

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-480-2016

AN ORDINANCE AMENDING CHAPTER 16 OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES BY ADDING SECTION 16-160 TO ENHANCE PUBLIC SAFETY BY PROHIBITING TEXTING WHILE DRIVING.

BE IT ENACTED THAT:

Chapter 16 of the Salt River Pima-Maricopa Indian Community Code of Ordinances is hereby amended by adding Section 16-160 as follows:

Sec. 16-160 Texting while driving prohibited.

(a) *Purposes.* The purposes of this Section are to:

- (1) Improve roadway safety for all vehicle operators, passengers, bicyclists, pedestrians, and other road users;
- (2) Prevent collisions related to the act of text messaging while driving a motor vehicle;
- (3) Reduce injuries, death, property damage, health care costs, health insurance and automobile insurance rates related to motor vehicle collisions; and
- (4) Authorize law enforcement officers to stop vehicles and issue citations to individuals texting while driving.

(b) *Prohibited activities.*

- (1) It is unlawful for a driver of a motor vehicle in motion on a roadway to manually type or enter multiple letters, numbers, symbols, or other text in a wire/wireless communication device, or send or read data in the device, for the purpose of non-voice interpersonal communication, including texting, emailing, instant messaging, or using any wireless communication device application other than making or disconnecting a call.
- (2) Except as provided in subsection (c) below, this Section applies to all drivers operating a motor vehicle on a roadway within the Community.

(c) *Exemptions.*

Subsection (b)(1) above does not apply to a driver who is:

- a. Reporting an emergency, or criminal or suspicious activity to law enforcement authorities;
- b. Receiving messages or data related to the operation of a motor vehicle, safety-related information including emergency, traffic, or weather alerts;
- c. Operating a vehicle radio or stereo system;
- d. Using a device or system for navigation purposes; or
- e. Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, symbols or reading text messages, except to activate, deactivate, or initiate a feature or function.

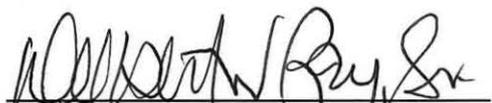
(d) *Penalties and Procedure.*

- (1) A driver who violates this Section is subject to:
 - a. a civil fine not to exceed \$50; unless
 - b. the court finds that the driver has been previously cited for a violation of this Section. If so, the Community Court may impose a civil fine not to exceed \$100 for any subsequent offense.
- (2) Citations issued pursuant to this Section will be governed by Chapter 16, including all available remedies for a driver's failure to pay fines imposed pursuant to this Section.

C_E_R_T_I_F_I_C_A_T_I_O_N

Pursuant to the authority contained in Article VII, Section 1(c)(1) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing ordinance was adopted this 20th day of April, 2016 at a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 9 For, 0 Against, 0 Abstentions and 0 Absent/Excused.

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL**


Delbert W. Ray, Sr., President

ATTEST:


Erica Harvier, Secretary

Approved as to Form by the
Office of the General Counsel
Marnie Hodahkwen
April 18, 2016

