

SB0086



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0086

Introduced 1/23/2019, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-604.1
625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. In the Section prohibiting the use of video devices, provides that "video device" includes cellular telephones, tablets, laptops, two-way messaging devices, and electronic games, but does not include two-way radios, citizens' band radios, or amateur radio equipment. Provides that "using an electronic communication device" includes: (1) holding a personal electronic device in either hand or both hands; (2) using a hand or finger to compose, send, read, view, access, browse, transmit, save or retrieve email, text messages, instant messages, photographs, or other electronic data; and (3) watching video on a personal electronic device. Provides that "using an electronic communication device" does not include the minimal use of a finger to activate, deactivate, or initiate a function of the device.

LRB101 04623 TAE 49631 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 12-604.1 and 12-610.2 as follows:

6 (625 ILCS 5/12-604.1)

7 Sec. 12-604.1. Video devices.

8 (a) A person may not operate a motor vehicle if a video
9 device, a television receiver, a video monitor, a television or
10 video screen, or any other similar means of visually displaying
11 a television broadcast or video signal that produces
12 entertainment or business applications is operating and is
13 located in the motor vehicle at any point forward of the back
14 of the driver's seat, or is operating and visible to the driver
15 while driving the motor vehicle. As used in this Section,
16 "video device" includes cellular telephones, tablets, laptops,
17 two-way messaging devices, and electronic games. "Video
18 device" does not include two-way radios, citizens' band radios,
19 or amateur radio equipment.

20 (a-5) A person commits aggravated use of a video device
21 when he or she violates subsection (a) and in committing the
22 violation he or she was involved in a motor vehicle accident
23 that results in great bodily harm, permanent disability,

1 disfigurement, or death to another and the violation was a
2 proximate cause of the injury or death.

3 (b) This Section does not apply to the following equipment,
4 whether or not permanently installed in a vehicle:

5 (1) a vehicle information display;

6 (2) a global positioning display;

7 (3) a mapping or navigation display;

8 (4) a visual display used to enhance or supplement the
9 driver's view forward, behind, or to the sides of a motor
10 vehicle for the purpose of maneuvering the vehicle;

11 (5) television-type receiving equipment used
12 exclusively for safety or traffic engineering studies; or

13 (6) a television receiver, video monitor, television
14 or video screen, or any other similar means of visually
15 displaying a television broadcast or video signal, if that
16 equipment has an interlock device that, when the motor
17 vehicle is driven, disables the equipment for all uses
18 except as a visual display as described in paragraphs (1)
19 through (5) of this subsection (b).

20 (c) This Section does not apply to a mobile, digital
21 terminal installed in an authorized emergency vehicle, a motor
22 vehicle providing emergency road service or roadside
23 assistance, or to motor vehicles utilized for public
24 transportation.

25 (d) This Section does not apply to a television receiver,
26 video monitor, television or video screen, or any other similar

1 means of visually displaying a television broadcast or video
2 signal if: (i) the equipment is permanently installed in the
3 motor vehicle; and (ii) the moving entertainment images that
4 the equipment displays are not visible to the driver while the
5 motor vehicle is in motion.

6 (d-5) This Section does not apply to a video event
7 recorder, as defined in Section 1-218.10 of this Code,
8 installed in a contract carrier vehicle.

9 (e) Except as provided in subsection (f) of this Section, a
10 person convicted of violating this Section is guilty of a petty
11 offense and shall be fined not more than \$100 for a first
12 offense, not more than \$200 for a second offense within one
13 year of a previous conviction, and not more than \$250 for a
14 third or subsequent offense within one year of 2 previous
15 convictions.

16 (f) A person convicted of violating subsection (a-5)
17 commits a Class A misdemeanor if the violation resulted in
18 great bodily harm, permanent disability, or disfigurement to
19 another. A person convicted of violating subsection (a-5)
20 commits a Class 4 felony if the violation resulted in the death
21 of another person.

22 (Source: P.A. 98-507, eff. 1-1-14; 99-689, eff. 1-1-17.)

23 (625 ILCS 5/12-610.2)

24 (Text of Section before amendment by P.A. 100-858)

25 Sec. 12-610.2. Electronic communication devices.

1 (a) As used in this Section:

2 "Electronic communication device" means an electronic
3 device, including, but not limited to, a hand-held wireless
4 telephone, hand-held personal digital assistant, or a portable
5 or mobile computer, but does not include a global positioning
6 system or navigation system or a device that is physically or
7 electronically integrated into the motor vehicle.

8 (b) A person may not operate a motor vehicle on a roadway
9 while using an electronic communication device. In this
10 Section, "using an electronic communication device" includes:
11 (1) holding a personal electronic device in either hand or both
12 hands; (2) using a hand or finger to compose, send, read, view,
13 access, browse, transmit, save or retrieve email, text
14 messages, instant messages, photographs, or other electronic
15 data; and (3) watching video on a personal electronic device.
16 "Using an electronic communication device" does not include the
17 minimal use of a finger to activate, deactivate, or initiate a
18 function of the device.

19 (b-5) A person commits aggravated use of an electronic
20 communication device when he or she violates subsection (b) and
21 in committing the violation he or she is ~~was~~ involved in a
22 motor vehicle accident that results in great bodily harm,
23 permanent disability, disfigurement, or death to another and
24 the violation is ~~was~~ a proximate cause of the injury or death.

25 (c) A second or subsequent violation of this Section is an
26 offense against traffic regulations governing the movement of

1 vehicles. A person who violates this Section shall be fined a
2 maximum of \$75 for a first offense, \$100 for a second offense,
3 \$125 for a third offense, and \$150 for a fourth or subsequent
4 offense.

