

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 6-206 and 12-610.2 as follows:

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

6 4. Has by the unlawful operation of a motor vehicle
7 caused or contributed to an accident resulting in injury
8 requiring immediate professional treatment in a medical
9 facility or doctor's office to any person, except that any
10 suspension or revocation imposed by the Secretary of State
11 under the provisions of this subsection shall start no
12 later than 6 months after being convicted of violating a
13 law or ordinance regulating the movement of traffic, which
14 violation is related to the accident, or shall start not
15 more than one year after the date of the accident,
16 whichever date occurs later;

17 5. Has permitted an unlawful or fraudulent use of a
18 driver's license, identification card, or permit;

19 6. Has been lawfully convicted of an offense or
20 offenses in another state, including the authorization
21 contained in Section 6-203.1, which if committed within
22 this State would be grounds for suspension or revocation;

23 7. Has refused or failed to submit to an examination
24 provided for by Section 6-207 or has failed to pass the
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to
7 fraudulently use any license, identification card, or
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a
13 monitoring device driving permit, judicial driving permit
14 issued prior to January 1, 2009, probationary license to
15 drive, or a restricted driving permit issued under this
16 Code;

17 12. Has submitted to any portion of the application
18 process for another person or has obtained the services of
19 another person to submit to any portion of the application
20 process for the purpose of obtaining a license,
21 identification card, or permit for some other person;

22 13. Has operated a motor vehicle upon a highway of this
23 State when the person's driver's license or permit was
24 invalid under the provisions of Sections 6-107.1 and 6-110;

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or

1 14B of the Illinois Identification Card Act;

2 15. Has been convicted of violating Section 21-2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 relating
4 to criminal trespass to vehicles in which case, the
5 suspension shall be for one year;

6 16. Has been convicted of violating Section 11-204 of
7 this Code relating to fleeing from a peace officer;

8 17. Has refused to submit to a test, or tests, as
9 required under Section 11-501.1 of this Code and the person
10 has not sought a hearing as provided for in Section
11 11-501.1;

12 18. Has, since issuance of a driver's license or
13 permit, been adjudged to be afflicted with or suffering
14 from any mental disability or disease;

15 19. Has committed a violation of paragraph (a) or (b)
16 of Section 6-101 relating to driving without a driver's
17 license;

18 20. Has been convicted of violating Section 6-104
19 relating to classification of driver's license;

20 21. Has been convicted of violating Section 11-402 of
21 this Code relating to leaving the scene of an accident
22 resulting in damage to a vehicle in excess of \$1,000, in
23 which case the suspension shall be for one year;

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 or the Criminal Code of 2012

1 relating to unlawful use of weapons, in which case the
2 suspension shall be for one year;

3 23. Has, as a driver, been convicted of committing a
4 violation of paragraph (a) of Section 11-502 of this Code
5 for a second or subsequent time within one year of a
6 similar violation;

7 24. Has been convicted by a court-martial or punished
8 by non-judicial punishment by military authorities of the
9 United States at a military installation in Illinois or in
10 another state of or for a traffic related offense that is
11 the same as or similar to an offense specified under
12 Section 6-205 or 6-206 of this Code;

13 25. Has permitted any form of identification to be used
14 by another in the application process in order to obtain or
15 attempt to obtain a license, identification card, or
16 permit;

17 26. Has altered or attempted to alter a license or has
18 possessed an altered license, identification card, or
19 permit;

20 27. Has violated Section 6-16 of the Liquor Control Act
21 of 1934;

22 28. Has been convicted for a first time of the illegal
23 possession, while operating or in actual physical control,
24 as a driver, of a motor vehicle, of any controlled
25 substance prohibited under the Illinois Controlled
26 Substances Act, any cannabis prohibited under the Cannabis

1 Control Act, or any methamphetamine prohibited under the
2 Methamphetamine Control and Community Protection Act, in
3 which case the person's driving privileges shall be
4 suspended for one year. Any defendant found guilty of this
5 offense while operating a motor vehicle, shall have an
6 entry made in the court record by the presiding judge that
7 this offense did occur while the defendant was operating a
8 motor vehicle and order the clerk of the court to report
9 the violation to the Secretary of State;

10 29. Has been convicted of the following offenses that
11 were committed while the person was operating or in actual
12 physical control, as a driver, of a motor vehicle: criminal
13 sexual assault, predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 abuse, aggravated criminal sexual abuse, juvenile pimping,
16 soliciting for a juvenile prostitute, promoting juvenile
17 prostitution as described in subdivision (a)(1), (a)(2),
18 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
19 or the Criminal Code of 2012, and the manufacture, sale or
20 delivery of controlled substances or instruments used for
21 illegal drug use or abuse in which case the driver's
22 driving privileges shall be suspended for one year;

