities to adopt ordinances to regulate the operation of vehicles on the highways in such cities. Passage of this ordinance is expected to increase the safety of motorists, pedestrians and other persons using city highways, as well as protect the property surrounding such highways.

RECOMMENDATION:

The City Administration recommends adoption of this ordinance.

BACKGROUND:

The Richmond Police Department (RPD) promotes traffic safety, enforces traffic code violations and city ordinances, and investigates motor vehicle crashes on a daily basis. During 2018, RPD investigated 6,229 motor vehicle crashes. Of those motor vehicle crashes, distracted driving contributed to 1,127. A further breakdown of those distracted driving motor vehicle crashes revealed that 298 resulted in injury and 4 in death.

Of the 1,127 motor vehicles crashes which listed distracted as a factor, 95 listed the distracted behavior as using a cellphone, to include texting. This data is based almost exclusively on driver self-reporting, or eye witness testimony. The actual number of motor vehicle crashes related to cell phone usage is likely much higher.

Currently according to VA Code 46.2-1078.1 it is unlawful for any person to operate a motor vehicle while using any handheld communication device to manually enter numbers or letters in attempts to communicate with another, or read any email or text stored within the device. This statute does not prohibit such activities as surfing the web, social media, watching videos, using GPS mapping features, etc. It should also be noted it is virtually impossible for law enforcement to know whether a person is violating the statute without personally observing the behavior, or by way of a search warrant. This ordinance, on the other hand, would allow officers to take action whenever they observe a person operating a motor vehicle while using a handheld personal communications device, so long as the officer also observes evidence of distraction. Similar ordinances have been passed in Spotsylvania County and the City of Hampton.

Adopting this ordinance will undoubtedly make Richmond highways safer for its citizens.

COST TO CITY: None

REVENUE TO CITY: It is impossible to determine the total revenue that will be collected from such violations because it is not known how many individuals will violate the law.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 24, 2019

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2019

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Public Safety Standing Committee

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:
Richmond City Courts. Richmond Commonwealth's Attorney's Office

AFFECTED AGENCIES: Police Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS:
Proposed Ordinance

STAFF:

David Mitchell
Office of General Counsel
Richmond Police Department
804-646-5528

MOTION

To amend Ordinance No. 2019-288 as follows:

Page 1, Line 16

After the word “device”, strike the text “where such use diverts such person’s
attention from the operation of the motor vehicle”