

The City of Yuma has a non-delegable duty to keep its streets reasonably safe; and the use of portable communication devices and texting while driving a motor vehicle has increased in recent years.

Drivers who use portable communication devices and text while driving a motor vehicle are more likely to become involved in a traffic accident. The use of portable communication devices and texting while driving a motor vehicle have contributed to the increase of injuries, deaths, property damage, health care costs and auto insurance rates. The City Council desires to protect the safety and welfare of its citizens.

•Engaging in visual-manual subtasks (such as reaching for a phone, dialing and texting) associated with the use of hand-held phones and other portable devices increased the risk of getting into a crash by three times. *(VTTI)

*Virginia Tech Transportation Institute

YUMA POLICE DEPARTMENT

www.yumaaz.gov/police

1500 S. 1st Ave.
Yuma, AZ 85364

Main Telephone line
928-373-4700

Non-Emergency Telephone
Number
928-373-4421



YUMA POLICE
DEPARTMENT

Use of Portable Communications Devices while Driving; Prohibited



The Law

TITLE 21 OF THE YUMA CITY CODE, CHAPTER 211 Section 9 and 10

Use of Portable Communications Device; Prohibited; Exceptions

A. A person shall not drive a motor vehicle on a highway while using a portable communications device.

B. This Section does not apply to any of the following:

1. A driver using a hands-free mobile device, as long as the hands-free mobile device does not obstruct the driver's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

2. A law enforcement officer or authorized emergency vehicle driver, if the use of a portable communications device is in the performance of the official duties of the officer or driver.

3. A person driving a motor vehicle on private property.

4. A driver who is legally parked.

It is an affirmative defense to prosecution under this Section that the driver was using a portable communication device to prevent an injury to a person or property or to communicate an emergency to law enforcement, a fire department, a hospital or physician's office, or an ambulance service.

PARK OR PARKED

Means the driver has completely ceased movement of a motor vehicle in a lawful manner and location. For purposes of this Section,

"Parked" does not include or mean a vehicle stopped in a lane of traffic due to either a lawful traffic control device, or the conditions on the roadway, or existing traffic congestion patterns.

HANDS-FREE MOBILE DEVICE

A portable communication device/system which allows a driver to use the device without holding it while driving a motor vehicle.

PORTABLE COMMUNICATIONS DEVICE

Any handheld mobile cellular telephone, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, electronic game, or portable computing device.

A violation of this section is a civil traffic violation.

A person found to be in violation of this Section and not involved in a motor vehicle crash is subject to a civil penalty of one-hundred (\$100.00) dollars plus any other penalty assessment authorized by law.

A person found to be in violation of this Section and **involved in a motor vehicle crash** is subject to a civil penalty of two-hundred fifty (\$250.00) dollars plus any other penalty assessments authorized by law.

F.A.Q.

Can I get a ticket while dialing a phone number?

YES. If you are using your hand to hold the phone and fingers to dial.

Can I get a ticket for changing the music on my smartphone? YES. The focus with this ordinance is the physical manipulation of the device.

Will I be able to cradle a phone between my ear and shoulder?

No. Under the ordinance you are only permitted to use the device in a hands-free capacity while driving.

Are wired or wireless earpieces allowed?

Yes. Hands-free use of a mobile telephone is allowed using either a wired or wireless earpiece, or the speakerphone function of the mobile telephone. Wireless connection of the mobile telephone to the vehicle for hands-free operation of the telephone, which would allow the use of single-button controls on the steering wheel or dashboard, is also allowed. Blue-Tooth devices are available that enable you to use your portable communications device hands-free as well.