



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5454

Introduced 2/5/2010, by Rep. Karen May

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 (rather than only prohibiting the composing, sending, or reading of electronic messages while operating a vehicle) unless the electronic communication device is used in hands-free or voice-activated mode or one of 5 other limited exceptions apply. Effective January 1, 2011.

LRB096 18608 AJT 33990 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 changing
5 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 wireless telephone,
11 personal digital assistant, or a portable or mobile computer
12 ~~while being used for the purpose of composing, reading, or~~
13 ~~sending an electronic message,~~ 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 ~~"Electronic message" means a self contained piece of~~
18 ~~digital communication that is designed or intended to be~~
19 ~~transmitted between physical devices. "Electronic message"~~
20 ~~includes, but is not limited to electronic mail, a text~~
21 ~~message, an instant message, or a command or request to access~~
22 ~~an Internet site.~~

23 (b) A person may not operate a motor vehicle on a roadway

1 while using an electronic communication device ~~to compose,~~
2 ~~send, or read an electronic message.~~

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

5 (d) This Section does not apply to:

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

9 (2) a driver using an electronic communication device
10 for the sole purpose of reporting an emergency situation
11 and continued communication with emergency personnel
12 during the emergency situation;

13 (3) a driver using an electronic communication device
14 in hands-free or voice-activated mode; ~~or~~

15 (4) a driver of a commercial motor vehicle reading a
16 message displayed on a permanently installed communication
17 device designed for a commercial motor vehicle with a
18 screen that does not exceed 10 inches tall by 10 inches
19 wide in size;

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

22 (6) a driver using an electronic communication device
23 when the vehicle is stopped due to normal traffic being
24 obstructed and the driver has the motor vehicle
25 transmission in neutral or park.

26 (Source: P.A. 96-130, eff. 1-1-10; revised 11-4-09.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2011.