23 30. Has been convicted a second or subsequent time for
24 any combination of the offenses named in paragraph 29 of
25 this subsection, in which case the person's driving
26 privileges shall be suspended for 5 years;

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 of this Code or Section 5-16c of the Boat
3 Registration and Safety Act or has submitted to a test
4 resulting in an alcohol concentration of 0.08 or more or
5 any amount of a drug, substance, or compound resulting from
6 the unlawful use or consumption of cannabis as listed in
7 the Cannabis Control Act, a controlled substance as listed
8 in the Illinois Controlled Substances Act, an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act, in which case the
12 penalty shall be as prescribed in Section 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 relating
15 to the aggravated discharge of a firearm if the offender
16 was located in a motor vehicle at the time the firearm was
17 discharged, in which case the suspension shall be for 3
18 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this Code
22 or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code or a similar provision of a local ordinance;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code or a similar provision of a local ordinance;

1 36. Is under the age of 21 years at the time of arrest
2 and has been convicted of not less than 2 offenses against
3 traffic regulations governing the movement of vehicles
4 committed within any 24 month period. No revocation or
5 suspension shall be entered more than 6 months after the
6 date of last conviction;

7 37. Has committed a violation of subsection (c) of
8 Section 11-907 of this Code that resulted in damage to the
9 property of another or the death or injury of another;

10 38. Has been convicted of a violation of Section 6-20
11 of the Liquor Control Act of 1934 or a similar provision of
12 a local ordinance;

13 39. Has committed a second or subsequent violation of
14 Section 11-1201 of this Code;

15 40. Has committed a violation of subsection (a-1) of
16 Section 11-908 of this Code;

17 41. Has committed a second or subsequent violation of
18 Section 11-605.1 of this Code, a similar provision of a
19 local ordinance, or a similar violation in any other state
20 within 2 years of the date of the previous violation, in
21 which case the suspension shall be for 90 days;

22 42. Has committed a violation of subsection (a-1) of
23 Section 11-1301.3 of this Code or a similar provision of a
24 local ordinance;

25 43. Has received a disposition of court supervision for
26 a violation of subsection (a), (d), or (e) of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance, in which case the suspension shall be
3 for a period of 3 months;

4 44. Is under the age of 21 years at the time of arrest
5 and has been convicted of an offense against traffic
6 regulations governing the movement of vehicles after
7 having previously had his or her driving privileges
8 suspended or revoked pursuant to subparagraph 36 of this
9 Section;

10 45. Has, in connection with or during the course of a
11 formal hearing conducted under Section 2-118 of this Code:
12 (i) committed perjury; (ii) submitted fraudulent or
13 falsified documents; (iii) submitted documents that have
14 been materially altered; or (iv) submitted, as his or her
15 own, documents that were in fact prepared or composed for
16 another person;

17 46. Has committed a violation of subsection (j) of
18 Section 3-413 of this Code;

19 47. Has committed a violation of Section 11-502.1 of
20 this Code; ~~or~~

21 48. Has submitted a falsified or altered medical
22 examiner's certificate to the Secretary of State or
23 provided false information to obtain a medical examiner's
24 certificate; or -

25 49. Has committed a violation of subsection (b-5) of
26 Section 12-610.2 that resulted in great bodily harm,

1 permanent disability, or disfigurement, in which case the
2 driving privileges shall be suspended for 12 months.

3 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
4 and 27 of this subsection, license means any driver's license,
5 any traffic ticket issued when the person's driver's license is
6 deposited in lieu of bail, a suspension notice issued by the
7 Secretary of State, a duplicate or corrected driver's license,
8 a probationary driver's license or a temporary driver's
9 license.

10 (b) If any conviction forming the basis of a suspension or
11 revocation authorized under this Section is appealed, the
12 Secretary of State may rescind or withhold the entry of the
13 order of suspension or revocation, as the case may be, provided
14 that a certified copy of a stay order of a court is filed with
15 the Secretary of State. If the conviction is affirmed on
16 appeal, the date of the conviction shall relate back to the
17 time the original judgment of conviction was entered and the 6
18 month limitation prescribed shall not apply.

19 (c) 1. Upon suspending or revoking the driver's license or
20 permit of any person as authorized in this Section, the
21 Secretary of State shall immediately notify the person in
22 writing of the revocation or suspension. The notice to be
23 deposited in the United States mail, postage prepaid, to the
24 last known address of the person.

