

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** amending sections 5210. and 5233. and enacting sections 5267 and 5268, Jackson County Code, 1984, relating to the traffic code, with a penalty provision.

**ORDINANCE NO. 5209**, March 11, 2019

**INTRODUCED BY** Theresa Galvin, County Legislator

WHEREAS, the Legislature has determined it to be in the best interests of the health, safety, and welfare of the citizens of Jackson County to enact new proscriptions to regulate distracted driving and improper lane changes on the County's roads; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section A. Enacting Clause. Sections 5210. and 5735. Jackson County Code, 1984 are hereby amended, and sections 5267 and 5268 are hereby enacted, with existing subsections of section 5210. to be renumbered accordingly, all new and amended sections to read as follows:

5210. Definitions.

When used in this chapter, the following words and phrases shall have the following meanings. If any words and phrases are not defined by this chapter but are defined in the state laws regulating the operation of vehicles, the state law definition shall apply.

5210.10 Personal Electronic Device.

Any wireless communication device which provides for voice or data communication between two or more parties including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends and receives messages, an audio-video player that sends and receives messages, and a laptop computer. Personal Electronic Device does not include a device which is a voice-operated wand which allows the user to send and receive a text-based communication, carry on a conversation, provide streaming digital media, or provide directions without the use of either hand, except to activate or deactivate the function.

5210.24 Write, Send, a Read a Text or Electronic Message.

Using a personal electronic device to manually type, send, or read a written communication, including, but not limited to, a text message, instant message, picture message, multi-media message, and electronic mail.

5233. Violation.

Any person who fails to obey the instructions of any traffic-control device, to follow any lawful order or direction of an officer of the Sheriff's Patrol or otherwise to comply with any of the provisions of this chapter shall be deemed to be in violation of the Jackson County Traffic Code and shall be guilty of [a misdemeanor] an infraction.

5267. Distracted Driving.

No person who operates a moving vehicle shall send, read, or write a text or electronic message utilizing a personal electronic device, or send or receive any picture message by means of a personal electronic device, or engage in personal grooming while operating a moving vehicle, or utilize a personal electronic device for conversation while operating a moving vehicle, or intentionally engage in any action that causes the driver's attention to be obscured, diminished, or directed away from the path of travel.

5267.1 Exception.

This section shall not apply to the following person(s) or conditions: A Police Officer, Sheriff, Deputy Sheriff, State Highway Patrol Officer, Ambulance Driver, or Fire Equipment Operator operating an authorized emergency vehicle, and/ or acting within the course and scope of his or her employment; a vehicle stopped off the highway or roadway; a person who receives and reads an emergency, traffic, weather, Amber, Silver, or Blue alert message; or a person utilizing 911 to report current or ongoing illegal activity or providing pertinent information to prevent imminent injury to person or property of law enforcement or emergency personnel.

5268. Improper Lane Change.

Any vehicle operating on Jackson County roadways, highways, and interstate highways shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the operator has first ascertained that such movement can be made safely, and the person operating the moving vehicle shall not cross any lane divider line,

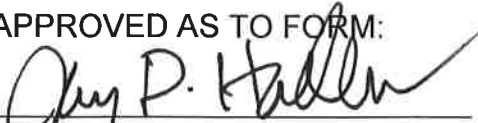
including dotted lane dividers, solid fog lines, and solid lane divider lines, without the use of a proper advance signal by either hand and arm, by signal light, or by signal device in good mechanical condition. Any person failing to do so is guilty of an infraction and subject to punishment pursuant to section 5234. of this chapter.

Section B. Penalty Provisions.

Any person found guilty of a violation of any provision of this Ordinance shall be subject to punishment pursuant to section 5234. of Jackson County Code.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
Interim County Counselor

I hereby certify that the attached ordinance, Ordinance No.5209, introduced on March 11, 2019, was duly passed on March 25, 2019 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 0

Abstaining 0

Absent 2

This Ordinance is hereby transmitted to the County Executive for his signature.

3/25/19  
Date

  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No.5209.

3/27/2019  
Date

  
Frank White, Jr., County Executive