



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5101

Introduced 2/8/2012, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-500 from Ch. 95 1/2, par. 6-500
625 ILCS 5/6-526 new
625 ILCS 5/6-527 new

Amends the Illinois Vehicle Code. Provides that a driver may not use a hand-held mobile telephone or engage in texting while driving a commercial motor vehicle. Provides exceptions. To the definition of "serious traffic violation", adds violations concerning texting or using a hand-held mobile telephone while driving. Defines other terms.

LRB097 17141 HEP 62339 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 6-500 and by adding Sections 6-526 and 6-527 as
6 follows:

7 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

8 Sec. 6-500. Definitions of words and phrases.

9 Notwithstanding the definitions set forth elsewhere in this
10 Code, for purposes of the Uniform Commercial Driver's License
11 Act (UCDLA), the words and phrases listed below have the
12 meanings ascribed to them as follows:

13 (1) Alcohol. "Alcohol" means any substance containing any
14 form of alcohol, including but not limited to ethanol,
15 methanol, propanol, and isopropanol.

16 (2) Alcohol concentration. "Alcohol concentration" means:

17 (A) the number of grams of alcohol per 210 liters of
18 breath; or

19 (B) the number of grams of alcohol per 100 milliliters
20 of blood; or

21 (C) the number of grams of alcohol per 67 milliliters
22 of urine.

23 Alcohol tests administered within 2 hours of the driver

1 being "stopped or detained" shall be considered that driver's
2 "alcohol concentration" for the purposes of enforcing this
3 UCCLA.

4 (3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

7 (5.3) CDLIS driver record. "CDLIS driver record" means the
8 electronic record of the individual CDL driver's status and
9 history stored by the State-of-Record as part of the Commercial
10 Driver's License Information System, or CDLIS, established
11 under 49 U.S.C. 31309.

12 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
13 record" or "CDLIS MVR" means a report generated from the CDLIS
14 driver record meeting the requirements for access to CDLIS
15 information and provided by states to users authorized in 49
16 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the
17 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

18 (5.7) Commercial driver's license downgrade. "Commercial
19 driver's license downgrade" or "CDL downgrade" means either:

20 (A) a state allows the driver to change his or her
21 self-certification to interstate, but operating
22 exclusively in transportation or operation excepted from
23 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
24 391.2, 391.68, or 398.3;

25 (B) a state allows the driver to change his or her
26 self-certification to intrastate only, if the driver

1 qualifies under that state's physical qualification
2 requirements for intrastate only;

3 (C) a state allows the driver to change his or her
4 certification to intrastate, but operating exclusively in
5 transportation or operations excepted from all or part of
6 the state driver qualification requirements; or

7 (D) a state removes the CDL privilege from the driver
8 license.

9 (6) Commercial Motor Vehicle.

10 (A) "Commercial motor vehicle" or "CMV" means a motor
11 vehicle used in commerce, except those referred to in
12 subdivision (B), designed to transport passengers or
13 property if:

14 (i) the vehicle has a GVWR of 26,001 pounds or more
15 or such a lesser GVWR as subsequently determined by
16 federal regulations or the Secretary of State; or any
17 combination of vehicles with a GCWR of 26,001 pounds or
18 more, provided the GVWR of any vehicle or vehicles
19 being towed is 10,001 pounds or more; or

20 (ii) the vehicle is designed to transport 16 or
21 more persons; or

22 (iii) the vehicle is transporting hazardous
23 materials and is required to be placarded in accordance
24 with 49 C.F.R. Part 172, subpart F.

25 (B) Pursuant to the interpretation of the Commercial
26 Motor Vehicle Safety Act of 1986 by the Federal Highway

1 Administration, the definition of "commercial motor
2 vehicle" does not include:

3 (i) recreational vehicles, when operated primarily
4 for personal use;

5 (ii) vehicles owned by or operated under the
6 direction of the United States Department of Defense or
7 the United States Coast Guard only when operated by
8 non-civilian personnel. This includes any operator on
9 active military duty; members of the Reserves;
10 National Guard; personnel on part-time training; and
11 National Guard military technicians (civilians who are
12 required to wear military uniforms and are subject to
13 the Code of Military Justice); or

14 (iii) firefighting and other emergency equipment
15 (including, without limitation, equipment owned or
16 operated by a HazMat or technical rescue team
17 authorized by a county board under Section 5-1127 of
18 the Counties Code), with audible and visual signals,
19 owned or operated by or for a governmental entity,
20 which is necessary to the preservation of life or
21 property or the execution of emergency governmental
22 functions which are normally not subject to general
23 traffic rules and regulations.

