



# TRAFFIC ALERT



## Enforcing the Use of Mobile Telephone Ordinance

Officers will, when the **only charge** against a traffic violator is MCC 9-76-230, use of Mobile Telephones, cite the offense on an **Administrative Notice of Violation (ANOV)** consistent with the Department directive entitled "Municipal Administrative Hearings."

### Note:

1. Consistent with the Department directive entitled "Illinois Traffic Stop Statistical Study," a Traffic Stop Statistical Study – Driver Information Card (CPD-21.103) will be completed and submitted for an ANOV citation issued for the above violation.
2. **Personal Service Citations** will continue to be issued for the above violation if the traffic violator:
  - (a) Is under the age of 19.
  - (b) Refuses to sign the ANOV citation.
  - (c) Is a repeat ANOV violator as verified via CLEAR or OEMC.
  - (d) Is charged with multiple traffic violations.
  - (e) Is a school bus driver operating a school bus.

*(Officers are reminded to refer to, Revision To: Department Special Order 04-17, Addendum 2, No.2)*

### 9-76-230 MCC Use of Mobile Telephone

- (a) Except as provided by subsection (b) of this section, no person shall drive a motor vehicle while using a mobile, cellular, analog wireless or digital telephone.

"Using a mobile, cellular, analog wireless or digital telephone" shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, sending electronic message, or browsing the internet via the mobile, cellular, analog wireless or digital telephone.

- (b) The provisions of the ordinance shall not apply to:
  - (1) Law Enforcement officers and operators of emergency vehicles, when on duty and acting in their official capacities.
  - (2) persons using a telephone with a "hands free" device allowing the driver to talk into and listen to the other party without the use of hands.
  - (3) Persons using a telephone to call 911 telephone numbers or other Emergency telephone numbers to contact public safety forces.
  - (4) Persons using a telephone while maintaining a motor vehicle in a stationary parked position, and not in gear.

*(Officers are reminded to refer to, Department Notice 08-41)*

## VIOLATION NOTICE ERRORS

### Top Ten List of Common Errors

1. Fill in all required fields by darkening the appropriate circles. A check mark may also be used, but ensure that it is within the circle. **Do not use an "X"**.
2. Neatness is a priority. Poorly written violation notices are often rejected.
3. Violation notices should be issued to motorized vehicles only. Write an ANOV for non-motorized trailers.
4. In the "Type of Plate" field, it is a common error for an officer to indicate that the plate is a PAS and TMP. Only one of these choices may be selected.
5. State Codes, Vehicle Make Codes, and Type of Plate Codes are listed on the inside flap of each violation notice booklet. Please refer to this listing when writing the State, Make, and Type of Plate.
6. Choose only one (1) Violation Code per violation notice
7. Ensure each violation notice is signed.
8. If there is no License Plate on the vehicle, indicate the VIN or City Sticker Number and the Make of Vehicle.
9. **Do not scratch out information on the violation notice.** If an officer makes an error during the issuance of a violation notice, the officer will issue a subsequent violation notice replacing the original violation notice containing the error. The violation notice containing the error must be administratively released by preparing a Request for Administrative Release of Violation Notice form. (Refer to D.S.O. 04-17-04)
10. Review each violation notice for missing information prior to submission.

Request for Administrative Release of Violation Notice form will be used in all instances for a Violation Notice to be administratively released when issued in error. **Under no circumstances will a Violation Notice be defaced by marking it "Void, Cancelled, or Administratively Released." Correction fluid (whiteout) will not be used to make corrections or changes on the Violation Notice.**

When it is necessary to request an administrative release of a violation Notice **containing an error made during issuance**, the Department member will:

- ⇒ issue a subsequent Violation Notice to replace the Violation Notice containing the error. This Violation Notice will be processed in the normal manner.
- ⇒ prepare a Request for Administrative Release of Violation Notice form for each Violation Notice to be considered for release.
- ⇒ attach all copies of the Violation Notice containing the error, except the "Member's Copy," to the completed Request For Administrative Release of Violation Notice form. **The "Violator's Copy" must be included.**
- ⇒ Submit the Violation Notice containing the error and the completed Request for Administrative Release of Violation Notice form for approval through the chain of command to the first –level exempt member of the issuing member's unit.

**The most common mistake is not listing the make of the vehicle.** Listed below are the most common Vehicle Makes and the proper abbreviation for each.

- Isuzu should be ISU
- Landrover should be LNDR
- Mercedes-Benz should be MERZ
- Mercury should be MERC
- Mini Cooper should be MINI
- Mitsubishi should be MITS
- Range Rover should be ROV
- Rover should be ROV
- Saturn should be SATR
- Subaru should be SUBA
- Suzuki should be SUZI
- Volkswagen should be VOLK