



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2585

by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-604.1  
625 ILCS 5/12-610.1  
625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Creates an aggravated offense for driving while using a video device, wireless telephone, or electronic communication device. A person convicted of driving while using a video device, wireless telephone, or electronic communication device commits a Class A misdemeanor if in committing the violation the person was involved in a motor vehicle accident that resulted in great bodily harm, permanent disability, or disfigurement to another and the violation was a proximate cause of the injury. A person convicted of driving while using a video device, wireless telephone, or electronic communication device commits a Class 4 felony if in committing the violation the person was involved in a motor vehicle accident that resulted in the death of another person and the violation was a proximate cause of the death. Effective January 1, 2014.

LRB098 08509 MLW 38620 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 12-604.1, 12-610.1, and 12-610.2 as follows:

6 (625 ILCS 5/12-604.1)

7 Sec. 12-604.1. Video devices.

8 (a) A person may not operate a motor vehicle if a  
9 television receiver, a video monitor, a television or video  
10 screen, or any other similar means of visually displaying a  
11 television broadcast or video signal that produces  
12 entertainment or business applications is operating and is  
13 located in the motor vehicle at any point forward of the back  
14 of the driver's seat, or is operating and visible to the driver  
15 while driving the motor vehicle.

16 (a-5) A person commits aggravated use of a video device  
17 when he or she violates subsection (a) and in committing the  
18 violation he or she was involved in a motor vehicle accident  
19 that results in great bodily harm, permanent disability,  
20 disfigurement, or death to another and the violation was a  
21 proximate cause of the injury or death.

22 (b) This Section does not apply to the following equipment,  
23 whether or not permanently installed in a vehicle:

- 1 (1) a vehicle information display;
  - 2 (2) a global positioning display;
  - 3 (3) a mapping or navigation display;
  - 4 (4) a visual display used to enhance or supplement the  
5 driver's view forward, behind, or to the sides of a motor  
6 vehicle for the purpose of maneuvering the vehicle;
  - 7 (5) television-type receiving equipment used  
8 exclusively for safety or traffic engineering studies; or
  - 9 (6) a television receiver, video monitor, television  
10 or video screen, or any other similar means of visually  
11 displaying a television broadcast or video signal, if that  
12 equipment has an interlock device that, when the motor  
13 vehicle is driven, disables the equipment for all uses  
14 except as a visual display as described in paragraphs (1)  
15 through (5) of this subsection (b).
- 16 (c) This Section does not apply to a mobile, digital  
17 terminal installed in an authorized emergency vehicle, a motor  
18 vehicle providing emergency road service or roadside  
19 assistance, or to motor vehicles utilized for public  
20 transportation.
- 21 (d) This Section does not apply to a television receiver,  
22 video monitor, television or video screen, or any other similar  
23 means of visually displaying a television broadcast or video  
24 signal if: (i) the equipment is permanently installed in the  
25 motor vehicle; and (ii) the moving entertainment images that  
26 the equipment displays are not visible to the driver while the

1 motor vehicle is in motion.

2 (e) Except as provided in subsection (f) of this Section, a  
3 A person convicted of violating this Section is guilty of a  
4 petty offense and shall be fined not more than \$100 for a first  
5 offense, not more than \$200 for a second offense within one  
6 year of a previous conviction, and not more than \$250 for a  
7 third or subsequent offense within one year of 2 previous  
8 convictions.

9 (f) A person convicted of violating subsection (a-5)  
10 commits a Class A misdemeanor if the violation resulted in  
11 great bodily harm, permanent disability, or disfigurement to  
12 another. A person convicted of violating subsection (a-5)  
13 commits a Class 4 felony if the violation resulted in the death  
14 of another person.

15 (Source: P.A. 97-499, eff. 1-1-12.)

16 (625 ILCS 5/12-610.1)

17 Sec. 12-610.1. Wireless telephones.

18 (a) As used in this Section, "wireless telephone" means a  
19 device that is capable of transmitting or receiving telephonic  
20 communications without a wire connecting the device to the  
21 telephone network.

22 (b) A person under the age of 19 years who holds an  
23 instruction permit issued under Section 6-105 or 6-107.1, or a  
24 person under the age of 19 years who holds a graduated license  
25 issued under Section 6-107, may not drive a vehicle on a

1 roadway while using a wireless phone.

2 (b-5) A person under the age of 19 commits aggravated use  
3 of a wireless telephone when he or she violates subsection (b)  
4 and in committing the violation he or she was involved in a  
5 motor vehicle accident that results in great bodily harm,  
6 permanent disability, disfigurement, or death to another and  
7 the violation was a proximate cause of the injury or death.

