

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Chicago City Council is charged with protecting the safety of the public and therefore it is incumbent upon the City of Chicago to encourage the usage of mobile telephones in emergency situations but to discourage the usage of such telephones in a manner that endangers the public safety; and

WHEREAS, improper usage of mobile telephones by persons operating motor vehicles is a proven hazard to public safety; and

WHEREAS, the increase of individuals text messaging and browsing the internet via mobile telephones while driving has created an elevated hazard to public safety; and

WHEREAS, according to a 2006 study by Nationwide Insurance, nineteen (19%) percent of drivers use text messaging while at the wheel, and that number jumped to thirty-seven (37%) percent among drivers aged 18 to 27; and

WHEREAS, according to a 2006 National Highway Traffic Safety Administration report, almost eighty (80%) percent of crashes and sixty-five (65%) percent of near-crashes in the United States involve distracted drivers; and

WHEREAS, in prohibiting the use of mobile telephones for text messaging and electronic mailing while driving a motor vehicle, the City of Chicago would join the states of Alaska, Minnesota, New Jersey, Washington, and Louisiana in implementing such a restriction and numerous other states and municipalities that are currently considering similar legislation; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Section 9-40-260 of the Municipal Code is hereby amended by adding the language underscored as follows:

9-40-260 Use of mobile telephones.

(a) Except as provided by subsection (b) of this section, no person shall drive a motor vehicle while using a mobile, cellular, analog wireless or digital telephone.

“Using a mobile, cellular, analog wireless or digital telephone” shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, sending an electronic message, or browsing the internet via the mobile, cellular, analog wireless or digital telephone.

(b) The provisions of the ordinance shall not apply to:

(1) Law enforcement officers and operators of emergency vehicles, when on duty and acting in their official ~~eapabilities~~ capacities.

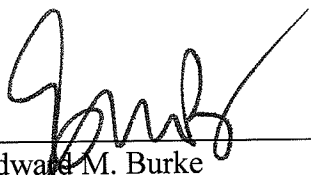
(2) Persons using a telephone with a “hands free” device allowing the driver to talk into and listen to the other party without the use of hands.

(3) Persons using a telephone to call 911 telephone numbers or other emergency telephone numbers to contact public safety forces.

(4) ~~Person~~ Persons using a telephone while maintaining a motor vehicle in a stationary parked position, and not in gear.

(c) Any person who violates subsection (a) of this section shall be subject to a fine of \$75.00, provided however, that if a violation occurs at the time of a traffic accident, the driver may be subject to an additional fine not to exceed \$200.00.

SECTION 3. This ordinance shall be in full force and effect upon its passage and publication.



Edward M. Burke
Alderman, 14th Ward

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REFERRED TO COMMITTEE ON
TRAFFIC CONTROL & SAFETY
SEP 10 2008
Miguel del Valle
City Clerk City of Chicago