



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5863

Introduced 2/16/2012, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-605.1
625 ILCS 5/12-610.1
625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that the special speed limit while traveling through a highway construction or maintenance speed zone applies only when workers are present in the construction or maintenance speed zone. Provides that the prohibition against use of a wireless telephone in a construction or maintenance speed zone applies only when workers are present. Exempts persons who are stopped on a highway in a construction or maintenance speed zone due to traffic congestion from the prohibitions against using a wireless telephone or electronic communication device.

LRB097 18963 HEP 64201 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 Sections 11-605.1, 12-610.1, and 12-610.2 as follows:

6 (625 ILCS 5/11-605.1)

7 Sec. 11-605.1. Special limit while traveling through a
8 highway construction or maintenance speed zone.

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit.

12 (b) Nothing in this Chapter prohibits the use of electronic
13 speed-detecting devices within 500 feet of signs within a
14 construction or maintenance speed zone indicating the zone, as
15 defined in this Section, nor shall evidence obtained by use of
16 those devices be inadmissible in any prosecution for speeding,
17 provided the use of the device shall apply only to the
18 enforcement of the speed limit in the construction or
19 maintenance speed zone.

20 (c) As used in this Section, a "construction or maintenance
21 speed zone" is an area in which the Department, Toll Highway
22 Authority, or local agency has determined that the preexisting
23 established speed limit through a highway construction or

1 maintenance project is greater than is reasonable or safe with
2 respect to the conditions expected to exist in the construction
3 or maintenance speed zone and has posted a lower speed limit
4 with a highway construction or maintenance speed zone special
5 speed limit sign.

6 Highway construction or maintenance speed zone special
7 speed limit signs shall be of a design approved by the
8 Department. The signs must give proper due warning that a
9 construction or maintenance speed zone is being approached and
10 must indicate the maximum speed limit in effect. The signs also
11 must state the amount of the minimum fine for a violation.

12 (d) A first violation of this Section is a petty offense
13 with a minimum fine of \$250. A second or subsequent violation
14 of this Section is a petty offense with a minimum fine of \$750.

15 (e) If a fine for a violation of this Section is \$250 or
16 greater, the person who violated this Section shall be charged
17 an additional \$125, which shall be deposited into the
18 Transportation Safety Highway Hire-back Fund in the State
19 treasury, unless (i) the violation occurred on a highway other
20 than an interstate highway and (ii) a county police officer
21 wrote the ticket for the violation, in which case the \$125
22 shall be deposited into that county's Transportation Safety
23 Highway Hire-back Fund. In the case of a second or subsequent
24 violation of this Section, if the fine is \$750 or greater, the
25 person who violated this Section shall be charged an additional
26 \$250, which shall be deposited into the Transportation Safety

1 Highway Hire-back Fund in the State treasury, unless (i) the
2 violation occurred on a highway other than an interstate
3 highway and (ii) a county police officer wrote the ticket for
4 the violation, in which case the \$250 shall be deposited into
5 that county's Transportation Safety Highway Hire-back Fund.

6 (e-5) The Department of State Police and the local county
7 police department have concurrent jurisdiction over any
8 violation of this Section that occurs on an interstate highway.

9 (f) The Transportation Safety Highway Hire-back Fund,
10 which was created by Public Act 92-619, shall continue to be a
11 special fund in the State treasury. Subject to appropriation by
12 the General Assembly and approval by the Secretary, the
13 Secretary of Transportation shall use all moneys in the
14 Transportation Safety Highway Hire-back Fund to hire off-duty
15 Department of State Police officers to monitor construction or
16 maintenance zones.

17 (f-5) Each county shall create a Transportation Safety
18 Highway Hire-back Fund. The county shall use all moneys in its
19 Transportation Safety Highway Hire-back Fund to hire off-duty
20 county police officers to monitor construction or maintenance
21 zones in that county on highways other than interstate
22 highways.

23 (g) For a second or subsequent violation of this Section
24 within 2 years of the date of the previous violation, the
25 Secretary of State shall suspend the driver's license of the
26 violator for a period of 90 days.

1 (h) This Section applies only when workers are present in
2 the construction or maintenance speed zone.

3 (Source: P.A. 93-955, eff. 8-19-04; 94-814, eff. 1-1-07.)

4 (625 ILCS 5/12-610.1)

5 Sec. 12-610.1. Wireless telephones.

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

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

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

20 (d) If a graduated driver's license holder over the age of
21 18 committed an offense against traffic regulations governing
22 the movement of vehicles or any violation of Section 6-107 or
23 Section 12-603.1 of this Code in the 6 months prior to the
24 graduated driver's license holder's 18th birthday, and was
25 subsequently convicted of the violation, the provisions of

1 paragraph (b) shall continue to apply until such time as a
2 period of 6 consecutive months has elapsed without an
3 additional violation and subsequent conviction of an offense
4 against traffic regulations governing the movement of vehicles
5 or any violation of Section 6-107 or Section 12-603.1 of this
6 Code.

7 (e) A person, regardless of age, may not use a wireless
8 telephone at any time while operating a motor vehicle on a
9 roadway in a school speed zone established under Section
10 11-605, or on a highway in a construction or maintenance speed
11 zone established under Section 11-605.1 in which workers are
12 present. This subsection (e) does not apply to (i) a person
13 engaged in a highway construction or maintenance project for
14 which a construction or maintenance speed zone has been
15 established under Section 11-605.1, (ii) a person using a
16 wireless telephone for emergency purposes, including, but not
17 limited to, law enforcement agency, health care provider, fire
18 department, or other emergency services agency or entity, (iii)
19 a law enforcement officer or operator of an emergency vehicle
20 when performing the officer's or operator's official duties, ~~or~~
21 (iv) to a person using a wireless telephone in voice-activated
22 mode, or (v) to a person using a wireless telephone on a
23 highway in a construction or maintenance speed zone established
24 under Section 11-605.1 who is stopped due to traffic
25 congestion.

26 (Source: P.A. 95-310, eff. 1-1-08; 95-338, eff. 1-1-08; 95-876,

1 eff. 8-21-08; 96-131, eff. 1-1-10.)

2 (625 ILCS 5/12-610.2)

3 Sec. 12-610.2. Electronic communication devices.

4 (a) As used in this Section:

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

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

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

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

24 (d) This Section does not apply to:

25 (1) a law enforcement officer or operator of an

1 emergency vehicle while performing his or her official
2 duties;

3 (2) a driver using an electronic communication device
4 for the sole purpose of reporting an emergency situation
5 and continued communication with emergency personnel
6 during the emergency situation;

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

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

14 (5) a driver using an electronic communication device
15 while parked on the shoulder of a roadway; ~~or~~

16 (6) a driver using an electronic communication device
17 when the vehicle is stopped due to normal traffic being
18 obstructed and the driver has the motor vehicle
19 transmission in neutral or park; or ~~or~~

20 (7) a driver using an electronic communication device
21 on a highway in a construction or maintenance speed zone
22 established under Section 11-605.1 of this Code who is
23 stopped due to traffic congestion.

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