

Effective March 15, 2010

1/4/2010
11/19/2009

3-O-10

AN ORDINANCE

**Enacting a New Section 10-3-13 of the Evanston City Code,
"Use of Mobile Telephones While Operating a Motor Vehicle"**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 10, Chapter 3 of the Evanston City Code of 1979, as amended, is hereby further amended by the enactment of a new Section 13 to read as follows:

10-3-13: USE OF MOBILE TELEPHONES WHILE OPERATING A MOTOR VEHICLE

(A) Definitions: For purposes of this Section, the following terms shall be applicable:

1. "Hands-free device" shall mean an external device that connects to a mobile telephone that allows the user to engage in a telephone call without touching the user's mobile telephone.

2. "Mobile telephone" shall mean a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone messages without an access line for service.

3. "On-board communications device" shall mean a communications system or device that is hard-wired into the motor vehicle.

4. "Use" shall mean talking or listening to another person, text messaging, sending, reading or listening to an electronic message, or browsing the internet.

(B) Except as otherwise provided in Subsection (C) of this Section, no person shall operate a motor vehicle while using a mobile telephone.

(C) The provisions of this Section shall not apply to:

1. Any person using a mobile telephone or on-board communications device for non-personal use in the course of ordinary business in their employment with a City, State or Federal agency or authority;

2. Any person using a hands free device for voice communication, provided that such person does not touch the mobile telephone connected to such hands free device while operating or using the vehicle;

3. Any person using a mobile telephone to call 911 or other emergency telephone numbers to contact public safety forces;

4. Any person using a mobile telephone while maintaining a motor vehicle in a stationary and parked position.

(D) Penalty: Any person who violates Subsection (B) of this Section shall be subject to a fine of fifty dollars (\$50.00), provided however, that if a violation occurs at the time of a traffic accident, the driver shall be subject to an additional fine not to exceed two hundred dollars (\$200.00).

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

SECTION 4: That this Ordinance 3-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 25, 2010

Adopted: February 8, 2010

Approved:

February 10, 2010

Elizabeth B. Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, City Attorney