



City of Libby Libby Montana

www.cityoflibby.com

PO Box 1428
952 E. Spruce Street
Libby MT, 59923
(406) 293-2731
Fax (406) 293-4090

Ordinance Committee Agenda Tuesday, February 25, 2025 @ 6:15pm City Hall, Council Chambers

1. Call Meeting to Order
2. Review request from Chief Ercanbrack to reconsider a Distracted Driving Ordinance
3. Public Comment
4. Adjourn

To access this meeting electronically with ZOOM,

Dial: 253-215-8782

Meeting ID: 4042719951

Password: 151041

Posted: 02/21/25



Libby Police Department
Libby Montana
Chief Cody Ercanbrack

605 Mineral Ave
Libby, MT, 59923
(406) 293-3343

To: Mayor Williams and Council Members

02 December 2024

From: Chief Cody Ercanbrack

Subject: Distracted Driving Ordinance.

Madam Mayor and Council Members,

Distracted driving is a growing safety concern nationwide and in Montana. While state laws address some behaviors resulting from distracted driving, adopting a local ordinance will strengthen our enforcement capabilities, prioritize public safety, and create a safer driving environment for all Libby residents.

- According to the National Highway Traffic Safety Administration (NHTSA), 3,522 people were killed in distracted driving-related crashes in 2021, accounting for approximately 8% of all traffic fatalities.
- The Centers for Disease Control and Prevention (CDC) highlights that distracted driving contributes significantly to crashes involving teens, with about 39% of high school drivers reporting texting or emailing while driving in the past month.
- Distracted driving is not limited to texting; it includes eating, adjusting navigation systems, or interacting with passengers—all activities proven to impair focus and reaction times.
- In Montana, traffic fatalities reached 240 in 2022, with many linked to driver inattention. The Montana Department of Transportation notes that distracted driving is an underreported factor in crashes, making it difficult to gauge its full impact.
- Montana's statewide crash database indicates that distraction-related crashes tend to be severe, as distracted drivers are less likely to take evasive action to avoid collisions.
- Despite these dangers, Montana is one of the few states without a statewide ban on handheld device use for all drivers, leaving many communities vulnerable to preventable tragedies.

While Montana laws such as reckless or careless driving as well as other statutes may address some consequences of distracted driving (e.g., swerving, speeding, or failing to yield), these laws are reactionary. These laws and citations address symptoms of distracted driving and not the actual problem. They only come into play after a dangerous situation or crash has already occurred. A distracted driving ordinance would allow officers to proactively address unsafe behaviors before they escalate into tragedies. This would allow officers to deter the behavior before it becomes dangerous.

The distracted driving ordinance would be considered a primary offense consistent with other almost all other states. Nebraska and South Dakota are the only states who have it as a secondary offense. A primary offense allows an officer to stop a vehicle if they observe a driver texting and driving or doing other activities contrary to the ordinance. Whereas a secondary offense means

that the officer would need to observe a separate violation such as moving violation or an equipment violation to initiate a traffic stop.

While some drivers may feel confident and safe using their phones while driving, research shows this perception is dangerously misleading. Studies from the National Safety Council reveal that even hands-free phone use delays a driver's reaction time to the same extent as having a blood alcohol concentration of 0.08%, the legal limit for impaired driving. Texting or other manual phone use is even more hazardous, increasing the risk of a crash by up to 23 times, according to the Federal Motor Carrier Safety Administration. In Montana, a report from the Montana Department of Transportation found that distracted drivers are 3.6 times more likely to be involved in crashes resulting in injury or death compared to attentive drivers. This underscores the reality that divided attention, no matter how minor it seems, significantly compromises driving ability.

Why Libby Needs This Ordinance

1. **Enhanced Safety:** A local ordinance would help prevent crashes by addressing behaviors that cause driver inattention, thereby reducing the risk to residents and visitors alike.
2. **Community Responsibility:** As a close-knit rural community, Libby can lead by example in promoting responsible driving practices.
3. **Complementing State Laws:** By filling the gaps in state-level enforcement, a local ordinance would provide a more comprehensive safety framework for our roads.
4. **Proven Effectiveness:** Studies show that communities with distracted driving ordinances experience fewer crashes and fatalities than those without them.

