

**AN ORDINANCE PROHIBITING THE USE OF  
A HAND-HELD MOBILE TELEPHONE BY A PERSON OPERATING A  
MOTOR VEHICLE OR OTHER VEHICLE ON A CITY STREET,  
UNDER CERTAIN TERMS AND CONDITIONS**

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS:

SECTION 1 - Prohibiting Use of Mobile Telephones by Persons Operating Vehicles.

(1) Legislative Findings. The Council of the City of Bethlehem finds:

(a) The City of Bethlehem is a third-class City situate within the Commonwealth of Pennsylvania and maintains a residential population in excess of 75,000.

(b) As a result of its population, the City of Bethlehem experiences significant motor vehicle and pedestrian traffic within its boundaries.

(c) Bethlehem is a walkable city and this Ordinance would protect the health, safety and welfare of operators of motor vehicles, pedestrians, bicyclists, skateboarders, inline skaters and others.

(d) Mobile telephone usage has continued to increase in popularity in the United States.

(e) Studies show:

(1) Mobile phone usage while driving significantly increases the likelihood of a crash;

(2) Drivers operating motor vehicles while using a mobile phone are impaired;

(3) The act of dialing a mobile phone is the most dangerous part of making a mobile phone call while operating a motor vehicle;

(f) Text messaging, instant messaging, web browsing and other mobile phone technologies are becoming increasingly popular and present an additional danger to motor vehicle operators and the general public.

(g) Studies show:

(1) The use of text messages has increased dramatically.

(2) Currently, cell phone users send and receive more text messages per month than phone calls.

(h) The use of mobile phones while operating a motor vehicle, skateboard, inline skates or bicycle poses a great risk to the health, safety and welfare of the operator of those vehicles, as well as pedestrians and the general public.

(I) Requiring the use of a hands-free device for mobile phones while operating a vehicle within the City of Bethlehem is necessary to protect the health, safety and welfare of the citizens of Bethlehem.

(j) Failure to use a hands-free device for a mobile phone while operating a vehicle shall constitute a violation of this Ordinance of the City of Bethlehem.

(2) Definitions.

(a) "Interactive Wireless Communications Device." Any wireless electronic communications device that 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 or receives messages or a laptop computer. The term does not include a citizens band radio or a two-way radio.

(b) "Hands-free device" shall mean an external device that connects to a mobile telephone or wireless communication device that allows the user to engage in a call without touching the user's telephone or wireless communication device.

(c) "Street" shall have the same meaning as stated in the Codified Ordinances of the City of Bethlehem.

(d) "On-board communications device" shall mean a communications system or device that is hard-wired into a motor vehicle.

(3) Prohibited Conduct. No person shall use an interactive wireless communication device in any way, including for voice communication, texting, messaging, and/or emailing:

(a) while operating a motor vehicle on any Street within the City;

(b) while using a skateboard, scooter, inline skates or bicycle on any Street within the City.

(4) Exceptions.

(a) Persons using a hands-free device for voice communication, provided that such person does not touch the mobile telephone or wireless communication device connected to such hands-free device while operating or using the vehicle, except as permitted under subparagraph (c).

(b) Persons using a mobile telephone for voice communication to call "911" in an emergency, or to report a traffic accident or unsafe driving by another motorist.

(c) Persons using a mobile telephone or wireless communication device while maintaining a motor vehicle in a stationary position in a parking lane or space out of moving traffic lanes, and the vehicle is not in gear.

(d) Emergency Personnel or personnel in times of emergency using an on-board communications device for communication in the course of business in their employment with the City, State or Federal agency or authority.

(5) Penalties.

(a) The penalty for a violation of this Section shall be a fine of not less than \$50.00, nor more than \$100.00.

Sponsored by \_\_\_\_\_

\_\_\_\_\_

PASSED in Council on the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Honorable Robert Donchez  
President of Council

ATTEST:

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Cynthia H. Biedenkopf, City Clerk