

HB3051



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3051

Introduced 2/19/2021, by Rep. Adam Niemerg

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. In a provision prohibiting the operation of a motor vehicle on a roadway while using an electronic communication device, increases the fines for violation of the provision as follows: from \$75 to \$120 for a first offense; from \$100 to \$145 for a second offense; from \$125 to \$170 for a third offense; and from \$150 to \$195 for a fourth or subsequent offense.

LRB102 15871 RAM 21240 b

A BILL FOR

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
5 changing Section 12-610.2 as follows:

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 hand-held wireless
11 telephone, hand-held personal digital assistant, or a portable
12 or mobile computer, but does not include a global positioning
13 system or navigation system or a device that is physically or
14 electronically integrated into the motor vehicle.

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

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

1 the violation is a proximate cause of the injury or death.

2 (c) A violation of this Section is an offense against
3 traffic regulations governing the movement of vehicles. A
4 person who violates this Section shall be fined a maximum of
5 \$120 ~~\$75~~ for a first offense, \$145 ~~\$100~~ for a second offense,
6 \$170 ~~\$125~~ for a third offense, and \$195 ~~\$150~~ for a fourth or
7 subsequent offense, except that a person who violates
8 subsection (b-5) shall be assessed a minimum fine of \$1,000.

9 (d) This Section does not apply to:

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

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

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

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

26 (4) a driver of a commercial motor vehicle reading a

1 message displayed on a permanently installed communication
2 device designed for a commercial motor vehicle with a
3 screen that does not exceed 10 inches tall by 10 inches
4 wide in size;

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

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

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

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

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

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

26 (e) A person convicted of violating subsection (b-5)

1 commits a Class A misdemeanor if the violation resulted in
2 great bodily harm, permanent disability, or disfigurement to
3 another. A person convicted of violating subsection (b-5)
4 commits a Class 4 felony if the violation resulted in the death
5 of another person.

6 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
7 101-81, eff. 7-12-19; 101-90, eff. 7-1-20; 101-297, eff.
8 1-1-20; revised 8-4-20.)