

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 15-114, TITLED "CRASH HELMETS FOR DRIVER AND PASSENGER ON MOTORCYCLE OR MOTOR-DRIVEN CYCLE," AND AMENDING SECTION 15-227, TITLED "USE OF SAFETY BELTS IN PASSENGER VEHICLES"; AND BY CREATING THE FOLLOWING NEW SECTIONS: SECTION 15-132, TITLED "NOTIFICATION OF CHANGE OF ADDRESS AND/OR NAME"; SECTION 15-228, TITLED "ILLUMINATION OF REGISTRATION (LICENSE) PLATE"; AND SECTION 15-349, TITLED "TEXTING WHILE DRIVING PROHIBITED"; WITH ALL AMENDMENTS FOR THE PURPOSE OF BRINGING THE MOTOR VEHICLE PROVISIONS INTO COMPLIANCE WITH STATE LAW.

WHEREAS, City Code Title 15 contains provisions pertaining to motor vehicles and some provisions are in need of modification for compliance with state law; and

WHEREAS, Tennessee Code Annotated §55-9-302 sets forth certain exemptions from wearing a helmet while on a motorcycle or motor-driven cycle that need to be incorporated into City Code §15-114; and

WHEREAS, Tennessee Code Annotated §55-9-603 contains increased fines for seat belt violations (effective January 1, 2016), modified language for exemptions for disabled persons, and modified language for exemptions for utility workers and meter readers that need to be incorporated into City Code §15-227; and

WHEREAS, additionally, there are new provisions that can be incorporated into Title 15 of the City Code by the authority given in Tennessee Code Annotated §16-18-302 to enforce in City Court any ordinance that mirrors, substantially duplicates, or cross-references the language of a state criminal statute if the state offense is a Class C misdemeanor and the civil fine for the ordinance violation is not in excess of \$50.00; and

WHEREAS, the following state laws may be incorporated into the City Code as ordinance violations: requirement to notify the Department of Safety within ten (10) days of an address and/or name change on the driver's license, title, or registration (Tennessee Code Annotated §55-50-601(6) and Tennessee Code Annotated §55-4-131); requirement that if a motor vehicle is factory equipped with lighting to illuminate the license plate that said license plate be illuminated at all times when the headlights are illuminated (Tennessee Code Annotated §55-4-110); and a prohibition on texting while driving (Tennessee Code Annotated §55-8-199); and

WHEREAS, the City desires to adopt ordinances mirroring the above-referenced state statutes to incorporate the violations into the City Code as municipal offenses.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-114, titled "Crash helmets for driver and passenger on motorcycle or motor-driven cycle," in its entirety and substituting therefor a new Section 15-114, titled "Crash helmets for driver and passenger on motorcycle or motor-driven cycle," which new section shall read as follows:

Section 15-114. Crash helmets for driver and passenger on motorcycle or motor-driven cycle.

The driver of a motorcycle or motor-driven cycle and any passenger thereon shall wear a crash helmet meeting the requirements of Tennessee Code Annotated §55-9-302.

This section does not apply to persons riding:

- (1) Within an enclosed cab;
- (2) Motorcycles that are fully enclosed, have three wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.), and have the capacity to maintain posted highway speed limits;
- (3) Golf carts;
- (4) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older; or
- (5) In a funeral procession, memorial ride under police escort, or body escort detail provided that the driver travels at a speed not to exceed thirty (30) miles per hour, **the driver or passenger is twenty-one (21) years of age or older**, and the funeral procession, memorial ride, or body escort detail does not exceed a distance of fifty (50) miles.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," Section 15-227, titled "Use of safety belts in passenger vehicles," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding language to the end of Subsection (8)(a) and Subsection (8)(b) as follows:

Section 15-227. Use of safety belts in passenger vehicles.

- (8) (a) Effective January 1, 2016, the fine amount shall increase to twenty-five dollars (\$25.00) for a first violation and fifty dollars (\$50.00) for a second or subsequent violation.
- (b) Effective January 1, 2016, the fine amount shall increase to twenty-five dollars (\$25.00).

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," Section 15-227, titled "Use of safety belts in passenger vehicles," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsections (10)(a) and (10)(d) in their entirety and substituting therefor new Subsections (10)(a) and (10)(d) which new subsections shall read as follows:

Section 15-227. Use of safety belts in passenger vehicles.

