



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Robert S. Molaro

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.1 new
30 ILCS 805/8.28 new

Amends the Illinois Vehicle Code. Makes it a petty offense to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free operation, and is used in that manner while driving. Provides that the offense is punishable by a fine of not more than \$20 for a first offense and not more than \$50 for each subsequent offense. Provides that this prohibition does not apply to a person who is using the wireless telephone to contact a law enforcement agency or public safety entity for emergency purposes, as specified. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB093 16096 DRH 41724 b

1 AN ACT in relation to vehicles.

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 adding
5 Section 12-610.1 as follows:

6 (625 ILCS 5/12-610.1 new)

7 Sec. 12-610.1. Wireless telephones.

8 (a) The General Assembly finds and declares all of the
9 following:

10 (1) There are significant safety benefits associated
11 with the availability of wireless communication
12 technologies, including providing assistance that helps
13 save lives and minimizes property damage.

14 (2) On a daily basis, Illinois drivers make thousands
15 of wireless telephone emergency 911 calls.

16 (3) The availability of wireless telephones in
17 automobiles allows motorists to report accidents, fires,
18 naturally occurring life-threatening situations, other
19 dangerous road conditions, road rage, dangerous driving,
20 criminal behavior such as drunk driving, and stranded
21 motorist situations.

22 (4) There is growing public concern regarding the
23 safety implications of the widespread practice of using
24 hand-held wireless telephones while operating motor
25 vehicles.

26 (5) It is in the best interests of the health and
27 welfare of the citizens of the State to enact one, uniform,
28 automotive wireless telephone use law that establishes
29 statewide safety guidelines for use of wireless telephones
30 while operating a motor vehicle.

31 (b) As used in this Section, "wireless telephone" means a
32 device that is capable of transmitting or receiving telephonic

1 communications without a wire connecting the device to the
2 telephone network.

3 (c) A person may not drive a motor vehicle while using a
4 wireless telephone unless that telephone is specifically
5 designed and configured to allow hands-free operation, and is
6 used in that manner while driving.

7 (d) A violation of this Section is a petty offense
8 punishable by a fine of not more than \$20 for a first offense
9 and not more than \$50 for each subsequent offense.

10 (e) This Section does not apply to a person using a
11 wireless telephone for emergency purposes, including, but not
12 limited to, an emergency call to a law enforcement agency,
13 health care provider, fire department, or other emergency
14 services agency or entity.

15 Section 90. The State Mandates Act is amended by adding
16 Section 8.28 as follows:

17 (30 ILCS 805/8.28 new)

18 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and
19 8 of this Act, no reimbursement by the State is required for
20 the implementation of any mandate created by this amendatory
21 Act of the 93rd General Assembly.