

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB2791**

Introduced 1/13/2026, by Sen. Laura M. Murphy

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that using an electronic communication device includes recording a video, holding a device in one's hand or lap, composing, sending, or reading any text-based communication, or browsing the Internet. Provides that a person is presumed to be in use of an electronic communication device while driving if the electronic communication device is observed in the person's hand while the vehicle is in motion or stopped in traffic. Changes the penalties for the use of an electronic communication device while driving to: for a first offense, a fine not to exceed \$250 (instead of \$75); for a second offense, a fine not to exceed \$500 (instead of \$100) and the person must complete a Distracted Driving Safety Course; and for a third or subsequent offense, a fine not to exceed \$750 (instead of \$125) and a suspension of the person's driver's license for a period of not less than 3 months and not more than 6 months. Includes exceptions for a public transit or commercial driver using a digital dispatch device within the scope of employment and a driver using the phone for a brief, specific purpose while the vehicle is fully and completely stopped at a red light, as long as the purpose is achieved and the electronic communication device use ceases before the light turns green. Requires that the exception for a driver using an electronic communication device in hands-free or voice-operated mode must be 18 or older. Authorizes a municipality to establish an automated distracted driving enforcement program. Provides for the implementation of a distracted driving awareness campaign. Makes other changes. Effective January 1, 2027.

LRB104 16650 LNS 30054 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 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:

16 "Electronic communication device" means an electronic  
17 device capable of text messaging, emailing, Internet browsing,  
18 or voice communication, including, but not limited to, a  
19 hand-held wireless telephone, hand-held personal digital  
20 assistant, tablet, or a portable or mobile computer.  
21 "Electronic communication device" ~~but~~ does not include a  
22 global positioning system or navigation system, ~~or~~ a device

1 that is physically or electronically integrated into the motor  
2 vehicle, or an electronic feature preinstalled in the vehicle  
3 itself, such as a touch screen or CarPlay.

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

7 "Hands-free mode" means the use of an electronic  
8 communication device without the use of either hand, except to  
9 activate or deactivate a function with a single touch, and  
10 with the device mounted or resting in a fixed location.

11 "Operating a motor vehicle" means driving or being in  
12 actual physical control of a motor vehicle on a public road,  
13 including times when the vehicle is temporarily stationary due  
14 to traffic, a traffic control device, or other momentary  
15 delays. "Operating a motor vehicle" does not include a vehicle  
16 stopped at a red light, so long as the use of the electronic  
17 device does not exceed the amount of time that the light is  
18 red.

19 (b) A person may not operate a motor vehicle on a roadway  
20 while manually using an electronic communication device,  
21 including using an electronic communication device to watch,  
22 record, or stream video, participate in any video conferencing  
23 application, including, but not limited to, Zoom, Microsoft  
24 Teams, or WebEx, ~~or~~ access any social media site, including,  
25 but not limited to, Facebook, Snapchat, Instagram, or Twitter,  
26 holding a device in one's hand or lap, composing, sending, or

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

7 A driver is presumed to be in violation of this subsection  
8 if the electronic communication device is observed in the  
9 person's hand while the vehicle is in motion or stopped in  
10 traffic.

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

17 (c) A violation of this Section is an offense against  
18 traffic regulations governing the movement of vehicles. A  
19 ~~person who violates this Section shall be fined a maximum of~~  
20 ~~\$75 for a first offense, \$100 for a second offense, \$125 for a~~  
21 ~~third offense, and \$150 for a fourth or subsequent offense,~~  
22 ~~except that~~ a person who violates subsection (b-5) shall be  
23 assessed a minimum fine of \$1,000. A person who violates  
24 subsection (b) commits a petty offense with the following  
25 penalties:

26 (1) For a first offense, a fine not to exceed \$250. The

1 offense shall be recorded as a moving violation and  
2 reported to the Secretary of State.

