



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5099

Introduced 2/7/2012, by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.1
625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that no person may use a wireless telephone while operating a motor vehicle within 500 feet of an emergency scene except for specified purposes. Adds digital photographs and video to the definition of "electronic message" in provisions prohibiting the use of electronic communication devices while operating a motor vehicle. Effective immediately.

LRB097 19198 HEP 64440 b

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 Section 12-610.1 and 12-610.2 as follows:

6 (625 ILCS 5/12-610.1)

7 Sec. 12-610.1. Wireless telephones.

8 (a) As used in this Section, "wireless telephone" means a
9 device that is capable of transmitting or receiving telephonic
10 communications without a wire connecting the device to the
11 telephone network.

12 (b) A person under the age of 19 years who holds an
13 instruction permit issued under Section 6-105 or 6-107.1, or a
14 person under the age of 19 years who holds a graduated license
15 issued under Section 6-107, may not drive a vehicle on a
16 roadway while using a wireless phone.

17 (c) This Section does not apply to a person under the age
18 of 19 years using a wireless telephone for emergency purposes,
19 including, but not limited to, an emergency call to a law
20 enforcement agency, health care provider, fire department, or
21 other emergency services agency or entity.

22 (d) If a graduated driver's license holder over the age of
23 18 committed an offense against traffic regulations governing

1 the movement of vehicles or any violation of Section 6-107 or
2 Section 12-603.1 of this Code in the 6 months prior to the
3 graduated driver's license holder's 18th birthday, and was
4 subsequently convicted of the violation, the provisions of
5 paragraph (b) shall continue to apply until such time as a
6 period of 6 consecutive months has elapsed without an
7 additional violation and subsequent conviction of an offense
8 against traffic regulations governing the movement of vehicles
9 or any violation of Section 6-107 or Section 12-603.1 of this
10 Code.

11 (e) A person, regardless of age, may not use a wireless
12 telephone at any time while operating a motor vehicle on a
13 roadway in a school speed zone established under Section
14 11-605, ~~or~~ on a highway in a construction or maintenance speed
15 zone established under Section 11-605.1, or within 500 feet of
16 an emergency scene. This subsection (e) does not apply to (i) a
17 person engaged in a highway construction or maintenance project
18 for which a construction or maintenance speed zone has been
19 established under Section 11-605.1, (ii) a person using a
20 wireless telephone for emergency purposes, including, but not
21 limited to, law enforcement agency, health care provider, fire
22 department, or other emergency services agency or entity, (iii)
23 a law enforcement officer or operator of an emergency vehicle
24 when performing the officer's or operator's official duties, ~~or~~
25 (iv) ~~to~~ a person using a wireless telephone in voice-activated
26 mode, or (v) a person using an electronic communication device

1 for the sole purpose of reporting an emergency situation and
2 continued communication with emergency personnel during the
3 emergency situation.

4 (Source: P.A. 95-310, eff. 1-1-08; 95-338, eff. 1-1-08; 95-876,
5 eff. 8-21-08; 96-131, eff. 1-1-10.)

6 (625 ILCS 5/12-610.2)

7 Sec. 12-610.2. Electronic communication devices.

8 (a) As used in this Section:

9 "Electronic communication device" means an electronic
10 device, including but not limited to a wireless telephone,
11 personal digital assistant, or a portable or mobile computer
12 while being used for the purpose of composing, reading, or
13 sending an electronic message, but does not include a global
14 positioning system or navigation system or a device that is
15 physically or electronically integrated into the motor
16 vehicle.

17 "Electronic message" means a self-contained piece of
18 digital communication that is designed or intended to be
19 transmitted between physical devices. "Electronic message"
20 includes, but is not limited to electronic mail, a text
21 message, an instant message, a digital photograph, a video, or
22 a command or request to access an Internet site.

23 (b) A person may not operate a motor vehicle on a roadway
24 while using an electronic communication device to compose,
25 send, or read an electronic message.

1 (c) A violation of this Section is an offense against
2 traffic regulations governing the movement of vehicles.

3 (d) This Section does not apply to:

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

7 (2) a driver using an electronic communication device
8 for the sole purpose of reporting an emergency situation
9 and continued communication with emergency personnel
10 during the emergency situation;

11 (3) a driver using an electronic communication device
12 in hands-free or voice-activated mode;

13 (4) a driver of a commercial motor vehicle reading a
14 message displayed on a permanently installed communication
15 device designed for a commercial motor vehicle with a
16 screen that does not exceed 10 inches tall by 10 inches
17 wide in size;

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

20 (6) a driver using an electronic communication device
21 when the vehicle is stopped due to normal traffic being
22 obstructed and the driver has the motor vehicle
23 transmission in neutral or park.

24 (Source: P.A. 96-130, eff. 1-1-10; 96-1000, eff. 7-2-10.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.