



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3537

Introduced 2/8/2012, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1406.5 new
725 ILCS 5/108-1

from Ch. 38, par. 108-1

Amends the Illinois Vehicle Code. Provides that a person commits distracted driving when he or she violates provisions concerning obedience to traffic-control devices, speed restrictions, or lane usage while engaging in a distracting activity. Provides that the term "distracting activity" includes but is not limited to eating, applying cosmetics, and using a wireless telephone or other electronic communication device. Provides that a person who violates the new provisions is guilty of an offense against the regulations governing the movement of vehicles. Provides that a law enforcement officer may not stop, search, or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation or suspected violation of the new provisions. Makes a corresponding change in the Code of Criminal Procedure of 1963.

LRB097 19954 HEP 65249 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 adding
5 Section 11-1406.5 as follows:

6 (625 ILCS 5/11-1406.5 new)

7 Sec. 11-1406.5. Distracted driving.

8 (a) A person commits distracted driving when he or she
9 violates Section 11-305, 11-601, or 11-709 of this Code while
10 engaging in a distracting activity. As used in this Section,
11 the term "distracting activity" is an activity which impairs a
12 person's ability to safely operate a motor vehicle and
13 includes, but is not limited to the following activities:

14 (i) eating;

15 (ii) applying cosmetics;

16 (iii) using a wireless telephone as defined by Section
17 12-610.1 of this Code; and

18 (iii) using an electronic communication device as
19 defined by Section 12-610.2 of this Code.

20 (b) A person found guilty of violating this Section is
21 guilty of an offense against the regulations governing the
22 movement of vehicles.

23 (c) A law enforcement officer may not stop, search, or

1 inspect a motor vehicle, its contents, the driver, or a
2 passenger solely because of a violation or suspected violation
3 of this Section.

4 Section 10. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 108-1 as follows:

6 (725 ILCS 5/108-1) (from Ch. 38, par. 108-1)

7 Sec. 108-1. Search without warrant.

8 (1) When a lawful arrest is effected a peace officer may
9 reasonably search the person arrested and the area within such
10 person's immediate presence for the purpose of:

11 (a) protecting the officer from attack; or

12 (b) preventing the person from escaping; or

13 (c) discovering the fruits of the crime; or

14 (d) discovering any instruments, articles, or things
15 which may have been used in the commission of, or which may
16 constitute evidence of, an offense.

17 (2) (Blank).

18 (3) A law enforcement officer may not search or inspect a
19 motor vehicle, its contents, the driver, or a passenger solely
20 because of a violation of Section 12-603.1 of the Illinois
21 Vehicle Code.

22 (4) A law enforcement officer may not stop, search, or
23 inspect a motor vehicle, its contents, the driver, or a
24 passenger solely because of a violation or suspected violation

1 of Section 11-1406.5 of the Illinois Vehicle Code.

2 (Source: P.A. 93-99, eff. 7-3-03.)