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SO2011-7146

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City Council Document Tracking Sheet

Meeting Date: 9/8/2011

Sponsor(s): Laurino, Margaret (39)

Type: Ordinance

Title: Amendment of Chapter 9-52 of Municipal Code by adding new Section 110 to restrict use of communication devices while operating bicycle

Committee(s) Assignment: Committee on Pedestrian and Traffic Safety

SUBSTITUTE
ORDINANCE

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

SECTION 1. Chapter 9-52 of the Municipal Code of Chicago is hereby amended by adding a new Section 9-52-110, as follows:

9-52-110 Use of communication devices while operating a bicycle.

(a) For purposes of this section only, the following definitions apply:

"Communication device" means a device, including but not limited to a wireless telephone, personal digital assistant, or a portable or mobile computer, which is designed to transmit and receive electronic messages.

"Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between communication devices. An "electronic message" includes, but is not limited to electronic mail, a text message, an instant message, a command or request to access an internet site, or talking or listening to another person on the telephone or other communication device.

"Using" means composing, reading, sending or listening to an electronic message.

(b) Except as otherwise provided in subsection (c) of this section, no person shall operate a bicycle while using a communication device.

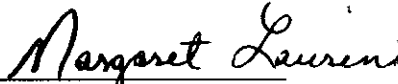
(c) The provisions of this section shall not apply to a:

- (1) law enforcement officer or other emergency responder, when on duty and acting in his official capacity;
- (2) person using a communication device with a "hands free" device or in a voice-activated mode, which allows the person to talk into and listen to the other party without the use of hands,
- (3) person using a communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation; or
- (4) person using a communication device while maintaining a bicycle in a stationary position.

(d) Any person who violates any provision of this section shall be fined not less than \$20.00 nor more than \$50.00 for the first offense, not less than \$50.00 nor more than \$75.00 for the second offense, and not less than \$75.00 nor more than \$100.00 for a third or any subsequent offense.

In addition to any fine provided for in this section, if a violation of subsection (b) of this section occurs at the time of a traffic accident, the person operating the bicycle may be fined in an amount not to exceed \$500.00.

SECTION 2. This ordinance shall take effect after its passage and publication.


Margaret Laurino
Alderman, 39th Ward