



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2431

Introduced 2/15/2023, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that a person may not operate a motor vehicle on a roadway while using an electronic communication device, including using an electronic communication device to participate in any video conferencing application or to access any social media site. Excludes the exemptions that permit a driver to use an electronic communication device in hands-free or voice-operated mode or by pressing a single button to activate or terminate a voice communication when a person is using the electronic communication device to watch or stream video, participate in any video conferencing application, or access any social media site.

LRB103 29905 MXP 56317 b

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 (Text of Section before amendment by P.A. 102-982)

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, tablet, or a
13 portable or mobile computer, 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 (b) A person may not operate a motor vehicle on a roadway
18 while using an electronic communication device, including
19 using an electronic communication device to watch or stream
20 video, participate in any video conferencing application,
21 including, but not limited to, Zoom, Microsoft Teams, or
22 WebEx, or access any social media site, including, but not
23 limited to, Facebook, Snapchat, Instagram, or Twitter. The

1 exemptions in paragraphs (3) and (9) of subsection (d) do not
2 apply when a person is using the electronic communication
3 device to watch or stream video, participate in any video
4 conferencing application, or access any social media site.

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

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

18 (d) This Section does not apply to:

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

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

1 duties;

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

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

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

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

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

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

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

25 (9) a driver using an electronic communication device
26 by pressing a single button to initiate or terminate a

1 voice communication; or

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

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

15 (Source: P.A. 101-81, eff. 7-12-19; 101-90, eff. 7-1-20;
16 101-297, eff. 1-1-20; 102-558, eff. 8-20-21.)

17 (Text of Section after amendment by P.A. 102-982)

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9 exemptions in paragraphs (3) and (9) of subsection (d) do not
10 apply when a person is using the electronic communication
11 device to watch or stream video, participate in any video
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14 communication device when he or she violates subsection (b)
15 and in committing the violation he or she is involved in a
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18 the violation is a proximate cause of the injury or death.

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22 \$75 for a first offense, \$100 for a second offense, \$125 for a
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24 101-297, eff. 1-1-20; 102-558, eff. 8-20-21; 102-982, eff.
25 7-1-23.)

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