5 (d) This Section does not apply to:

6 (1) a law enforcement officer or operator of an
7 emergency vehicle while performing his or her official
8 duties;

9 (1.5) a first responder, including a volunteer first
10 responder ~~responders~~, while operating his or her own
11 personal motor vehicle using an electronic communication
12 device for the sole purpose of receiving information about
13 an emergency situation while en route to performing his or
14 her official duties;

15 (2) a driver using an electronic communication device
16 for the sole purpose of reporting an emergency situation
17 and continued communication with emergency personnel
18 during the emergency situation;

19 (3) a driver using an electronic communication device
20 in hands-free or voice-operated mode, which may include the
21 use of a headset;

22 (4) a driver of a commercial motor vehicle reading a
23 message displayed on a permanently installed communication
24 device designed for a commercial motor vehicle with a
25 screen that does not exceed 10 inches tall by 10 inches
26 wide in size;

1 (5) a driver using an electronic communication device
2 while parked on the shoulder of a roadway;

3 (6) a driver using an electronic communication device
4 when the vehicle is stopped due to normal traffic being
5 obstructed and the driver has the motor vehicle
6 transmission in neutral or park;

7 (7) a driver using two-way or citizens band radio
8 services;

9 (8) a driver using two-way mobile radio transmitters or
10 receivers for licensees of the Federal Communications
11 Commission in the amateur radio service;

12 (9) a driver using an electronic communication device
13 by pressing a single button to initiate or terminate a
14 voice communication; or

15 (10) a driver using an electronic communication device
16 capable of performing multiple functions, other than a
17 hand-held wireless telephone or hand-held personal digital
18 assistant (for example, a fleet management system,
19 dispatching device, citizens band radio, or music player)
20 for a purpose that is not otherwise prohibited by this
21 Section.

22 (e) A person convicted of violating subsection (b-5)
23 commits a Class A misdemeanor if the violation resulted in
24 great bodily harm, permanent disability, or disfigurement to
25 another. A person convicted of violating subsection (b-5)
26 commits a Class 4 felony if the violation resulted in the death

1 of another person.

2 (Source: P.A. 100-727, eff. 8-3-18; revised 10-15-18.)

3 (Text of Section after amendment by P.A. 100-858)

4 Sec. 12-610.2. Electronic communication devices.

5 (a) As used in this Section:

6 "Electronic communication device" means an electronic
7 device, including, but not limited to, a hand-held wireless
8 telephone, hand-held personal digital assistant, or a portable
9 or mobile computer, but does not include a global positioning
10 system or navigation system or a device that is physically or
11 electronically integrated into the motor vehicle.

12 (b) A person may not operate a motor vehicle on a roadway
13 while using an electronic communication device. In this
14 Section, "using an electronic communication device" includes:
15 (1) holding a personal electronic device in either hand or both
16 hands; (2) using a hand or finger to compose, send, read, view,
17 access, browse, transmit, save or retrieve email, text
18 messages, instant messages, photographs, or other electronic
19 data; and (3) watching video on a personal electronic device.
20 "Using an electronic communication device" does not include the
21 minimal use of a finger to activate, deactivate, or initiate a
22 function of the device.

23 (b-5) A person commits aggravated use of an electronic
24 communication device when he or she violates subsection (b) and
25 in committing the violation he or she is ~~was~~ involved in a

1 motor vehicle accident that results in great bodily harm,
2 permanent disability, disfigurement, or death to another and
3 the violation is ~~was~~ a proximate cause of the injury or death.

4 (c) A violation of this Section is an offense against
5 traffic regulations governing the movement of vehicles. A
6 person who violates this Section shall be fined a maximum of
7 \$75 for a first offense, \$100 for a second offense, \$125 for a
8 third offense, and \$150 for a fourth or subsequent offense.

9 (d) This Section does not apply to:

10 (1) a law enforcement officer or operator of an
11 emergency vehicle while performing his or her official
12 duties;

13 (1.5) a first responder, including a volunteer first
14 responder ~~responders~~, while operating his or her own
15 personal motor vehicle using an electronic communication
16 device for the sole purpose of receiving information about
17 an emergency situation while en route to performing his or
18 her official duties;

19 (2) a driver using an electronic communication device
20 for the sole purpose of reporting an emergency situation
21 and continued communication with emergency personnel
22 during the emergency situation;

23 (3) a driver using an electronic communication device
24 in hands-free or voice-operated mode, which may include the
25 use of a headset;

26 (4) a driver of a commercial motor vehicle reading a

1 message displayed on a permanently installed communication
2 device designed for a commercial motor vehicle with a
3 screen that does not exceed 10 inches tall by 10 inches
4 wide in size;

5 (5) a driver using an electronic communication device
6 while parked on the shoulder of a roadway;

7 (6) a driver using an electronic communication device
8 when the vehicle is stopped due to normal traffic being
9 obstructed and the driver has the motor vehicle
10 transmission in neutral or park;

11 (7) a driver using two-way or citizens band radio
12 services;

13 (8) a driver using two-way mobile radio transmitters or
14 receivers for licensees of the Federal Communications
15 Commission in the amateur radio service;

16 (9) a driver using an electronic communication device
17 by pressing a single button to initiate or terminate a
18 voice communication; or

19 (10) a driver using an electronic communication device
20 capable of performing multiple functions, other than a
21 hand-held wireless telephone or hand-held personal digital
22 assistant (for example, a fleet management system,
23 dispatching device, citizens band radio, or music player)
24 for a purpose that is not otherwise prohibited by this
25 Section.

26 (e) A person convicted of violating subsection (b-5)

1 commits a Class A misdemeanor if the violation resulted in
2 great bodily harm, permanent disability, or disfigurement to
3 another. A person convicted of violating subsection (b-5)
4 commits a Class 4 felony if the violation resulted in the death
5 of another person.

6 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
7 revised 10-15-18.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.