

10-0-2228

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCIL MEMBER
H. LAMAR WILLIS

AN ORDINANCE AMENDING THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ADD A NEW SECTION 2-1719, PROHIBITION AGAINST THE USE OF CELL PHONES BY CITY EMPLOYEES WHILE OPERATING A VEHICLE IN THE PERFORMANCE OF CITY BUSINESS; AND FOR OTHER PURPOSES.

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 12/06/2012

Referred To: Public Safety & Security

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

Date

12/14/12
[Signature]

Fav, Adv, Hold (see rev. side)
Action
Other

Members

Refer To

PSLA Committee

Date

3/1/11

Fav, Adv, Hold (see rev. side)
Action
Other Amended

Members

ADOPTED BY

AUG 20 2012

COUNCIL

Refer To

PSLA Committee

Date

7/31/12
[Signature]

Fav, Adv, Hold (see rev. side)
Action
Other

Members

Refer To

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)
Action
Other

Members

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED

AUG 20 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

AUG 20 2012

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 29 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



**AN ORDINANCE
BY COUNCILMEMBER H. LAMAR WILLIS
AS AMENDED#2
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ADD A NEW SECTION 2-1719, PROHIBITION AGAINST THE USE OF CELL PHONES BY CITY EMPLOYEES WHILE OPERATING A VEHICLE IN THE PERFORMANCE OF CITY BUSINESS; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Code does not specifically address employee use of cell phones during the operation of a motor vehicle in the performance of duties in conduction of City business; and

WHEREAS, City employees that operate a vehicle while performing their duties have a fundamental responsibility to operate the motor vehicle safely; and

WHEREAS according to the Human Factors and Ergonomics Society, cellular phone distractions have caused 2,600 deaths and 330,000 injuries in the United States each year and in almost any situation, a slight hesitation or distraction can make a difference in a driver's ability to avoid a car accident; and

WHEREAS, a University of Utah research study indicates that distractions from cell phone use while driving is similar to a driver's reaction as much as having a blood alcohol concentration of **.08 percent**; and

WHEREAS, The National Highway Traffic Safety Administration reports that drivers who use cell phones are **four times** as likely to get into a car accident serious enough to injure themselves; and

WHEREAS, the City seeks to minimize its liability for damages resulting from accidents involving employees operating a vehicle in performance of his/her duties; and

WHEREAS, prohibiting employee use of cell phones while operating a vehicle in the performance of City business is essential to limiting City liability in case of an accident during the performance of such business; and

WHEREAS, the Atlanta City Council desires to amend the City Code to prohibit City employee use of cell phones while using a vehicle in the performance of City business.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Section 2-1719 of the City of Atlanta Code of Ordinances, which is currently Reserved, be amended so as to provide for the **Prohibition Against the Use of Cell Phones by City Employees While Operating a Vehicle in the Performance of City Business** as follows:

Sec.2-1719. Prohibition against the use of cell phones by city employees while operating a vehicle in the performance of city business; exemptions.

(a) Any City employee responsible for operating a City-owned vehicle or privately owned vehicle in the performance of City business shall not use a City issued or private cell phone to talk or text during the operation of said vehicle while conducting City business.

(b) City employees required to operate a vehicle in the performance of City business shall provide the cell phone number of any City issued or privately owned cell phone that will be used while conducting City business to the head of the department.

(c) Any employee who fails to comply with the provisions of this section shall be subject to disciplinary action as provided in Section 114 of the Code of Ordinances. Further, in the event that any employee is found to be responsible for causing a vehicular accident while using a cell phone or texting in violation of this section, shall be subject to dismissal.

(d) This policy shall not apply to sworn members of the Atlanta Police Department, Atlanta Fire and Rescue Department and the Department of Corrections.

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED as amended by the Council
APPROVED as per City Charter Section 2-403

AUG 20, 2012
AUG 29, 2012

RCS# 2210
8/20/12
3:39 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
MONDAY, AUGUST 20, 2012
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Y Smith	B Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	E Adrean	Y Sheperd	NV Mitchell

CONSENT I

		08-20-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0910	35. 12-R-1024	39. 12-R-1027
2. 12-O-0911	36. 12-R-1025	40. 12-R-1028
3. 12-O-1005	37. 12-R-1026	41. 12-R-1029
4. 12-O-0905	38. 12-R-1039	42. 12-R-1030
5. 12-O-0906		43. 12-R-1031
6. 12-O-0452		44. 12-R-1032
7. 12-O-0999		45. 12-R-1033
8. 12-O-1002		46. 12-R-1034
9. 10-O-2228		47. 12-R-1035
10. 12-O-1003		
11. 12-O-1007		
12. 11-R-1104		
13. 12-R-0985		
14. 12-R-0986		
15. 12-R-0988		
16. 12-R-0990		
17. 12-R-0993		
18. 12-R-0994		
19. 12-R-0995		
20. 12-R-0996		
21. 12-R-1008		
22. 12-R-1011		
23. 12-R-1012		
24. 12-R-1013		
25. 12-R-1014		
26. 12-R-1015		
27. 12-R-1016		
28. 12-R-1017		
29. 12-R-1018		
30. 12-R-1019		
31. 12-R-1020		
32. 12-R-1021		
33. 12-R-1022		
34. 12-R-1023		