

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 and 12-610.2 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, or within 500 feet of  
16 an emergency scene. This subsection (e) does not apply to (i) a  
17 person engaged in a highway construction or maintenance project  
18 for which a construction or maintenance speed zone has been  
19 established under Section 11-605.1, (ii) a person using a  
20 wireless telephone for emergency purposes, including, but not  
21 limited to, law enforcement agency, health care provider, fire  
22 department, or other emergency services agency or entity, (iii)  
23 a law enforcement officer or operator of an emergency vehicle  
24 when performing the officer's or operator's official duties, ~~or~~  
25 (iv) ~~to~~ a person using a wireless telephone in voice-activated  
26 mode, or (v) a person using an electronic communication device

1 for the sole purpose of reporting an emergency situation and  
2 continued communication with emergency personnel during the  
3 emergency situation.

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

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 wireless telephone,  
11 personal digital assistant, or a portable or mobile computer  
12 while being used for the purpose of composing, reading, or  
13 sending an electronic message, but does not include a global  
14 positioning system or navigation system or a device that is  
15 physically or electronically integrated into the motor  
16 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  
24 while using an electronic communication device to compose,  
25 send, or read an electronic message.

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

3 (d) This Section does not apply to:

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

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

11 (3) a driver using an electronic communication device  
12 in hands-free or voice-activated mode;

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

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

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

24 (Source: P.A. 96-130, eff. 1-1-10; 96-1000, eff. 7-2-10.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.