

SPECIAL ORDER



Title
Distracted Driving Safety Act of 2004

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July 02, 2004

Distribution
B

Related to:
GO-SPT-303.01 (Traffic Enforcement)

DISTRICT OF COLUMBIA

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I. BACKGROUND

The District of Columbia City Council has enacted the “Distracted Driving Safety Act of 2004” to enhance vehicular driving safety. The act is effective July 01, 2004 and shall be enforced by members of the Department.

II. POLICY

The policy of the Metropolitan Police Department is that the “Distracted Driving Safety Act of 2004” shall apply to members of the Department. As a policy of MPD, members shall not use a personal electronic device or a mobile telephone, not equipped with a hands free device, while operating a departmental vehicle, a vehicle leased by the Department or a personal vehicle while on government business. The only time a member may use a mobile telephone not equipped with a hands free device is during an emergency.

The penalty for violating the Act is normally a Notice of Infraction (NOI), which carries a fine of \$100.00. However, a warning NOI shall be issued to motorists who violate the Act for a period of 30 days (July 01, 2004 - August 01, 2004).

The Act also requires additional information about the use or presence of a cell phone or any other distraction that may have contributed to the cause of the accident, to be included in the PD Form 10 (Traffic Accident Report). Members shall capture the relevant information in the narrative section of the PD Form 10 until it has been properly revised.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Distracted driving – Inattentive driving, while operating a motor vehicle that results in the unsafe operation of the vehicle, where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in any other activity which causes a distraction.

2. Hands free accessory – An attachment, add on, built in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel.
3. Mobile telephone – A cellular, analog, wireless, or digital telephone capable of sending or receiving telephone messages, without an access line for service.
4. Other electronic device – Includes, but is not limited to, hand held computers, pagers and video games.
5. Public Highway – A road, street, alley or way in the District of Columbia, open to the public as a matter of right for the purpose of vehicular traffic.
6. Use - Talking, placing or receiving a call or attempting to place or receive a call on a mobile telephone.

IV. REGULATIONS

- A. Restricted use of mobile telephones and other electronic devices
 1. No person shall use a telephone or other electronic device, while operating a moving vehicle in the District of Columbia, unless the telephone or device is equipped with a hands-free accessory.
 2. A person who possesses a learner's permit shall be prohibited from using a mobile telephone or other electronic device, including those with hands-free accessories, while operating a motor vehicle on a public highway.
 3. A person shall not use a mobile telephone or other electronic device, including those with hands free accessories, while operating a moving school bus carrying passengers.
- B. The provisions of this Act shall not apply to the following:
 1. Motorists who use a mobile telephone in an emergency, e.g., calls to 911 or 311, a hospital, an ambulance service provider, a fire department, a law enforcement agency or a first aid squad.
 2. Use of a mobile telephone by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties.
 3. Initiating or terminating a telephone call, or turning the telephone on or off.
 4. A school bus driver who places an emergency call to school officials.

V. PROCEDURAL GUIDELINES

A. NOI Procedures

1. A violation of the provisions set forth in this Act, shall be processed and adjudicated under the provisions applicable to moving violations under Title II of the of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §50-2302.01 *et seq.*).
2. When issuing an NOI for the “Distracted Driving Safety Act of 2004” members shall:
 - a. Check the box marked other and print “Distracted Driving” in the Moving Violation Section;
 - b. Check the box marked \$100.00 in the Scheduled Fine or Collateral Section;
 - c. Note what type of distraction the violator is being cited for in the Notes Section on the back of the NOI (e.g., Using a cell phone without a built in speaker or hands free accessory attached, reading the newspaper, using a personal communications device, etc...).

Note: A thirty (30) day warning period shall be extended to violators of the Act. The warning period shall be in effect until August 01, 2004.

B. Members shall include the following information in the narrative section of the PD Form 10:

1. Whether a mobile telephone or other electronic device was present in the motor vehicle;
2. Whether the use of a mobile telephone or other electronic device by a motor vehicle operator contributed to the cause of the accident; and
3. Whether any other distraction may have contributed to the cause of the accident.

// SIGNED //
Charles H. Ramsey
Chief of Police