

City of Philadelphia



(Bill No. 080645-A)

AN ORDINANCE

Amending Chapter 12-1100 of The Philadelphia Code, entitled “Miscellaneous Regulations and Penalties,” by adding a new section prohibiting the use of a hand-held mobile telephone by a person operating a motor vehicle or other vehicle on a City street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 12-1100 of The Philadelphia Code is hereby amended as follows:

CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES.

* * *

§ 12-1132. Prohibiting Use of Mobile Telephones by Persons Operating Vehicles.

(1) *Legislative Findings. The Council of the City of Philadelphia finds:*

(a) *The City of Philadelphia is the largest city in the Commonwealth of Pennsylvania and the sixth-largest city in the United States.*

(b) *As a result of its large and dense population, the City of Philadelphia experiences significant motor vehicle and pedestrian traffic within its boundaries.*

(c) *Philadelphia has consistently been named as one of the most walkable cities in the United States and this bill will protect the health, safety and welfare of pedestrians, bicyclists, skateboarders and inline skaters.*

(d) *Mobile telephone usage has continued to increase in popularity in the United States.*

(e) *Studies show:*

(.1) *Mobile phone usage while driving increases the likelihood of a crash fourfold;*

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(.2) *Drivers operating motor vehicles while using a mobile phone are as impaired as drivers with a 0.08 percent blood alcohol level-the level that defines drunk driving in most states;*

(.3) *The act of dialing a mobile phone is the most dangerous part of making a mobile phone call while operating a motor vehicle;*

(.4) *The cost of crashes caused by mobile phone usage while operating a motor vehicle is estimated at \$43 billion, annually.*

(f) *Text messaging, instant messaging, web browsing and other mobile phone technologies are becoming increasingly popular and present an additional danger to motor vehicle operators.*

(g) *Studies show:*

(.1) *The use of text messages has increased over 1,000 percent from June of 2005 to June of 2007.*

(.2) *Today, Americans send and receive more text messages per month than phone calls.*

(h) *The use of mobile phones while operating a motor vehicle, skateboard, inline skates or bicycle poses a great risk to the health, safety and welfare of the operator of those vehicles, as well as pedestrians.*

(i) *Requiring the use of a hands-free device for mobile phones while operating a vehicle within the City of Philadelphia is necessary to protect the health, safety and welfare of the citizens of Philadelphia.*

(j) *Failure to use a hands-free device for a mobile phone while operating a vehicle within the City of Philadelphia shall constitute a violation of the Philadelphia Code.*

(2) *Definitions.*

(a) *“Hands-free device” shall mean an external device that connects to a mobile telephone or wireless communication device that allows the user to engage in a call without touching the user’s telephone or wireless communication device.*

(b) *“Street” shall have the same meaning as stated in § 12-102(16) of this Chapter.*

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(c) *“On-board communications device” shall mean a communications system or device that is hard-wired into the motor vehicle.*

(3) *Prohibited Conduct. No person shall use a mobile telephone or wireless communication device in any way, including for voice communication, messaging or emailing:*

(a) *while operating a motor vehicle on any Street within the City;*

(b) *while using a skateboard, scooter, inline skates or bicycle on any Street within the City.*

(4) *Exceptions.*

(a) *Persons using a hands-free device for voice communication, provided that such person does not touch the mobile telephone or wireless communication device connected to such hands-free device while operating or using the vehicle, except as permitted under subparagraph (c).*

(b) *Persons using a mobile telephone for voice communication to call “911” in an emergency, or to report a traffic accident or unsafe driving by another motorist.*

(c) *Persons using a mobile telephone or wireless communication device while maintaining a motor vehicle in a stationary position in a parking lane or space out of moving traffic lanes, and not in gear.*

(d) *Persons using on-board communications device for non-personal communication in the course of ordinary business in their employment with a City, State or Federal agency or authority.*

(5) *Penalties.*

(a) *The penalty for a violation of this Section shall be a fine of not less than \$150, nor more than \$300. In lieu of payment of such fine, a person who receives a notice of violation of this Section may, within 10 days of receipt of such notice, pay \$75, pursuant to the procedures set forth in Section 1-112 of The Philadelphia Code.*

Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 16, 2009. The Bill was Signed by the Mayor on April 29, 2009.



Patricia Rafferty
Chief Clerk of the City Council