



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2011-3643

**Type:** Ordinance      **Status:** Failed to Pass

**File created:** 5/4/2011      **In control:** City Council

**Final action:** 5/20/2015

**Title:** Amendment of Municipal Code Title 7 by adding new Chapter 7-52 regarding cellular device safety disablement

**Sponsors:** Harris, Michelle A., Burke, Edward M., Beale, Anthony, Suarez, Regner Ray

**Indexes:** Ch. 52 Cellular Devise Safety Disablement

**Attachments:** 1. O2011-3643.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
5/4/2011	1	City Council	Referred	

### Joint Committee on Finance/Traffic/Police and Fire 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, improper use 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 the National Highway Traffic Safety Administration, in 2009, 5,474 people were killed on U.S. roadways and an estimated 448,000 were injured in motor vehicle crashes that involved distracted driving; and

WHEREAS, 20 percent of injury crashes in 2009 involved reports of distracted driving; and ,

WHEREAS, in 2009, 18 percent of the fatalities in distraction-related crashes involved reports of cell phone use; and

WHEREAS, the Illinois Secretary of State reports that using a cell phone or texting while driving increases the chances of getting into a crash by at least 400 percent; and

WHEREAS, the age group with the greatest proportion of distracted drivers is under-20 as 16 percent of all drivers younger than 20 years of age were reported to have been distracted while driving; and

WHEREAS, according to a study published by the University of Utah, using a cell phone while driving delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent; and

WHEREAS, on October 8, 2008, the City Council adopted an ordinance making it illegal to text while driving in the City of Chicago; and

WHEREAS, on August 6, 2009, Governor Pat Quinn signed HB 71, which made texting while driving illegal in Illinois as of January 1, 2010; and

WHEREAS, despite the apparent risks and implementation of laws banning texting while driving, surveys demonstrate that upwards of 86 percent of teenagers aged 16-19 have admitted to engaging in distracted driving behaviors and 28 percent have admitted to texting while driving; 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. Title 7 of the Municipal Code of Chicago is hereby amended by inserting a new chapter 7-52, as follows:

**7-52 Cellular Device Safety Disablement.**

**7-52-001 Definitions.**

"Authorized user" means the owner of a cellular device or the parent or legal guardian of an owner that is eighteen (18) years of age or younger.

"Data services" means electronic mail, internet, picture message, and text message capabilities.

**7-52-002 Cellular Device Safety Disablement Requirement.**

(a) No person shall sell, offer or expose for sale, or otherwise transfer, cellular devices, including, but not limited to, cellular telephones, tablet computers, text pagers, and e-mail devices, in the City of Chicago unless said cellular devices are equipped with a feature that allows an authorized user to disable the data services while the devices are in a motor vehicle being driven at a speed greater than 5 miles per hour.

(b) The prohibition of this section shall only apply to persons selling, offering for sale, or otherwise transferring cellular devices manufactured after the effective date of this ordinance.

**7-52-003 Violations.**

(a) Violation of section 7-52-002 of this chapter shall be punishable by a fine not less than \$100.00 nor more than \$500.00 for each offense. Each day that such violation or noncompliance exists shall be considered a separate offense.

(b) Any person found liable or guilty of a third violation of section 7-52-002 of this chapter shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that such violation or noncompliance exists shall be considered a separate offense.

SECTION 3. This ordinance shall be in full force and effect on January 1, 2012.

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