ORDINANCE NO. G-1147

AN ORDINANCE ADDING SECTION 302.055 ENTITLED "LISTENING OR TALKING ON WIRELESS COMMUNICATION DEVICES WHILE DRIVING", TO CHAPTER 302 ENTITLED "GENERAL PROVISIONS", OF TITLE III "TRAFFIC CODE",OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

SECTION 1. A new section 302.055 is hereby added to Chapter 302 of Title III of the Code of Ordinances of the City of Junction City, Kansas to read as follows:

Section 302.055 LISTENING OR TALKING ON WIRELESS COMUNICATION DEVICES WHILE DRIVING

A. Except as provided in subsection (B), no person shall operate a motor vehicle on a public road or highway while listening or talking on a wireless communication device, unless the wireless communication device is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.
B. The provisions of subsection (A) shall not apply to:
    1. A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
    2. A driver in a motor vehicle stopped off the regular traveled portion of the roadway;
    3. A driver talking or listening to a law enforcement agency, health care provider, fire department, or other emergency services agency, for emergency purposes;
    4. A person who is relaying information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle;
    5. A driver who uses a digital two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizen's or family radio service bands in accordance with rules of the Federal Communications Commission; or
    6. A driver who uses an amateur radio and who holds a valid amateur radio operator license, or any other similar license related to such use, issued by the Federal Communications Commission.
C. For the purposes of subsection (A), "hands-free" use shall mean listening or talking on a wireless communication device that has an internal feature or function, or is equipped with a temporary or permanent attachment or addition, that allows listening

or talking without the use of either hand, except to activate or deactivate that function of the wireless communication device.

D. There shall be a rebuttable presumption that any person who is driving a motor vehicle and holding a wireless communication device to, or in the immediate proximity of, his or her ear is listening or talking on such device in violation of subsection (A). Immediate proximity shall mean that distance that permits the person to listen or talk on such device, but shall not require physical contact with the person's ear.

E. Violation of this Section is an unclassified misdemeanor, punishable by a fine not to exceed $500 or by imprisonment for not more than one month or by both such fine and imprisonment.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

PASSED AND ADOPTED THIS 3rd DAY OF JUNE, 2014.

Michael L. Ryan
Mayor

ATTEST:

Tyler Ficken
City Clerk

CITY OF JUNCTION CITY KANSAS 1859