- (10) This section does not apply to:
 - (a) A passenger or operator with a physical disability which prevents appropriate restraint in a safety seat or safety belt; provided, that the condition is duly certified in writing by a physician who shall state the nature of the disability, as well as the reason a restraint is inappropriate;
 - ...
 - (d) Utility workers, water, gas and electric meter readers while the meter reader or utility worker is emerging from and reentering a vehicle at frequent intervals and operating the vehicle at speeds not exceeding forty miles per hour (40 mph);

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-132, titled "Notification of change of address and/or name" which section shall read as follows:

Section 15-132. Notification of change of address and/or name.

- (a) Whenever any person, after applying for or receiving a license, moves from the address named in the application or license, or when the name of a licensee is changed for any reason, the person shall within ten (10) days thereafter notify the Department of Safety of the change or changes. It is unlawful to fail to comply with the requirements of this subsection.
- (b) Whenever any person, after applying for or receiving a title or registration, moves from the address named in the application or title or registration, or when the name of an applicant is changed for any reason, the person shall within ten (10) days thereafter, notify the Department of Safety of the change or changes. It is unlawful to fail to comply with the requirements of this subsection.

Section 5. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-228, titled "Illumination of registration (license) plate," which section shall read as follows:

Section 15-228. Illumination of registration (license) plate.

- (1) For all motor vehicles that are factory-equipped to illuminate the registration (license) plate, the registration (license) plate shall be illuminated at all times that headlights are illuminated. This section is not applicable to antique vehicles as defined in Tennessee Code Annotated §55-4-111(b).
- (2) It is unlawful to fail to comply with the requirements of this section. By Tennessee Code Annotated §55-4-110(d)(3), a violation of this section is subject only to imposition of a fine of ten dollars (\$10.00) for a first violation and twenty dollars (\$20.00) for second and subsequent violations, and no litigation tax, clerk's fee, or court costs shall not be imposed.
- (3) By Tennessee Code Annotated §55-4-110(d)(3), a traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-349, titled "Texting while driving prohibited," which section shall read as follows:

Section 15-349. Texting while driving prohibited.

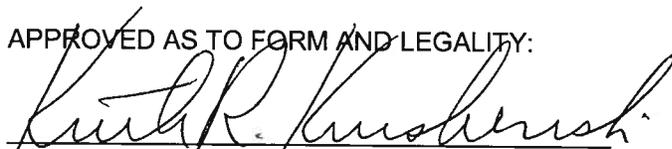
- (1) For the purposes of this section, unless the context requires otherwise, the following definitions apply:
 - (a) "Mobile telephone" means a cellular, analog, wireless or digital device that provides for voice communication and for data communication other than by voice; and
 - (b) "Personal digital assistant" means a wireless electronic communication device that provides for data communication other than by voice.
- (2) No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written message; provided, that a driver does not transmit or read a written message for the purpose of this subsection (2) if the driver reads, selects, or enters a telephone

number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call.

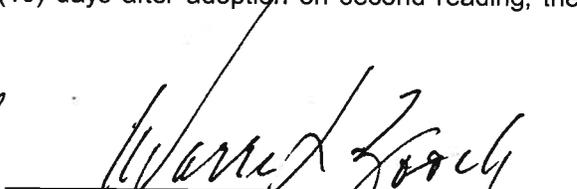
- (3) This section shall only apply to a person driving a motor vehicle that is in motion at the time a written message from a mobile telephone or hand-held personal digital assistant is transmitted or read by the person.
- (4) It is unlawful to fail to comply with the requirements of this section. By Tennessee Code Annotated §55-8-199, a violation of this section is subject only to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.
- (5) By Tennessee Code Annotated §55-8-199, this section shall not apply to the following persons:
 - (a) Officers of the state or of any county, city, or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;
 - (b) Campus police officers and public safety officers, as defined by Tennessee Code Annotated §49-7-118, when in the actual discharge of their official duties;
 - (c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties; and
 - (d) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their official duties.
- (6) By Tennessee Code Annotated §55-8-199, a traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

Section 7. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

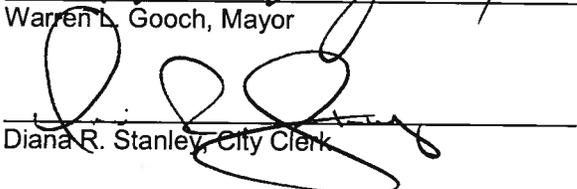
APPROVED AS TO FORM AND LEGALITY:



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