24 (7) Controlled Substance. "Controlled substance" shall
25 have the same meaning as defined in Section 102 of the Illinois
26 Controlled Substances Act, and shall also include cannabis as

1 defined in Section 3 of the Cannabis Control Act and
2 methamphetamine as defined in Section 10 of the Methamphetamine
3 Control and Community Protection Act.

4 (8) Conviction. "Conviction" means an unvacated
5 adjudication of guilt or a determination that a person has
6 violated or failed to comply with the law in a court of
7 original jurisdiction or by an authorized administrative
8 tribunal; an unvacated forfeiture of bail or collateral
9 deposited to secure the person's appearance in court; a plea of
10 guilty or nolo contendere accepted by the court; the payment of
11 a fine or court cost regardless of whether the imposition of
12 sentence is deferred and ultimately a judgment dismissing the
13 underlying charge is entered; or a violation of a condition of
14 release without bail, regardless of whether or not the penalty
15 is rebated, suspended or probated.

16 (8.5) Day. "Day" means calendar day.

17 (9) (Blank).

18 (10) (Blank).

19 (11) (Blank).

20 (12) (Blank).

21 (13) Driver. "Driver" means any person who drives,
22 operates, or is in physical control of a commercial motor
23 vehicle, any person who is required to hold a CDL, or any
24 person who is a holder of a CDL while operating a
25 non-commercial motor vehicle.

26 (13.5) Driver applicant. "Driver applicant" means an

1 individual who applies to a state to obtain, transfer, upgrade,
2 or renew a CDL.

3 (13.8) Electronic device. "Electronic device" includes,
4 but is not limited to, a cellular telephone, personal digital
5 assistant, pager, computer, or any other device used to input,
6 write, send, receive, or read text.

7 (14) Employee. "Employee" means a person who is employed as
8 a commercial motor vehicle driver. A person who is
9 self-employed as a commercial motor vehicle driver must comply
10 with the requirements of this UCDLA pertaining to employees. An
11 owner-operator on a long-term lease shall be considered an
12 employee.

13 (15) Employer. "Employer" means a person (including the
14 United States, a State or a local authority) who owns or leases
15 a commercial motor vehicle or assigns employees to operate such
16 a vehicle. A person who is self-employed as a commercial motor
17 vehicle driver must comply with the requirements of this UCDLA.

18 (15.3) Excepted interstate. "Excepted interstate" means a
19 person who operates or expects to operate in interstate
20 commerce, but engages exclusively in transportation or
21 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
22 398.3 from all or part of the qualification requirements of 49
23 C.F.R. Part 391 and is not required to obtain a medical
24 examiner's certificate by 49 C.F.R. 391.45.

25 (15.5) Excepted intrastate. "Excepted intrastate" means a
26 person who operates in intrastate commerce but engages

1 exclusively in transportation or operations excepted from all
2 or parts of the state driver qualification requirements.

3 (16) (Blank).

4 (16.5) Fatality. "Fatality" means the death of a person as
5 a result of a motor vehicle accident.

6 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
7 sovereign jurisdiction that does not fall within the definition
8 of "State".

9 (18) (Blank).

10 (19) (Blank).

11 (20) Hazardous materials. "Hazardous Material" means any
12 material that has been designated under 49 U.S.C. 5103 and is
13 required to be placarded under subpart F of 49 C.F.R. part 172
14 or any quantity of a material listed as a select agent or toxin
15 in 42 C.F.R. part 73.

16 (20.5) Imminent Hazard. "Imminent hazard" means the
17 existence of a condition that presents a substantial likelihood
18 that death, serious illness, severe personal injury, or a
19 substantial endangerment to health, property, or the
20 environment may occur before the reasonably foreseeable
21 completion date of a formal proceeding begun to lessen the risk
22 of that death, illness, injury or endangerment.