25 2. If the Secretary of State suspends the driver's license
26 of a person under subsection 2 of paragraph (a) of this

1 Section, a person's privilege to operate a vehicle as an
2 occupation shall not be suspended, provided an affidavit is
3 properly completed, the appropriate fee received, and a permit
4 issued prior to the effective date of the suspension, unless 5
5 offenses were committed, at least 2 of which occurred while
6 operating a commercial vehicle in connection with the driver's
7 regular occupation. All other driving privileges shall be
8 suspended by the Secretary of State. Any driver prior to
9 operating a vehicle for occupational purposes only must submit
10 the affidavit on forms to be provided by the Secretary of State
11 setting forth the facts of the person's occupation. The
12 affidavit shall also state the number of offenses committed
13 while operating a vehicle in connection with the driver's
14 regular occupation. The affidavit shall be accompanied by the
15 driver's license. Upon receipt of a properly completed
16 affidavit, the Secretary of State shall issue the driver a
17 permit to operate a vehicle in connection with the driver's
18 regular occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended as set
21 forth in the notice that was mailed under this Section. If an
22 affidavit is received subsequent to the effective date of this
23 suspension, a permit may be issued for the remainder of the
24 suspension period.

25 The provisions of this subparagraph shall not apply to any
26 driver required to possess a CDL for the purpose of operating a

1 commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section 6-302
4 and upon conviction thereof shall have all driving privileges
5 revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118 of
7 this Code, the Secretary of State shall either rescind or
8 continue an order of revocation or shall substitute an order of
9 suspension; or, good cause appearing therefor, rescind,
10 continue, change, or extend the order of suspension. If the
11 Secretary of State does not rescind the order, the Secretary
12 may upon application, to relieve undue hardship (as defined by
13 the rules of the Secretary of State), issue a restricted
14 driving permit granting the privilege of driving a motor
15 vehicle between the petitioner's residence and petitioner's
16 place of employment or within the scope of the petitioner's
17 employment related duties, or to allow the petitioner to
18 transport himself or herself, or a family member of the
19 petitioner's household to a medical facility, to receive
20 necessary medical care, to allow the petitioner to transport
21 himself or herself to and from alcohol or drug remedial or
22 rehabilitative activity recommended by a licensed service
23 provider, or to allow the petitioner to transport himself or
24 herself or a family member of the petitioner's household to
25 classes, as a student, at an accredited educational
26 institution, or to allow the petitioner to transport children,

1 elderly persons, or persons with disabilities who do not hold
2 driving privileges and are living in the petitioner's household
3 to and from daycare. The petitioner must demonstrate that no
4 alternative means of transportation is reasonably available
5 and that the petitioner will not endanger the public safety or
6 welfare.

7 (A) If a person's license or permit is revoked or
8 suspended due to 2 or more convictions of violating Section
9 11-501 of this Code or a similar provision of a local
10 ordinance or a similar out-of-state offense, or Section 9-3
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 where the use of alcohol or other drugs is recited as an
13 element of the offense, or a similar out-of-state offense,
14 or a combination of these offenses, arising out of separate
15 occurrences, that person, if issued a restricted driving
16 permit, may not operate a vehicle unless it has been
17 equipped with an ignition interlock device as defined in
18 Section 1-129.1.

19 (B) If a person's license or permit is revoked or
20 suspended 2 or more times due to any combination of:

21 (i) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense or Section
24 9-3 of the Criminal Code of 1961 or the Criminal Code
25 of 2012, where the use of alcohol or other drugs is
26 recited as an element of the offense, or a similar

1 out-of-state offense; or
2 (ii) a statutory summary suspension or revocation
3 under Section 11-501.1; or
4 (iii) a suspension under Section 6-203.1;
5 arising out of separate occurrences; that person, if issued
6 a restricted driving permit, may not operate a vehicle
7 unless it has been equipped with an ignition interlock
8 device as defined in Section 1-129.1.

9 (B-5) If a person's license or permit is revoked or
10 suspended due to a conviction for a violation of
11 subparagraph (C) or (F) of paragraph (1) of subsection (d)
12 of Section 11-501 of this Code, or a similar provision of a
13 local ordinance or similar out-of-state offense, that
14 person, if issued a restricted driving permit, may not
15 operate a vehicle unless it has been equipped with an
16 ignition interlock device as defined in Section 1-129.1.

