



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1247

by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Expands the prohibition on driving while using an electronic communication device to include uses beyond composing, sending, or reading an electronic message. Expands the exceptions to include the use of hands-free devices, two-way radios, and electronic devices capable of performing multiple functions as long as these devices are not used for a prohibited purpose. Establishes a graduated fine scale for repeat offenses.

LRB098 06640 MLW 36683 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 12-610.2 as follows:

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 hand-held wireless
11 telephone, hand-held personal digital assistant, or a portable
12 or mobile computer ~~while being used for the purpose of~~
13 ~~composing, reading, or sending an electronic message~~, but does
14 not include a global positioning system or navigation system or
15 a device that is physically or electronically integrated into
16 the motor 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

1 while using an electronic communication device ~~to compose,~~
2 ~~send, or read an electronic message.~~

3 (c) A violation of this Section is an offense against
4 traffic regulations governing the movement of vehicles. A
5 person who violates this Section shall be fined a maximum of
6 \$75 for a first offense, \$100 for a second offense, \$125 for a
7 third offense, and \$150 for a fourth or subsequent offense.

8 (d) This Section does not apply to:

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

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

16 (3) a driver using an electronic communication device
17 in hands-free or voice-operated mode, which may include the
18 use of a headset;

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

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

26 (6) a driver using an electronic communication device

1 when the vehicle is stopped due to normal traffic being
2 obstructed and the driver has the motor vehicle
3 transmission in neutral or park;~~;~~

4 (7) a driver using two-way or citizens band radio
5 services;

6 (8) a driver using two-way mobile radio transmitters or
7 receivers for licensees of the Federal Communications
8 Commission in the amateur radio service;

9 (9) a driver using an electronic communication device
10 by pressing a single button to initiate or terminate a
11 voice communication; or

12 (10) a driver using an electronic communication device
13 capable of performing multiple functions, other than a
14 hand-held wireless telephone or hand-held personal digital
15 assistant (for example, a fleet management system,
16 dispatching device, citizens band radio, or music player)
17 for a purpose that is not otherwise prohibited by this
18 Section.

19 (Source: P.A. 96-130, eff. 1-1-10; 96-1000, eff. 7-2-10;
20 97-828, eff. 7-20-12.)