

VILLAGE OF ANTIOCH

11-06-06

**AN ORDINANCE ESTABLISHING CHAPTER 7-1A
OF THE MUNICIPAL CODE OF ANTIOCH REGULATING USE OF MOBILE TELEPHONES
BY DRIVERS OF VEHICLES**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

June 20, 2011

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 23rd day of June, 2011.**

LAWRENCE M. HANSON	President	DENNIS B. CROSBY	Trustee
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ORDINANCE NO. 11-06-06

**AN ORDINANCE ESTABLISHING CHAPTER 7-1A
OF THE MUNICIPAL CODE OF ANTIOCH REGULATING USE OF MOBILE
TELEPHONES BY DRIVERS OF VEHICLES**

WHEREAS, the Village Board finds that use of mobile telephone communication devices, commonly known as cell phones, while driving constitute significant distractions generally, but much moreso when the cell phones are operated without the use of a "hands free" device such as an earbud or speaker, and

WHEREAS, the use of cell phones in vehicles by drivers is regulated in part, but not completely by the State of Illinois in sections 625 ILCS 5/12-610.1 and 625 ILCS 5/12-610.2, and

WHEREAS, violations of the two statutory sections cited hereinabove are reportable to the Secretary of State as moving violations that can accumulate to result in suspension or revocation of one's driving license, and

WHEREAS, the Village Board finds that technology has advanced to the point where hands free devices are commonly available and inexpensive, often coming free with cell phones, and that mandating use of such devices as a means of limiting the distraction of drivers and improving the public safety while still allowing use of cell phones while driving strikes a reasonable balance between the competing rights of communication and freedom from unreasonable danger on the road, and

WHEREAS, the federal courts in Illinois have found that laws restricting the use of cell phones by drivers without hands free devices are consonant with the Constitution and are permissible under federal law (see, e.g., *Schor v. Daley*, 563 F. Supp. 2d 893),

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: Chapter 7-1A of the Antioch Municipal Code is hereby established and it shall hereafter read as follows:

CHAPTER 1A
MOBILE TELEPHONE RESTRICTIONS

7-1A-1 DEFINITIONS: For the purposes of this Section, the following terms shall be applicable:

1. "Hands-free device" shall mean a device that either:
 - a. is external to a mobile telephone, and which allows the user to communicate verbally through the telephone without touching the telephone, or
 - b. is an internal speaker/microphone which allows the user to communicate verbally through the telephone without touching the telephone.
2. "Mobile telephone" shall mean a cellular, analog, wireless or digital telephone capable of sending or receiving telephonic communications via radio waves.
3. "On-board communications device" shall mean a communication system or device that is hard-wired into a motor vehicle.
4. "Use" shall mean communicating verbally through a mobile telephone.

7-1A-2 PROHIBITION: Except as otherwise provided for in 7-1A-3 of this Code, no person shall operate a motor vehicle while using a mobile telephone.

7-1A-3 EXCEPTIONS: The prohibition provided for in 7-1A-2 of this Code shall not apply to the following:

1. Any person using a hands-free device for voice communication, provided that that person does not touch the mobile telephone through which that device functions while operating or using the vehicle;
2. Any person using a mobile telephone to call 911 or other emergency telephone number to contact public safety forces;
3. Any person using a mobile telephone while maintaining a motor vehicle in a stationary and parked position with the transmission in park or neutral.

7-1A-4 PENALTY:

1. Whoever violates any provision of this chapter shall be fined as provided in the schedule of fines set forth in section 1-3-1A of this code for each offense.
2. Whoever violates any provision of this chapter and such violation occurs during a vehicular collision shall be fined as provided in the schedule of fines set forth in section 1-3-1A of this code for each such offense.

SECTION TWO: Section 1-3-1A of the Antioch Municipal Code is hereby amended by the addition of the following line items which shall hereafter read as follows:

SECTION	OFFENSE	SET FINES - PER OFFENSE
7-1A-2	Operating a Vehicle While Using a Cell Phone	\$50.00
7-1A-2	Operating a Vehicle While Using a Cell Phone During a Motor Vehicle Collision	\$250.00

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS 20TH DAY OF JUNE, 2011.

AYES: 4: Poulos, Crosby, Dominiak and Jozwiak.
NAYS: 1: Pierce.
PASS: 1: Sakas
ABSENT: 0.


LAWRENCE M. HANSON, MAYOR

Attest:


CANDI L. ROWE, VILLAGE CLERK



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Candi L. Rowe, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on June 20, 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 11-06-06, entitled "**AN ORDINANCE ESTABLISHING CHAPTER 7-1A OF THE MUNICIPAL CODE OF ANTIOCH REGULATING USE OF MOBILE TELEPHONES BY DRIVERS OF VEHICLES**" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 11-06-06, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 23, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 23rd day of June, 2011.


Candi L. Rowe, Village Clerk