17 (C) The person issued a permit conditioned upon the use
18 of an ignition interlock device must pay to the Secretary
19 of State DUI Administration Fund an amount not to exceed
20 \$30 per month. The Secretary shall establish by rule the
21 amount and the procedures, terms, and conditions relating
22 to these fees.

23 (D) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against
25 operating a motor vehicle that is not equipped with an
26 ignition interlock device does not apply to the operation

1 of an occupational vehicle owned or leased by that person's
2 employer when used solely for employment purposes. For any
3 person who, within a 5-year period, is convicted of a
4 second or subsequent offense under Section 11-501 of this
5 Code, or a similar provision of a local ordinance or
6 similar out-of-state offense, this employment exemption
7 does not apply until either a one-year period has elapsed
8 during which that person had his or her driving privileges
9 revoked or a one-year period has elapsed during which that
10 person had a restricted driving permit which required the
11 use of an ignition interlock device on every motor vehicle
12 owned or operated by that person.

13 (E) In each case the Secretary may issue a restricted
14 driving permit for a period deemed appropriate, except that
15 all permits shall expire no later than 2 years from the
16 date of issuance. A restricted driving permit issued under
17 this Section shall be subject to cancellation, revocation,
18 and suspension by the Secretary of State in like manner and
19 for like cause as a driver's license issued under this Code
20 may be cancelled, revoked, or suspended; except that a
21 conviction upon one or more offenses against laws or
22 ordinances regulating the movement of traffic shall be
23 deemed sufficient cause for the revocation, suspension, or
24 cancellation of a restricted driving permit. The Secretary
25 of State may, as a condition to the issuance of a
26 restricted driving permit, require the applicant to

1 participate in a designated driver remedial or
2 rehabilitative program. The Secretary of State is
3 authorized to cancel a restricted driving permit if the
4 permit holder does not successfully complete the program.

5 (F) A person subject to the provisions of paragraph 4
6 of subsection (b) of Section 6-208 of this Code may make
7 application for a restricted driving permit at a hearing
8 conducted under Section 2-118 of this Code after the
9 expiration of 5 years from the effective date of the most
10 recent revocation or after 5 years from the date of release
11 from a period of imprisonment resulting from a conviction
12 of the most recent offense, whichever is later, provided
13 the person, in addition to all other requirements of the
14 Secretary, shows by clear and convincing evidence:

15 (i) a minimum of 3 years of uninterrupted
16 abstinence from alcohol and the unlawful use or
17 consumption of cannabis under the Cannabis Control
18 Act, a controlled substance under the Illinois
19 Controlled Substances Act, an intoxicating compound
20 under the Use of Intoxicating Compounds Act, or
21 methamphetamine under the Methamphetamine Control and
22 Community Protection Act; and

23 (ii) the successful completion of any
24 rehabilitative treatment and involvement in any
25 ongoing rehabilitative activity that may be
26 recommended by a properly licensed service provider

1 according to an assessment of the person's alcohol or
2 drug use under Section 11-501.01 of this Code.

3 In determining whether an applicant is eligible for a
4 restricted driving permit under this subparagraph (F), the
5 Secretary may consider any relevant evidence, including,
6 but not limited to, testimony, affidavits, records, and the
7 results of regular alcohol or drug tests. Persons subject
8 to the provisions of paragraph 4 of subsection (b) of
9 Section 6-208 of this Code and who have been convicted of
10 more than one violation of paragraph (3), paragraph (4), or
11 paragraph (5) of subsection (a) of Section 11-501 of this
12 Code shall not be eligible to apply for a restricted
13 driving permit under this subparagraph (F).

14 A restricted driving permit issued under this
15 subparagraph (F) shall provide that the holder may only
16 operate motor vehicles equipped with an ignition interlock
17 device as required under paragraph (2) of subsection (c) of
18 Section 6-205 of this Code and subparagraph (A) of
19 paragraph 3 of subsection (c) of this Section. The
20 Secretary may revoke a restricted driving permit or amend
21 the conditions of a restricted driving permit issued under
22 this subparagraph (F) if the holder operates a vehicle that
23 is not equipped with an ignition interlock device, or for
24 any other reason authorized under this Code.

25 A restricted driving permit issued under this
26 subparagraph (F) shall be revoked, and the holder barred

1 from applying for or being issued a restricted driving
2 permit in the future, if the holder is convicted of a
3 violation of Section 11-501 of this Code, a similar
4 provision of a local ordinance, or a similar offense in
5 another state.

