

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 12-610.1 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. As used in this Section, "emergency scene"  
17 means a location where an authorized emergency vehicle as  
18 defined by Section 1-105 of this Code is present and has  
19 activated its oscillating, rotating, or flashing lights. This  
20 subsection (e) does not apply to (i) a person engaged in a  
21 highway construction or maintenance project for which a  
22 construction or maintenance speed zone has been established  
23 under Section 11-605.1, (ii) a person using a wireless  
24 telephone for emergency purposes, including, but not limited  
25 to, law enforcement agency, health care provider, fire  
26 department, or other emergency services agency or entity, (iii)

1 a law enforcement officer or operator of an emergency vehicle  
2 when performing the officer's or operator's official duties, ~~or~~  
3 (iv) ~~to~~ a person using a wireless telephone in voice-operated  
4 voice-activated mode, or (v) a person using an electronic  
5 communication device for the sole purpose of reporting an  
6 emergency situation and continued communication with emergency  
7 personnel during the emergency situation.

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

10 (625 ILCS 5/12-610.2)

11 Sec. 12-610.2. Electronic communication devices.

12 (a) As used in this Section:

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

21 "Electronic message" means a self-contained piece of  
22 digital communication that is designed or intended to be  
23 transmitted between physical devices. "Electronic message"  
24 includes, but is not limited to electronic mail, a text  
25 message, an instant message, a digital photograph, a video, or

1 a command or request to access an Internet site.

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

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

7 (d) This Section does not apply to:

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

11 (2) a driver using an electronic communication device  
12 for the sole purpose of reporting an emergency situation  
13 and continued communication with emergency personnel  
14 during the emergency situation;

15 (3) a driver using an electronic communication device  
16 in hands-free or voice-operated ~~voice-activated~~ mode;

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

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

24 (6) a driver using an electronic communication device  
25 when the vehicle is stopped due to normal traffic being  
26 obstructed and the driver has the motor vehicle

1 transmission in neutral or park.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.