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

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

14 (d) This Section does not apply to:

15 (1) a law enforcement officer or operator of an  
16 emergency vehicle while performing his or her official  
17 duties;

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

24 (1.7) a public transit or commercial driver using a  
25 digital dispatch device within the scope of employment;

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 who is 18 or older using an electronic  
5 communication device in hands-free or voice-operated mode,  
6 which may include the use of a headset, such as using a  
7 speakerphone or Bluetooth, listening to music or podcasts,  
8 or using a global positioning system or other digital map;

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 (6.5) a driver using the phone for a brief, specific  
21 purpose while the vehicle is fully and completely stopped  
22 at a red light, as long as the purpose is achieved and the  
23 electronic communication device use ceases before the  
24 light turns green;

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

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

4           (9) a driver using an electronic communication device  
5           by pressing a single button to initiate or terminate a  
6           voice communication; or

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

14          These exceptions shall be narrowly construed and the  
15          burden of proof shall be on the driver to show that an  
16          exception applies.

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

23          (f) This Section shall be enforced by State and local law  
24          enforcement agencies. A police officer who observes a  
25          violation may stop and issue a citation to the driver. In  
26          addition, a municipality is authorized to establish an

1 automated distracted driving enforcement program as follows:

2 (1) A municipality, in coordination with the  
3 Department of Transportation and Illinois State Police,  
4 may deploy automated traffic cameras or devices to detect  
5 and record violations of this Section. The automated  
6 traffic cameras or devices may be mounted on toll plazas,  
7 overpasses, police vehicles, or other fixed locations and  
8 shall capture photographic or video evidence of the  
9 offense, such as images of the driver holding a phone  
10 while looking away from the road.

11 (2) Within 30 days of a violation, the registered  
12 owner of the vehicle shall be mailed a citation, including  
13 the images and details of the offense. The citation shall  
14 carry the same fine and record consequences as a standard  
15 violation. The owner may contest the citation pursuant to  
16 procedures set by the municipality, including by showing  
17 that the owner was not driving, that the owner is subject  
18 to an exemption, or that no violation occurred.

19 (3) Photos or videos obtained through a program shall  
20 be used exclusively for enforcing this Section and shall  
21 not be retained longer than 90 days if no violation is  
22 recorded. All images of vehicle occupants not relevant to  
23 the offense shall be pixelated or obscured to protect  
24 privacy. All photos and videos obtained through a program  
25 shall be reviewed by a trained law enforcement officer  
26 prior to citation issuance to ensure accuracy and minimize



1 wrongful citations due to technological or artificial  
2 intelligence error.

3 (4) The local law enforcement agency shall oversee a  
4 program, and an annual report shall be provided to the  
5 municipality detailing the number of citations issued, the  
6 locations of cameras, and any measurable impact on crash  
7 rates.

8 Nothing in this subsection prohibits State-authorized  
9 automated enforcement as provided by future State law. A  
10 program shall become operative only upon confirmation that it  
11 does not conflict with State law or upon the enactment of  
12 enabling legislation by the General Assembly.

13 (g) The Department of Transportation and the Secretary of  
14 State, in coordination with municipalities and other  
15 stakeholders, shall implement a distracted driving awareness  
16 campaign. Elements of the campaign shall include:

17 (1) The posting of signs on major roadways notifying  
18 drivers of the provisions of this Section and the  
19 penalties for violation of this Section.

20 (2) Outreach to driver education programs and schools  
21 to incorporate distracted driving material in their  
22 instruction and exams.

23 (3) Public service announcements via local media,  
24 social media, and other channels to inform the public  
25 about the dangers of distracted driving and the new  
26 enforcement efforts.

1           (4) Partnerships with law enforcement to publicize  
2           periods of heightened enforcement, such as a "distracted  
3           driving crackdown week".

4           The campaign shall continue at least through the first  
5           year following the effective date of this amendatory Act of  
6           the 104th General Assembly, with periodic reinforcement  
7           thereafter pending data demonstrating the campaign's  
8           effectiveness, such as any measurable decrease in distracted  
9           driving violations over the preceding year.

10          (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;  
11          103-310, eff. 1-1-24.)

12          Section 99. Effective date. This Act takes effect January  
13          1, 2027.