

CITY OF BLOOMFIELD
ORDINANCE # 456
AN ORDINANCE AMENDING ARTICLE III
SPECIAL TRAFFIC REGULATIONS SEC.17.24
OF THE BLOOMFIELD MUNICIPAL CODE

WHEREAS, the City Council has determined that it has become necessary to amend the Bloomfield Municipal Code Article III Special Traffic Regulations Sec. 17-24 by adding

Sec. 17-24. Prohibited activities while driving.

No person shall:

- (1) Drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle.
- (2) Drive while having in his lap any person, adult or minor, or any animal.
- (3) Drive while seated in the lap of another person while the vehicle is in motion.
- (4) Drive a vehicle while having either arm around another person.
- (5) Operate a motor vehicle's equipment, including but not limited to the vehicle horn or lights, in such manner as to distract other motorists on the public way or in such a manner as to disturb the peace.
- (6) Drive a vehicle while talking or conversing with an occupant of another vehicle, whether the other vehicle be parked or in motion. This prohibition shall not apply to drivers communicating by radio.

(Ord. No. 221, § 3, 7-24-89)

(7) Short title

[a] This Ordinance is an amendment cited as the **City of Bloomfield's Ban on Texting and/or Usage Of Cellular Telephone or Text Messaging device(s) While Operating A Motor Vehicle That Is In Motion.**

[b] Purpose

The purpose of this subchapter is to:

- (1) Improve roadway safety for all vehicle operators, passengers, bicyclists, pedestrians, and other road users;
- (2) Prevent crashes related to the act of text messaging and or cellular use while driving a motor vehicle (This does not include the use of cellular Telephones in conjunction with a hands free device);
- (3) Reduce injuries, death, property damage, health care costs, health insurance and automobile insurance rates related to motor vehicle crashes; and
- (4) Authorize law enforcement officers to stop vehicles and issue citations to person's texting or using while driving as a standard offense.

[c] Application

Except as provided in Section 4, this subchapter applies to all drivers during operation of a motor vehicle in motion on the travel portion of public streets, roads and highways within the boundaries of the City of Bloomfield.

[d] Exemptions

This subchapter does not apply to a driver who is:

- (1) A law enforcement, fire service, or emergency medical services professional performing official duties.
- (2) Reporting an emergency, or criminal or suspicious activity to law enforcement authorities.

(3) Receiving messages related to the operation or navigation of a motor vehicle; safety-related information including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio.

(4) Using a device or system for navigation purposes (this only applies when device is mounted to a brace or bracket).

[e] Penalties

A driver violating this subchapter shall be subject to a penalty of:

(1) For the 1st offense – A mandatory minimum fine of \$75 up to \$500 or 90 days in jail or both.

(2) For a subsequent offense – a mandatory minimum fine of \$200 up to \$500 fine or 90 days in jail or both.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLOOMFIELD, NEW MEXICO, THAT:

ARTICLE III SPECIAL TRAFFIC REGULATIONS SEC. 17-24 BE AMENDED

PASSED, APPROVED, SIGNED AND ADOPTED THIS 27th DAY OF JUNE 2011



MAYOR SCOTT ECKSTEIN

ATTEST:

Carol Miller, City Clerk