

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 Section 12-610.2 as follows:

6 (625 ILCS 5/12-610.2)

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

8 Sec. 12-610.2. Electronic communication devices.

9 (a) As used in this Section:

10 "Electronic communication device" means an electronic
11 device, including, but not limited to, a hand-held wireless
12 telephone, hand-held personal digital assistant, or a portable
13 or mobile computer, but does not include a global positioning
14 system or navigation system or a device that is physically or
15 electronically integrated into the motor vehicle.

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

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

1 (c) A second or subsequent violation of this Section is an
2 offense against traffic regulations governing the movement of
3 vehicles. A person who violates this Section shall be fined a
4 maximum of \$75 for a first offense, \$100 for a second offense,
5 \$125 for a third offense, and \$150 for a fourth or subsequent
6 offense.

7 (d) This Section does not apply to:

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

11 (1.5) a first responder, including a volunteer first
12 responder ~~responders~~, while operating his or her own
13 personal motor vehicle using an electronic communication
14 device for the sole purpose of receiving information about
15 an emergency situation while en route to performing his or
16 her official duties;

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

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

24 (4) a driver of a commercial motor vehicle reading a
25 message displayed on a permanently installed communication
26 device designed for a commercial motor vehicle with a

1 screen that does not exceed 10 inches tall by 10 inches
2 wide in size;

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

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

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

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

14 (9) a driver using an electronic communication device
15 by pressing a single button to initiate or terminate a
16 voice communication; or

17 (10) a driver using an electronic communication device
18 capable of performing multiple functions, other than a
19 hand-held wireless telephone or hand-held personal digital
20 assistant (for example, a fleet management system,
21 dispatching device, citizens band radio, or music player)
22 for a purpose that is not otherwise prohibited by this
23 Section.

24 (e) A person convicted of violating subsection (b-5)
25 commits a Class A misdemeanor if the violation resulted in
26 great bodily harm, permanent disability, or disfigurement to

1 another. A person convicted of violating subsection (b-5)
2 commits a Class 4 felony if the violation resulted in the death
3 of another person.

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

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

6 Sec. 12-610.2. Electronic communication devices.

7 (a) As used in this Section:

8 "Electronic communication device" means an electronic
9 device, including, but not limited to, a hand-held wireless
10 telephone, hand-held personal digital assistant, or a portable
11 or mobile computer, but does not include a global positioning
12 system or navigation system or a device that is physically or
13 electronically integrated into the motor vehicle.

14 (b) A person may not operate a motor vehicle on a roadway
15 while using an electronic communication device, including
16 using an electronic communication device to watch or stream
17 video.

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

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

1 person who violates this Section shall be fined a maximum of
2 \$75 for a first offense, \$100 for a second offense, \$125 for a
3 third offense, and \$150 for a fourth or subsequent offense.

4 (d) This Section does not apply to:

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

8 (1.5) a first responder, including a volunteer first
9 responder ~~responders~~, while operating his or her own
10 personal motor vehicle using an electronic communication
11 device for the sole purpose of receiving information about
12 an emergency situation while en route to performing his or
13 her official duties;

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 using an electronic communication device
19 in hands-free or voice-operated mode, which may include the
20 use of a headset;

21 (4) a driver of a commercial motor vehicle reading a
22 message displayed on a permanently installed communication
23 device designed for a commercial motor vehicle with a
24 screen that does not exceed 10 inches tall by 10 inches
25 wide in size;

26 (5) a driver using an electronic communication device

1 while parked on the shoulder of a roadway;

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

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

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

11 (9) a driver using an electronic communication device
12 by pressing a single button to initiate or terminate a
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14 (10) a driver using an electronic communication device
15 capable of performing multiple functions, other than a
16 hand-held wireless telephone or hand-held personal digital
17 assistant (for example, a fleet management system,
18 dispatching device, citizens band radio, or music player)
19 for a purpose that is not otherwise prohibited by this
20 Section.

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

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

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.