

**ORDINANCE NO. 2016 - 06**

AN ORDINANCE OF BLAINE COUNTY, IDAHO, AMENDING TITLE 5 OF THE BLAINE COUNTY CODE BY ADDING CHAPTER 5 PROHIBITING THE USE OF HAND-HELD MOBILE ELECTRONIC DEVICES WHILE DRIVING EXCEPT UNDER CERTAIN CONDITIONS, PROVIDING FOR AN INFRACTION FINE OF \$100.00, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is empowered pursuant to Section 31-714, Idaho Code, to pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein; and

WHEREAS, the use of a hand-held mobile electronic device while driving a motor vehicle can distract the driver and create hazards for the driver, other drivers, pedestrians, cyclists, and wildlife; and

WHEREAS, the Blaine County Commissioners finds that enactment of an ordinance that restricts the use of handheld electronic devices by drivers will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BLAINE COUNTY COMMISSIONERS, AS FOLLOWS:

**Section 1:** A new Chapter 5 of Title 5 of the Blaine County Code shall be added that reads as follows,

CHAPTER 5  
USE OF HAND-HELD ELECTRONIC MOBILE  
DEVICES WHILE DRIVING PROHIBITED

5-5-1: DEFINITIONS:

"Actual Physical Control" shall mean being in the driver's position of the motor vehicle with the motor running.

"Hand-Held Electronic Mobile Device" shall mean any portable electronic equipment capable of providing wireless or data communication between two or more persons or providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video or music player or digital photographic device.

“Use” shall mean talking, listening, typing, sending or receiving electronic messages, performing commands or prompts, or any other activity where a hand-held electronic mobile device must be handled.

“Hands-Free Electronic Mobile Device” shall mean a hand-held electronic mobile device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation or uses the hand-held electronic mobile device without the use of either hand.

5-5-2: USE OF HAND-HELD ELECTRONIC MOBILE DEVICE: The use of a hand-held electronic mobile device by a person in actual physical control of a motor vehicle on any public road, highway, or private road open to the public within unincorporated areas of the County shall be unlawful except as otherwise provided in Section 5-5-3.

5-5-3: EXCEPTIONS: The prohibitions set forth in this chapter shall not be applicable to the following persons in actual physical control of motor vehicles:

- A. One who uses a hands-free electronic mobile device;
- B. A law enforcement officer, a member of a paid or volunteer fire department, or an operator of an authorized emergency vehicle while in the actual performance of their official duties;
- C. One who is parked in a designated parking area, or pulled to a stop completely outside the lane of traffic, or pulled to a stop and not causing a road obstruction or traffic hazard; and
- D. One who uses a hand-held electronic mobile device to report a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergency.

5-5-4: PENALTY: A person violating any provision of this chapter shall be guilty of an infraction, punishable by a fixed penalty of one hundred dollars (\$100.00).

**Section 2: Severability Clause.** If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

**Section 3: Effective Date.** This Ordinance shall be in full force and effect after its passage, approval, adoption, and publication.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this \_\_\_\_\_ day of September, 2016.

BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY, IDAHO

\_\_\_\_\_  
Jacob Greenberg, Chairman

(seal)

\_\_\_\_\_  
Angenie McCleary, Vice-Chair

ATTEST:

\_\_\_\_\_  
JoLynn Drage, Clerk

\_\_\_\_\_  
Lawrence Schoen, Commissioner