



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5120

Introduced 1/29/2010, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.1  
625 ILCS 5/12-610.2  
625 ILCS 5/12-813.1  
625 ILCS 5/12-816

Amends the Illinois Vehicle Code. Provides that a school bus must contain an operating two-way radio or cellular radio telecommunication device (rather than a two-way radio only) while the school bus driver is in possession of a school bus. Provides that the prohibitions regarding the use of a wireless telephone in a school or construction zone or sending an electronic message while driving do not apply to a school bus driver while performing his or her official duties. Effective immediately.

LRB096 16496 AJT 31766 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 12-610.1, 12-610.2, 12-813.1, and 12-816 as follows:

6 (625 ILCS 5/12-610.1)

7 Sec. 12-610.1. Wireless telephones.

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

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

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

22 (d) If a graduated driver's license holder over the age of  
23 18 committed an offense against traffic regulations governing

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

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

1 (Source: P.A. 95-310, eff. 1-1-08; 95-338, eff. 1-1-08; 95-876,  
2 eff. 8-21-08; 96-131, eff. 1-1-10.)

3 (625 ILCS 5/12-610.2)

4 Sec. 12-610.2. Electronic communication devices.

5 (a) As used in this Section:

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

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

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

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

25 (d) This Section does not apply to:

1 (1) a law enforcement officer, school bus driver, or  
2 operator of an emergency vehicle while performing his or  
3 her official 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) a driver using an electronic communication device  
9 in hands-free or voice-activated mode; ~~or~~

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

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

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

21 (Source: P.A. 96-130, eff. 1-1-10; revised 11-4-09.)

22 (625 ILCS 5/12-813.1)

23 Sec. 12-813.1. School bus driver communication devices.

24 (a) In this Section:

25 "School bus driver" means a person operating a school bus

1 who has a valid school bus driver permit as required under  
2 Sections 6-104 and 6-106.1 of this Code.

3 "Cellular radio telecommunication device" means a device  
4 capable of sending or receiving telephone communications  
5 without an access line for service and which requires the  
6 operator to dial numbers manually. It does not, however,  
7 include citizens band radios or citizens band radio hybrids.

8 "Possession of a school bus" means the period of time from  
9 which a bus driver takes possession until the school bus driver  
10 returns possession of the school bus, whether or not the school  
11 bus driver is operating the school bus.

12 "Using a cellular radio telecommunication device" means  
13 talking or listening to or dialing a cellular radio  
14 telecommunication device.

15 To "operate" means to have the vehicle in motion while it  
16 contains one or more passengers.

17 (b) A school bus driver may not operate a school bus while  
18 using a cellular radio telecommunication device.

19 (c) Subsection (b) of this Section does not apply:

20 (1) To the use of a cellular radio telecommunication  
21 device for the purpose of communicating with any of the  
22 following regarding an emergency situation:

23 (A) an emergency response operator;

24 (B) a hospital;

25 (C) a physician's office or health clinic;

26 (D) an ambulance service;

1 (E) a fire department, fire district, or fire  
2 company; or

3 (F) a police department.

4 (2) To the use of a cellular radio telecommunication  
5 device to call for assistance in the event that there is a  
6 mechanical breakdown or other mechanical problem that  
7 impairs the safe operation of the bus.

8 (3) To the use of a cellular radio telecommunication  
9 device that has a digital two-way radio service capability  
10 owned and operated by the school district, when that device  
11 is being used as a digital two-way radio.

12 (4) When the school bus is parked.

13 (d) A school bus driver who violates subsection (b) of this  
14 Section is guilty of a petty offense punishable by a fine of  
15 not less than \$100 and not more than \$250.

16 (e) A school bus must contain an operating two-way radio or  
17 cellular radio telecommunication device while the school bus  
18 driver is in possession of a school bus. The two-way radio or  
19 cellular radio telecommunication device in this subsection must  
20 be turned on and adjusted in a manner that would alert the  
21 school bus driver of an incoming communication request.

22 (Source: P.A. 96-818, eff. 11-17-09.)

23 (625 ILCS 5/12-816)

24 Sec. 12-816. Pre and post-trip inspection policy for school  
25 buses.

1           (a) In order to provide for the welfare and safety of  
2 children who are transported on school buses throughout the  
3 State of Illinois, each school district shall have in place, by  
4 January 1, 2008, a policy to ensure that the school bus driver  
5 is the last person leaving the bus and that no passenger is  
6 left behind or remains on the vehicle at the end of a route, a  
7 work shift, or the work day. This policy and procedure shall,  
8 at a minimum, require the school bus driver (i) to test the  
9 two-way radio or cellular radio telecommunication device and  
10 ensure that it is functioning properly before the bus is  
11 operated and (ii) before leaving the bus at the end of each  
12 route, work shift, or work day, to walk to the rear of the bus  
13 and check the bus for children or other passengers in the bus.

14           (b) If a school district has a contract with a private  
15 sector school bus company for the transportation of the  
16 district's students, the school district shall require in the  
17 contract with the private sector company that the company have  
18 a post-trip inspection policy in place. This policy and  
19 procedure shall, at a minimum, require the school bus driver  
20 (i) to test the two-way radio or cellular radio  
21 telecommunication device and ensure that it is functioning  
22 properly before the bus is operated and (ii) before leaving the  
23 bus at the end of each route, work shift, or work day, to walk  
24 to the rear of the bus and check the bus for children or other  
25 passengers in the bus.

26           (c) Before this inspection, the school bus driver shall

1 activate the interior lights of the bus to assist the driver in  
2 seeing in and under the seats during a visual sweep of the bus.

3 (d) This policy may include, at the discretion of the  
4 school district, the installation of a mechanical or electronic  
5 post-trip inspection reminder system which requires the school  
6 bus driver to walk to the rear of the bus to deactivate the  
7 system before the driver leaves the bus. The system shall  
8 require that when the driver turns off the vehicle's ignition  
9 system, the vehicle's interior lights must illuminate to assist  
10 the driver in seeing in and under the seats during a visual  
11 sweep of the bus.

12 (Source: P.A. 95-260, eff. 8-17-07; 96-818, eff. 11-17-09.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.