23 (21) Long-term lease. "Long-term lease" means a lease of a
24 commercial motor vehicle by the owner-lessor to a lessee, for a
25 period of more than 29 days.

26 (21.1) Medical examiner. "Medical examiner" means a person

1 who is licensed, certified, or registered in accordance with
2 applicable state laws and regulations to perform physical
3 examinations. The term includes but is not limited to doctors
4 of medicine, doctors of osteopathy, physician assistants,
5 advanced practice nurses, and doctors of chiropractic.

6 (21.2) Medical examiner's certificate. "Medical examiner's
7 certificate" means a document prescribed or approved by the
8 Secretary of State that is issued by a medical examiner to a
9 driver to medically qualify him or her to drive.

10 (21.5) Medical variance. "Medical variance" means a driver
11 has received one of the following from the Federal Motor
12 Carrier Safety Administration which allows the driver to be
13 issued a medical certificate: (1) an exemption letter
14 permitting operation of a commercial motor vehicle pursuant to
15 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
16 skill performance evaluation (SPE) certificate permitting
17 operation of a commercial motor vehicle pursuant to 49 C.F.R.
18 391.49.

19 (21.7) Mobile telephone. "Mobile telephone" means a mobile
20 communication device that falls under or uses any commercial
21 mobile radio service, as defined in regulations of the Federal
22 Communications Commission, 47 CFR 20.3. It does not include
23 two-way or citizens band radio services.

24 (22) Motor Vehicle. "Motor vehicle" means every vehicle
25 which is self-propelled, and every vehicle which is propelled
26 by electric power obtained from over head trolley wires but not

1 operated upon rails, except vehicles moved solely by human
2 power and motorized wheel chairs.

3 (22.2) Motor vehicle record. "Motor vehicle record" means a
4 report of the driving status and history of a driver generated
5 from the driver record provided to users, such as drivers or
6 employers, and is subject to the provisions of the Driver
7 Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
9 combination of motor vehicles not defined by the term
10 "commercial motor vehicle" or "CMV" in this Section.

11 (22.7) Non-excepted interstate. "Non-excepted interstate"
12 means a person who operates or expects to operate in interstate
13 commerce, is subject to and meets the qualification
14 requirements under 49 C.F.R. Part 391, and is required to
15 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

16 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
17 means a person who operates only in intrastate commerce and is
18 subject to State driver qualification requirements.

19 (23) Non-resident CDL. "Non-resident CDL" means a
20 commercial driver's license issued by a state under either of
21 the following two conditions:

22 (i) to an individual domiciled in a foreign country
23 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
24 of the Federal Motor Carrier Safety Administration.

25 (ii) to an individual domiciled in another state
26 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.

1 of the Federal Motor Carrier Safety Administration.

2 (24) (Blank).

3 (25) (Blank).

4 (25.5) Railroad-Highway Grade Crossing Violation.

5 "Railroad-highway grade crossing violation" means a violation,
6 while operating a commercial motor vehicle, of any of the
7 following:

8 (A) Section 11-1201, 11-1202, or 11-1425 of this
9 Code.

10 (B) Any other similar law or local ordinance of any
11 state relating to railroad-highway grade crossing.

12 (25.7) School Bus. "School bus" means a commercial motor
13 vehicle used to transport pre-primary, primary, or secondary
14 school students from home to school, from school to home, or to
15 and from school-sponsored events. "School bus" does not include
16 a bus used as a common carrier.

17 (26) Serious Traffic Violation. "Serious traffic
18 violation" means:

19 (A) a conviction when operating a commercial motor
20 vehicle, or when operating a non-CMV while holding a CDL,
21 of:

22 (i) a violation relating to excessive speeding,
23 involving a single speeding charge of 15 miles per hour
24 or more above the legal speed limit; or

25 (ii) a violation relating to reckless driving; or

26 (iii) a violation of any State law or local

1 ordinance relating to motor vehicle traffic control
2 (other than parking violations) arising in connection
3 with a fatal traffic accident; or

4 (iv) a violation of Section 6-501, relating to
5 having multiple driver's licenses; or

6 (v) a violation of paragraph (a) of Section 6-507,
7 relating to the requirement to have a valid CDL; or

8 (vi) a violation relating to improper or erratic
9 traffic lane changes; or

10 (vii) a violation relating to following another
11 vehicle too closely; or

12 (viii) a violation relating to texting while
13 driving; or

14 (ix) a violation relating to the use of a hand-held
15 mobile telephone while driving; or

16 (B) any other similar violation of a law or local
17 ordinance of any state relating to motor vehicle traffic
18 control, other than a parking violation, which the
19 Secretary of State determines by administrative rule to be
20 serious.