6 (c-3) In the case of a suspension under paragraph 43 of
7 subsection (a), reports received by the Secretary of State
8 under this Section shall, except during the actual time the
9 suspension is in effect, be privileged information and for use
10 only by the courts, police officers, prosecuting authorities,
11 the driver licensing administrator of any other state, the
12 Secretary of State, or the parent or legal guardian of a driver
13 under the age of 18. However, beginning January 1, 2008, if the
14 person is a CDL holder, the suspension shall also be made
15 available to the driver licensing administrator of any other
16 state, the U.S. Department of Transportation, and the affected
17 driver or motor carrier or prospective motor carrier upon
18 request.

19 (c-4) In the case of a suspension under paragraph 43 of
20 subsection (a), the Secretary of State shall notify the person
21 by mail that his or her driving privileges and driver's license
22 will be suspended one month after the date of the mailing of
23 the notice.

24 (c-5) The Secretary of State may, as a condition of the
25 reissuance of a driver's license or permit to an applicant
26 whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the
6 Drivers License Compact.

7 (e) The Secretary of State shall not issue a restricted
8 driving permit to a person under the age of 16 years whose
9 driving privileges have been suspended or revoked under any
10 provisions of this Code.

11 (f) In accordance with 49 C.F.R. 384, the Secretary of
12 State may not issue a restricted driving permit for the
13 operation of a commercial motor vehicle to a person holding a
14 CDL whose driving privileges have been suspended, revoked,
15 cancelled, or disqualified under any provisions of this Code.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
17 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
18 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

19 (625 ILCS 5/12-610.2)

20 (Text of Section before amendment by P.A. 100-858)

21 Sec. 12-610.2. Electronic communication devices.

22 (a) As used in this Section:

23 "Electronic communication device" means an electronic
24 device, including, but not limited to, a hand-held wireless
25 telephone, hand-held personal digital assistant, or a portable

1 or mobile computer, but does not include a global positioning
2 system or navigation system or a device that is physically or
3 electronically integrated into the motor vehicle.

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

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

12 (c) A second or subsequent violation of this Section is an
13 offense against traffic regulations governing the movement of
14 vehicles. A person who violates this Section shall be fined a
15 maximum of \$75 for a first offense, \$100 for a second offense,
16 \$125 for a third offense, and \$150 for a fourth or subsequent
17 offense, except that a person who violates subsection (b-5)
18 shall be assessed a minimum fine of \$1,000.

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 ~~responders~~, while operating his or her own
25 personal motor vehicle using an electronic communication
26 device for the sole purpose of receiving information about

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

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

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

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;

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

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

26 (9) a driver using an electronic communication device

1 by pressing a single button to initiate or terminate a
2 voice communication; or

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

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

16 (Source: P.A. 100-727, eff. 8-3-18; revised 10-15-18.)

17 (Text of Section after amendment by P.A. 100-858)

18 Sec. 12-610.2. Electronic communication devices.

19 (a) As used in this Section:

20 "Electronic communication device" means an electronic
21 device, including, but not limited to, a hand-held wireless
22 telephone, hand-held personal digital assistant, or a portable
23 or mobile computer, but does not include a global positioning
24 system or navigation system or a device that is physically or
25 electronically integrated into the motor vehicle.

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

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

9 (c) A violation of this Section is an offense against
10 traffic regulations governing the movement of vehicles. A
11 person who violates this Section shall be fined a maximum of
12 \$75 for a first offense, \$100 for a second offense, \$125 for a
13 third offense, and \$150 for a fourth or subsequent offense,
14 except that a person who violates subsection (b-5) shall be
15 assessed a minimum fine of \$1,000.

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 (1.5) a first responder, including a volunteer first
21 responder ~~responders~~, while operating his or her own
22 personal motor vehicle using an electronic communication
23 device for the sole purpose of receiving information about
24 an emergency situation while en route to performing his or
25 her official duties;

26 (2) a driver using an electronic communication device

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

4 (3) a driver using an electronic communication device
5 in hands-free or voice-operated mode, which may include the
6 use of a headset;

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

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

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

18 (7) a driver using two-way or citizens band radio
19 services;

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

23 (9) a driver using an electronic communication device
24 by pressing a single button to initiate or terminate a
25 voice communication; or

26 (10) a driver using an electronic communication device

1 capable of performing multiple functions, other than a
2 hand-held wireless telephone or hand-held personal digital
3 assistant (for example, a fleet management system,
4 dispatching device, citizens band radio, or music player)
5 for a purpose that is not otherwise prohibited by this
6 Section.

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 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
14 revised 10-15-18.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 99. Effective date. This Act takes effect July 1,
23 2020.