



Sen. Laura M. Murphy

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10400SB2791sam001

LRB104 16650 LNS 34620 a

1 AMENDMENT TO SENATE BILL 2791

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2791 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Findings and purpose. The General Assembly  
5 finds that the use of hand-held electronic communication  
6 devices by drivers has led to preventable crashes, injuries,  
7 and deaths. The purpose of this Act is to enhance public safety  
8 by expanding current policies concerning hand-held electronic  
9 communication device use, increasing penalties, and promoting  
10 education to end distracted driving.

11 Section 5. The Illinois Vehicle Code is amended by  
12 changing Section 12-610.2 as follows:

13 (625 ILCS 5/12-610.2)

14 Sec. 12-610.2. Electronic communication devices.

15 (a) As used in this Section:

1           "Electronic communication device" means an electronic  
2 device capable of text messaging, emailing, Internet browsing,  
3 or voice communication, including, but not limited to, a  
4 hand-held wireless telephone, hand-held personal digital  
5 assistant, tablet, or a portable or mobile computer.  
6 "Electronic communication device" ~~but~~ does not include a  
7 global positioning system or navigation system, ~~or~~ a device  
8 that is physically or electronically integrated into the motor  
9 vehicle, or an electronic feature preinstalled in the vehicle  
10 itself, such as a touch screen or CarPlay.

11           "Emergency" means a situation where there is an immediate,  
12 imminent risk to health or safety, requiring communication  
13 with law enforcement, medical, or emergency services.

14           "Hands-free mode" or "voice-operated mode" means the use  
15 of an electronic communication device without the use of  
16 either hand, except to activate or deactivate a function with  
17 a single touch, and with the device mounted or resting in a  
18 fixed location.

19           "Operating a motor vehicle" means driving or being in  
20 actual physical control of a motor vehicle on a public road,  
21 including times when the vehicle is temporarily stationary due  
22 to traffic, a traffic control device, or other momentary  
23 delays.

24           (b) A person may not operate a motor vehicle on a roadway  
25 while manually using an electronic communication device,  
26 including using an electronic communication device to watch,

1 record, or stream video, participate in any video conferencing  
2 application, including, but not limited to, Zoom, Microsoft  
3 Teams, or WebEx, ~~or~~ access any social media site, including,  
4 but not limited to, Facebook, Snapchat, Instagram, or X,  
5 holding a device in one's hand or lap, composing, sending, or  
6 reading any text-based communication, or browsing the Internet  
7 ~~Twitter~~. The exemptions in paragraphs (3) and (9) of  
8 subsection (d) do not apply when a person is using the  
9 electronic communication device to watch, record, or stream  
10 video, participate in any video conferencing application, or  
11 access any social media site.

12 A driver is presumed to be in violation of this subsection  
13 if the electronic communication device is observed in the  
14 person's hand while the vehicle is in motion or stopped in  
15 traffic.

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

22 (c) A violation of this Section is an offense against  
23 traffic regulations governing the movement of vehicles. A  
24 ~~person who violates this Section shall be fined a maximum of~~  
25 ~~\$75 for a first offense, \$100 for a second offense, \$125 for a~~  
26 ~~third offense, and \$150 for a fourth or subsequent offense,~~

1 ~~except that~~ a person who violates subsection (b-5) shall be  
2 assessed a minimum fine of \$1,000. A person who violates  
3 subsection (b) commits a petty offense with the following  
4 penalties:

5 (1) For a first offense, a fine not to exceed \$250. The  
6 offense shall be recorded as a moving violation and  
7 reported to the Secretary of State.

8 (2) For a second offense within 12 months of a first  
9 offense, a fine not to exceed \$500. The person shall be  
10 required to complete an approved Distracted Driving Safety  
11 Course at the person's own cost. Failure to complete the  
12 course within 90 days shall result in a suspension of the  
13 person's driver's license until the course is complete.

14 (3) For a third or subsequent offense within 12 months  
15 of a first offense, a fine not to exceed \$750. The  
16 Secretary of State shall also suspend the driver's license  
17 of the person for a period of not less than 3 months and  
18 not more than 6 months.