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

13 (d) If a graduated driver's license holder over the age of  
14 18 committed an offense against traffic regulations governing  
15 the movement of vehicles or any violation of Section 6-107 or  
16 Section 12-603.1 of this Code in the 6 months prior to the  
17 graduated driver's license holder's 18th birthday, and was  
18 subsequently convicted of the violation, the provisions of  
19 paragraph (b) shall continue to apply until such time as a  
20 period of 6 consecutive months has elapsed without an  
21 additional violation and subsequent conviction of an offense  
22 against traffic regulations governing the movement of vehicles  
23 or any violation of Section 6-107 or Section 12-603.1 of this  
24 Code.

25 (e) A person, regardless of age, may not use a wireless  
26 telephone at any time while operating a motor vehicle on a

1 roadway in a school speed zone established under Section  
2 11-605, on a highway in a construction or maintenance speed  
3 zone established under Section 11-605.1, or within 500 feet of  
4 an emergency scene. As used in this Section, "emergency scene"  
5 means a location where an authorized emergency vehicle as  
6 defined by Section 1-105 of this Code is present and has  
7 activated its oscillating, rotating, or flashing lights. This  
8 subsection (e) does not apply to (i) a person engaged in a  
9 highway construction or maintenance project for which a  
10 construction or maintenance speed zone has been established  
11 under Section 11-605.1, (ii) a person using a wireless  
12 telephone for emergency purposes, including, but not limited  
13 to, law enforcement agency, health care provider, fire  
14 department, or other emergency services agency or entity, (iii)  
15 a law enforcement officer or operator of an emergency vehicle  
16 when performing the officer's or operator's official duties,  
17 (iv) a person using a wireless telephone in voice-operated  
18 mode, which may include the use of a headset, ~~or~~ (v) ~~to~~ a  
19 person using a wireless telephone by pressing a single button  
20 to initiate or terminate a voice communication~~-,~~ or (vi) ~~(v)~~ a  
21 person using an electronic communication device for the sole  
22 purpose of reporting an emergency situation and continued  
23 communication with emergency personnel during the emergency  
24 situation.

25 (e-5) A person commits aggravated use of a wireless  
26 telephone when he or she violates subsection (e) and in

1 committing the violation he or she was involved in a motor  
2 vehicle accident that results in great bodily harm, permanent  
3 disability, disfigurement, or death to another and the  
4 violation was a proximate cause of the injury or death.

5 (f) A person convicted of violating subsection (b-5) or  
6 (e-5) commits a Class A misdemeanor if the violation resulted  
7 in great bodily harm, permanent disability, or disfigurement to  
8 another. A person convicted of violating subsection (b-5) or  
9 (e-5) commits a Class 4 felony if the violation resulted in the  
10 death of another person.

11 (Source: P.A. 96-131, eff. 1-1-10; 97-828, eff. 7-20-12;  
12 97-830, eff. 1-1-13; revised 8-3-12.)

13 (625 ILCS 5/12-610.2)

14 Sec. 12-610.2. Electronic communication devices.

15 (a) As used in this Section:

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

24 "Electronic message" means a self-contained piece of  
25 digital communication that is designed or intended to be

1 transmitted between physical devices. "Electronic message"  
2 includes, but is not limited to electronic mail, a text  
3 message, an instant message, a digital photograph, a video, or  
4 a command or request to access an Internet site.

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

8 (b-5) A person commits aggravated use of an electronic  
9 communication device when he or she violates subsection (b) and  
10 in committing the violation he or she was involved in a motor  
11 vehicle accident that results in great bodily harm, permanent  
12 disability, disfigurement, or death to another and the  
13 violation was a proximate cause of the injury or death.

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

16 (d) This Section does not apply to:

17 (1) a law enforcement officer or operator of an  
18 emergency vehicle while performing his or her official  
19 duties;

20 (2) a driver using an electronic communication device  
21 for the sole purpose of reporting an emergency situation  
22 and continued communication with emergency personnel  
23 during the emergency situation;

24 (3) a driver using an electronic communication device  
25 in hands-free or voice-operated mode;

26 (4) a driver of a commercial motor vehicle reading a



1 message displayed on a permanently installed communication  
2 device designed for a commercial motor vehicle with a  
3 screen that does not exceed 10 inches tall by 10 inches  
4 wide in size;

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

7 (6) a driver using an electronic communication device  
8 when the vehicle is stopped due to normal traffic being  
9 obstructed and the driver has the motor vehicle  
10 transmission in neutral or park.

11 (e) A person convicted of violating subsection (b-5)  
12 commits a Class A misdemeanor if the violation resulted in  
13 great bodily harm, permanent disability, or disfigurement to  
14 another. A person convicted of violating subsection (b-5)  
15 commits a Class 4 felony if the violation resulted in the death  
16 of another person.

17 (Source: P.A. 96-130, eff. 1-1-10; 96-1000, eff. 7-2-10;  
18 97-828, eff. 7-20-12.)

19 Section 99. Effective date. This Act takes effect January  
20 1, 2014.