Conclusion

Adopting a distracted driving ordinance aligns with Libby's commitment to public safety. This proactive step will save lives, reduce injuries, and demonstrate that Libby prioritizes the well-being of its residents and visitors.

I respectfully recommend that the City Council implement this ordinance to protect our community and reduce the risks associated with distracted driving.

Thank you for your attention and commitment to this important issue. I am available to discuss further and provide additional data as needed.



Cody Ercanbrack
Chief of Police

ORDINANCE NO. _____ OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 10 -VEHICLES AND TRAFFIC ENTITLED “DISTRACTED DRIVING” and ADDING DEFINITIONS TO 10.04.020.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA:

SECTION 1

WHEREAS the City of Libby has seen an increase in traffic accidents due to distracted driving related to the use of cell phones; and

WHEREAS the City of Libby municipal code is lacking specific language to deter such behavior; and

WHEREAS it is in the public interest to try and reduce traffic accidents.

NOW THEREFORE BE IT RESOLVED, the following new chapter, 44, to Title 10, is hereby adopted:

**New Chapter in Title 10
DISTRACTED DRIVING**

DEFINITIONS:

As used in this chapter, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning is intended:

HANDHELD ELECTRONIC COMMUNICATIONS DEVICE: Includes wireless or cellular phones, personal digital assistants (PDAs), Blackberries, smartphones, laptop and notebook computers utilizing VOIP (voice over internet protocol) technology, wireless and cellular phones utilizing push to talk technology, GPS systems, navigational systems, and any other mobile communications device that uses shortwave analog or digital radio transmissions between the device and a transmitter to permit wireless communications to and from the user of the device.

HANDS FREE DEVICE: An external device that connects to a wireless telephone, wireless communications device or electronic communications device that allows use of the device without touching the telephone or wireless or electronic communications device with one's hands, and includes voice activated technologies that can be utilized without touching the device.

ACTS PROHIBITED:

- A. Use; Possession: No person shall use or have in their immediate physical possession a handheld electronic communications device while operating a motor vehicle, motorcycle,

quadricycle, or a bicycle on a public highway as defined in Montana Code Annotated section 61-1-101(23) within the city limits.

- B. Immediate Physical Possession: "Immediate physical possession" means touching the handheld electronic communications device, or physically holding the device in one's hand or up to one's ear. Simply having the electronic communications device on one's person or in a motor vehicle does not constitute immediate physical possession.
- C. Driving when the driver's view or driving mechanism is obstructed by the number of passengers or load in the front seat as specified in 61-8-360 MCA-Obstruction to driver's view or driving mechanism.
- D. Engaging in any activity that is not necessary for the safe operation of a vehicle, and which impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

EXEMPTIONS:

- 1. This provision shall not apply to any person reporting a health, fire, safety, or police emergency.
- 2. This provision shall not apply to governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other "authorized emergency vehicle" as defined in Montana Code Annotated section 61-8-102(2)(a).
- 3. This provision shall not apply to passengers in a motor vehicle, or persons using a handheld electronic communications device while maintaining a motor vehicle in a stationary position, not in gear, while in a parking lane or space out of moving traffic lanes.
- 4. This provision shall not apply to persons using a "hands free device". Use of a hands free device is permitted while operating a motor vehicle provided the driver does not touch the wireless telephone or wireless or electronic communications device with one's hands while operating a motor vehicle.
- 5. This provision shall not apply to drivers using two-way radios while in the performance and scope of their work-related duties.
- 6. This provision shall not apply to drivers holding a valid amateur radio operator license issued by the federal communications commission while using a two-way radio.

VIOLATION-PENALTY:

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be fined as set forth in [Section 1.28.010](#) with a minimum fine of \$85.

City of Libby Ordinance No. _____

SECTION 2

This ordinance is effective thirty days after final passage.

**FIRST PASSED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA THIS
_____ DAY OF _____, 2024.**

ATTEST:

Leann Monigold, City Clerk

**FINALLY PASSED AND ADOPTED PASSED BY THE COUNCIL OF THE CITY OF
LIBBY, MONTANA THIS _____ DAY OF _____, 2024.**

ATTEST:

Leann Monigold, City Clerk

**APPROVED BY THE MAYOR OF THE CITY OF LIBBY, MONTANA THIS _____
DAY OF _____, 2024**

Peggy Williams, Mayor