



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2508

Introduced 2/9/2016, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610 from Ch. 95 1/2, par. 12-610  
625 ILCS 5/12-610.1  
625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that a violation (rather than a second or subsequent violation) of operating a motor vehicle while using an electronic communication device is an offense against traffic regulations governing the movement of vehicles, for which a person shall be fined a minimum (rather than maximum) of \$75 for a first offense. Provides that provisions disallowing use of certain electronic communication devices does not include a driver of a commercial motor vehicle using the electronic communication device within the permitted scope of employment reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size. Removes the use of certain electronic communication devices allowed while driving. Makes conforming changes.

LRB099 16373 RJF 40705 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 12-610, 12-610.1, and 12-610.2 as follows:

6 (625 ILCS 5/12-610) (from Ch. 95 1/2, par. 12-610)

7 Sec. 12-610. Headset receivers.

8 (a) Except as provided under Section 11-1403.3, no driver  
9 of a motor vehicle on the highways of this State shall wear  
10 headset receivers while driving.

11 (b) This Section does not prohibit the use of a headset  
12 type receiving equipment used exclusively for safety or traffic  
13 engineering studies, by law enforcement personnel on duty, or  
14 emergency medical services and fire service personnel.

15 (c) (Blank). ~~This Section does not prohibit the use of any~~  
16 ~~single sided headset type receiving and transmitting equipment~~  
17 ~~designed to be used in or on one car which is used exclusively~~  
18 ~~for providing two way radio vocal communications by an~~  
19 ~~individual in possession of a current and valid novice class or~~  
20 ~~higher amateur radio license issued by the Federal~~  
21 ~~Communications Commission and an amateur radio operator~~  
22 ~~special registration plate issued under Section 3-607 of this~~  
23 ~~Code.~~

1           (d) This Section does not prohibit the use of a  
2 single-sided headset or earpiece with a cellular or other  
3 mobile telephone.

4           (Source: P.A. 92-152, eff. 7-25-01.)

5           (625 ILCS 5/12-610.1)

6           Sec. 12-610.1. Wireless telephones.

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

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

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

22           (c) This Section does not apply to a person under the age  
23 of 19 years using a wireless telephone for emergency purposes,  
24 including, but not limited to, an emergency call to a law  
25 enforcement agency, health care provider, fire department, or

1 other emergency services agency or entity.

2 (d) If a graduated driver's license holder over the age of  
3 18 committed an offense against traffic regulations governing  
4 the movement of vehicles or any violation of Section 6-107 or  
5 Section 12-603.1 of this Code in the 6 months prior to the  
6 graduated driver's license holder's 18th birthday, and was  
7 subsequently convicted of the violation, the provisions of  
8 paragraph (b) shall continue to apply until such time as a  
9 period of 6 consecutive months has elapsed without an  
10 additional violation and subsequent conviction of an offense  
11 against traffic regulations governing the movement of vehicles  
12 or any violation of Section 6-107 or Section 12-603.1 of this  
13 Code.

14 (e) A person, regardless of age, may not use a wireless  
15 telephone at any time while operating a motor vehicle on a  
16 roadway in a school speed zone established under Section  
17 11-605, on a highway in a construction or maintenance speed  
18 zone established under Section 11-605.1, or within 500 feet of  
19 an emergency scene. As used in this Section, "emergency scene"  
20 means a location where an authorized emergency vehicle as  
21 defined by Section 1-105 of this Code is present and has  
22 activated its oscillating, rotating, or flashing lights. This  
23 subsection (e) does not apply to (i) a person engaged in a  
24 highway construction or maintenance project for which a  
25 construction or maintenance speed zone has been established  
26 under Section 11-605.1, (ii) a person using a wireless

1 telephone for emergency purposes, including, but not limited  
2 to, law enforcement agency, health care provider, fire  
3 department, or other emergency services agency or entity, (iii)  
4 a law enforcement officer or operator of an emergency vehicle  
5 when performing the officer's or operator's official duties,  
6 (iv) (blank), ~~a person using a wireless telephone in~~  
7 ~~voice operated mode, which may include the use of a headset,~~  
8 (v) (blank), ~~or a person using a wireless telephone by pressing~~  
9 ~~a single button to initiate or terminate a voice communication,~~  
10 ~~or~~ (vi) a person using an electronic communication device for  
11 the sole purpose of reporting an emergency situation and  
12 continued communication with emergency personnel during the  
13 emergency situation.

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

20 (f) A person convicted of violating subsection (b-5) or  
21 (e-5) commits a Class A misdemeanor if the violation resulted  
22 in great bodily harm, permanent disability, or disfigurement to  
23 another. A person convicted of violating subsection (b-5) or  
24 (e-5) commits a Class 4 felony if the violation resulted in the  
25 death of another person.

26 (Source: P.A. 97-828, eff. 7-20-12; 97-830, eff. 1-1-13;

1 98-463, eff. 8-16-13; 98-507, eff. 1-1-14.)

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 hand-held wireless  
7 telephone, hand-held personal digital assistant, or a portable  
8 or mobile computer, but does not include a global positioning  
9 system or navigation system or a device that is physically or  
10 electronically integrated into the motor vehicle.

11 (b) A person may not operate a motor vehicle on a roadway  
12 while using an electronic communication device.

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

19 (c) A ~~second or subsequent~~ violation of this Section is an  
20 offense against traffic regulations governing the movement of  
21 vehicles. A person who violates this Section shall be fined a  
22 minimum ~~maximum~~ of \$75 for a first offense, \$100 for a second  
23 offense, \$125 for a third offense, and \$150 for a fourth or  
24 subsequent offense.

25 (d) This Section does not apply to:

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

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

8 (3) (blank); ~~a driver using an electronic~~  
9 ~~communication device in hands free or voice operated mode,~~  
10 ~~which may include the use of a headset;~~

11 (4) a driver of a commercial motor vehicle using the  
12 electronic communication device within the permitted scope  
13 of his or her employment reading a message displayed on a  
14 permanently installed communication device designed for a  
15 commercial motor vehicle with a screen that does not exceed  
16 10 inches tall by 10 inches wide in size;

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

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

23 (7) (blank); ~~a driver using two-way or citizens band~~  
24 ~~radio services;~~

25 (8) (blank); ~~a driver using two-way mobile radio~~  
26 ~~transmitters or receivers for licensees of the Federal~~

1 ~~Communications Commission in the amateur radio service;~~

2 (9) (blank); ~~or a driver using an electronic~~  
3 ~~communication device by pressing a single button to~~  
4 ~~initiate or terminate a voice communication; or~~

5 (10) (blank). ~~a driver using an electronic~~  
6 ~~communication device capable of performing multiple~~  
7 ~~functions, other than a hand held wireless telephone or~~  
8 ~~hand held personal digital assistant (for example, a fleet~~  
9 ~~management system, dispatching device, citizens band~~  
10 ~~radio, or music player) for a purpose that is not otherwise~~  
11 ~~prohibited by this Section.~~

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

18 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;  
19 98-507, eff. 1-1-14; 98-756, eff. 7-16-14.)