19 (d) This Section does not apply to:

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

23 (1.5) a first responder, including a volunteer first  
24 responder, while operating his or her own personal motor  
25 vehicle using an electronic communication device for the  
26 sole purpose of receiving information about an emergency

1 situation while en route to performing his or her official  
2 duties;

3 (1.7) a public transit or commercial driver using a  
4 digital dispatch device within the scope of employment;

5 (1.8) a transportation network company driver, as  
6 defined in Section 5 of the Transportation Network  
7 Providers Act, or a third-party delivery service driver,  
8 as defined in Section 5 of the Fair Food and Retail  
9 Delivery Act, while the driver is logged into a digital  
10 network or software application to perform transportation  
11 network company or delivery services, as long as the  
12 electronic communication device is mounted or resting in a  
13 fixed location during use;

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

18 (3) a driver who is 19 years of age or older using an  
19 electronic communication device in hands-free mode or  
20 voice-operated mode, which may include the use of a  
21 headset, such as using a speakerphone or Bluetooth,  
22 listening to music or podcasts, or using a global  
23 positioning system or other digital map on an electronic  
24 communication device;

25 (4) a driver of a commercial motor vehicle reading a  
26 message displayed on a permanently installed communication

1 device designed for a commercial motor vehicle with a  
2 screen that does not exceed 10 inches tall by 10 inches  
3 wide in size;

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

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

10 (6.5) a driver using the phone for a brief, specific  
11 purpose while the vehicle is fully and completely stopped  
12 at a red traffic signal, as long as the purpose is achieved  
13 and the electronic communication device use ceases before  
14 the traffic signal turns green;

15 (7) a driver using two-way or citizens band radio  
16 services;

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

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

23 (10) a driver using an electronic communication device  
24 capable of performing multiple functions, other than a  
25 hand-held wireless telephone or hand-held personal digital  
26 assistant (for example, a fleet management system,

1           dispatching device, citizens band radio, or music player)  
2           for a purpose that is not otherwise prohibited by this  
3           Section.

4           These exceptions shall be narrowly construed and the  
5           burden of proof shall be on the driver to show that an  
6           exception applies.

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

13          (f) This Section shall be enforced by State and local law  
14          enforcement agencies. A police officer who observes a  
15          violation may stop and issue a citation to the driver. In  
16          addition, a municipality is authorized to establish an  
17          automated distracted driving enforcement program as follows:

18                 (1) A municipality and the Illinois State Police, in  
19                 coordination with the Department of Transportation, may  
20                 deploy automated traffic cameras or devices to detect and  
21                 record violations of this Section. The automated traffic  
22                 cameras or devices may be mounted on toll plazas,  
23                 overpasses, police vehicles, or other fixed locations and  
24                 shall capture photographic or video evidence of the  
25                 offense, such as images of the driver holding a phone  
26                 while looking away from the road.

1           (2) Within 30 days of a violation, the registered  
2           owner of the vehicle shall be mailed a citation, including  
3           the images and details of the offense. The citation shall  
4           carry the same fine and record consequences as a standard  
5           violation. The owner may contest the citation pursuant to  
6           procedures set by the municipality, including by showing  
7           that the owner was not driving, that the owner is subject  
8           to an exemption, or that no violation occurred.

9           (3) Photos or videos obtained through a program shall  
10           be used exclusively for enforcing this Section and shall  
11           not be retained longer than 90 days if no violation is  
12           recorded. All images of vehicle occupants not relevant to  
13           the offense shall be pixelated or obscured to protect  
14           privacy. All photos and videos obtained through a program  
15           shall be reviewed by a trained law enforcement officer  
16           prior to citation issuance to ensure accuracy and minimize  
17           wrongful citations due to technological or artificial  
18           intelligence error.

19           (4) The local law enforcement agency shall oversee a  
20           program, and an annual report shall be provided to the  
21           General Assembly and the Department of Transportation  
22           detailing the number of citations issued, the locations of  
23           cameras, and any measurable impact on crash rates.

24           Nothing in this subsection prohibits State-authorized  
25           automated enforcement as provided by future State law. A  
26           program shall become operative only upon confirmation that it

1 does not conflict with State law or upon the enactment of  
2 enabling legislation by the General Assembly.

3 (g) The Department of Transportation and the Secretary of  
4 State, in coordination with municipalities and other  
5 stakeholders, shall implement a distracted driving awareness  
6 campaign. Elements of the campaign shall include:

7 (1) The posting of signs on major roadways notifying  
8 drivers of the provisions of this Section and the  
9 penalties for violation of this Section.

10 (2) Outreach to driver education programs and schools  
11 to incorporate distracted driving material in their  
12 instruction and exams.

13 (3) Public service announcements via local media,  
14 social media, and other channels to inform the public  
15 about the dangers of distracted driving and the new  
16 enforcement efforts.

17 (4) Partnerships with law enforcement to publicize  
18 periods of heightened enforcement, such as a "distracted  
19 driving crackdown week".

20 The campaign shall continue at least through the first  
21 year following the effective date of this amendatory Act of  
22 the 104th General Assembly, with periodic reinforcement  
23 thereafter pending data demonstrating the campaign's  
24 effectiveness, such as any measurable decrease in distracted  
25 driving violations over the preceding year.

26 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;

1 103-310, eff. 1-1-24.)

2 Section 99. Effective date. This Act takes effect January  
3 1, 2027.".