

NEW LIMITATIONS ON USE OF CELL PHONES AND PDAS WHILE DRIVING

With the passage of Public Act 98-0506, the Illinois legislature recently amended Section 12-610.2 of the Illinois Vehicle Code (625 ILCS 5/12-610.2) regarding the use of electronic communication devices while an individual is operating a motor vehicle. The updated law specifically states: "A person may not operate a motor vehicle on a roadway while using an electronic device." This new regulation takes effect starting January 1, 2014. The term "electronic communication device" is defined as "an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant or a portable or mobile computer, but does not include a global positioning system, navigation system, or any device that is physically or electronically integrated into the motor vehicle."

The amended law also contains the following expanded list of exceptions to which this prohibition on the use of electronic communication devices while an individual is operating a motor vehicle does not apply to (the underlined text represents the amendments):

1. a law enforcement officer or operator of an emergency vehicle while performing his or her official duties;
2. a driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;
3. a driver using an electronic device in a hands-free or voice-operated mode, which may include the use of a headset;
4. a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;

For more information about matters discussed in this issue, please feel free to contact Klein, Thorpe and Jenkins.



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5. a driver using an electronic communication device while parked on the shoulder of a roadway;
6. a driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;
7. a driver using two-way or citizens band radio services;
8. a driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in the amateur radio service;
9. a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or
10. a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited by this Section.



The updated law provides for the following penalties:

1. A second or subsequent violation of this Section is an offense against traffic regulations governing the movement of vehicles.
2. A person who violates this Section shall be fined a maximum of \$75 for a first offense, \$100 for a second offense, \$125 for a third offense, and \$150 for a fourth or subsequent offense.

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