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SE bans text messaging while driving

Starting April 1, traffic law violators can also be ticketed for sending texts, using hand-held cell phone

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SOUTH EUCLID — If a motorist in South Euclid is driving a car while text messaging or using hands to talk on a cell phone, that person will be subject to a citation after April 1.

The same goes if that motorist is operating a computer while driving.

"This is meant to stop anything that could take the driver's attention from

the road," said South Euclid Police Chief Kevin Nietert Monday after City Council voted, 7-0, in favor of the ordinance.

Niertert said these illegal actions will be secondary offenses, meaning officers will not stop and ticket drivers if they are caught talking on a cell phone or text messaging. But, drivers will be ticketed if they are found in offense of another traffic law, and ticketed again for using the electronic de-

vices.

Niertert, who acknowledged in the past couple of months as council discussed the matter in its Safety Committee that nabbing offenders would be difficult, had an idea on how such motorists might be caught.

When asked how one might be ticketed for the secondary offense, he said, "I see officers enforcing this when a driver is impeding the flow of traffic.

"We've all been behind drivers who are distracted because they're using a cell phone or writing a text message. They drive slower."

Niertert said a driver may even be traveling above the minimum speed and still impede traffic by not changing from the left-hand lane to allow another to pass.

As a fourth-degree misdemeanor,

See BANS, A11.

BANS

From A1

the first offense will result in a \$100 fine, and a second offense, a fine of \$250. That fine increases to \$500 for three or more offenses. The maximum jail sentence will be 30 days.

South Euclid joins Brooklyn and North Olmsted as area cities that have banned both text messaging and cell phone use (when it requires the use of a hand), and is the first to pass such legislation banning both (as well as computer use) at one time.

The legislation was requested by new Council President David Miller.

A computer, according to the definition contained in the ordinance, means a "portable, electronic device capable of transmitting and/or receiving data."

The time before April 1 will be put to good use by the city, according to Miller.

"That will be used as an educational period," Miller said. "We'll let people know about the law in various ways — on the city Web site, on the Update (the city newsletter mailed to homes), and in other ways that we can think of."

Until April 1, violating motorists will receive a warning.

"There are a number of states that have passed similar laws," said Ward 3 Councilman Ed Icove, "but, unfortunately, Ohio isn't one of them."

Ward 2 Councilman Moe Romeo said the electronic devices have "caused accidents and loss of life. Our council is in the forefront of this because it's the right thing to do."