21 (27) State. "State" means a state of the United States, the
22 District of Columbia and any province or territory of Canada.

23 (28) (Blank).

24 (29) (Blank).

25 (30) (Blank).

26 (31) (Blank).

1 (32) Texting. "Texting" means manually entering
2 alphanumeric text into, or reading text from, an electronic
3 device.

4 (1) Texting includes, but is not limited to, short
5 message service, emailing, instant messaging, a command or
6 request to access a World Wide Web page, pressing more than
7 a single button to initiate or terminate a voice
8 communication using a mobile telephone, or engaging in any
9 other form of electronic text retrieval or entry for
10 present or future communication.

11 (2) Texting does not include:

12 (i) inputting, selecting, or reading information
13 on a global positioning system or navigation system; or

14 (ii) pressing a single button to initiate or
15 terminate a voice communication using a mobile
16 telephone; or

17 (iii) using a device capable of performing
18 multiple functions (for example, a fleet management
19 system, dispatching device, smart phone, citizens band
20 radio, or music player) for a purpose that is not
21 otherwise prohibited by Part 392 of the Federal Motor
22 Carrier Safety Regulations.

23 (33) Use a hand-held mobile telephone. "Use a hand-held
24 mobile telephone" means:

25 (1) using at least one hand to hold a mobile telephone
26 to conduct a voice communication;

1 (2) dialing or answering a mobile telephone by pressing
2 more than a single button; or

3 (3) reaching for a mobile telephone in a manner that
4 requires a driver to maneuver so that he or she is no
5 longer in a seated driving position, restrained by a seat
6 belt that is installed in accordance with 49 CFR 393.93 and
7 adjusted in accordance with the vehicle manufacturer's
8 instructions.

9 (Source: P.A. 97-208, eff. 1-1-12.)

10 (625 ILCS 5/6-526 new)

11 Sec. 6-526. Prohibition against texting.

12 (a) A driver may not engage in texting while driving a
13 commercial motor vehicle.

14 (b) A motor carrier may not allow or require its drivers to
15 engage in texting while driving a commercial motor vehicle.

16 (c) For the purpose of this Section, when a person is
17 operating a commercial motor vehicle, driving means operating a
18 commercial motor vehicle on a highway, including while
19 temporarily stationary because of traffic, a traffic control
20 device, or other momentary delays. Driving does not include
21 operating a commercial motor vehicle when the driver has moved
22 the vehicle to the side of, or off, a highway and has halted in
23 a location where the vehicle can safely remain stationary.

24 (d) Texting while driving is permissible by a driver of a
25 commercial motor vehicle when necessary to communicate with law

1 enforcement officials or other emergency services.

2 (625 ILCS 5/6-527 new)

3 Sec. 6-527. Using a hand-held mobile telephone.

4 (a) A driver may not use a hand-held mobile telephone while
5 driving a commercial motor vehicle.

6 (b) A motor carrier may not allow or require its drivers to
7 use a hand-held mobile telephone while driving a commercial
8 motor vehicle.

9 (c) For the purpose of this Section, driving means
10 operating a commercial motor vehicle on a highway, including
11 while temporarily stationary because of traffic, a traffic
12 control device, or other momentary delays. Driving does not
13 include operating a commercial motor vehicle when the driver
14 has moved the vehicle to the side of, or off, a highway and has
15 halted in a location where the vehicle can safely remain
16 stationary.

17 (d) Using a hand-held mobile telephone is permissible by a
18 driver of a commercial motor vehicle when necessary to
19 communicate with law enforcement officials or other emergency
20 services.