



Rep. Maurice A. West, II

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10100SB0086ham001

LRB101 04623 TAE 60293 a

1 AMENDMENT TO SENATE BILL 86

2 AMENDMENT NO. _____. Amend Senate Bill 86 by replacing
3 everything after the enacting clause with the following:

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. 100-858)

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, or a portable
13 or mobile computer, but does not include a global positioning
14 system or navigation system or a device that is physically or
15 electronically integrated into the motor vehicle.

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

1 while using an electronic communication device.

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

8 (c) A second or subsequent violation of this Section is an
9 offense against traffic regulations governing the movement of
10 vehicles. A person who violates this Section shall be fined a
11 maximum of \$75 for a first offense, \$100 for a second offense,
12 \$125 for a third offense, and \$150 for a fourth or subsequent
13 offense.

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 ~~responders~~, while operating his or her own
20 personal motor vehicle using an electronic communication
21 device for the sole purpose of receiving information about
22 an emergency situation while en route to performing his or
23 her official duties;

24 (2) a driver using an electronic communication device
25 for the sole purpose of reporting an emergency situation
26 and continued communication with emergency personnel

1 during the emergency situation;

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

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

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

12 (6) a driver using an electronic communication device
13 when the vehicle is stopped due to normal traffic being
14 obstructed and the driver has the motor vehicle
15 transmission in neutral or park;

16 (7) a driver using two-way or citizens band radio
17 services;

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

21 (9) a driver using an electronic communication device
22 by pressing a single button to initiate or terminate a
23 voice communication; or

24 (10) a driver using an electronic communication device
25 capable of performing multiple functions, other than a
26 hand-held wireless telephone or hand-held personal digital

1 assistant (for example, a fleet management system,
2 dispatching device, citizens band radio, or music player)
3 for a purpose that is not otherwise prohibited by this
4 Section.

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

11 (Source: P.A. 100-727, eff. 8-3-18; revised 10-15-18.)

12 (Text of Section after amendment by P.A. 100-858)
13 Sec. 12-610.2. Electronic communication devices.

14 (a) As used in this Section:

15 "Electronic communication device" means an electronic
16 device, including, but not limited to, a hand-held wireless
17 telephone, hand-held personal digital assistant, or a portable
18 or mobile computer, but does not include a global positioning
19 system or navigation system or a device that is physically or
20 electronically integrated into the motor vehicle.

21 (b) A person may not operate a motor vehicle on a roadway
22 while using an electronic communication device, including
23 using an electronic communication device to watch or stream
24 video.

25 (b-5) A person commits aggravated use of an electronic

1 communication device when he or she violates subsection (b) and
2 in committing the violation he or she is ~~was~~ involved in a
3 motor vehicle accident that results in great bodily harm,
4 permanent disability, disfigurement, or death to another and
5 the violation is ~~was~~ a proximate cause of the injury or death.

6 (c) A violation of this Section is an offense against
7 traffic regulations governing the movement of vehicles. A
8 person who violates this Section shall be fined a maximum of
9 \$75 for a first offense, \$100 for a second offense, \$125 for a
10 third offense, and \$150 for a fourth or subsequent offense.

11 (d) This Section does not apply to:

12 (1) a law enforcement officer or operator of an
13 emergency vehicle while performing his or her official
14 duties;

15 (1.5) a first responder, including a volunteer first
16 responder ~~responders~~, while operating his or her own
17 personal motor vehicle using an electronic communication
18 device for the sole purpose of receiving information about
19 an emergency situation while en route to performing his or
20 her official duties;

21 (2) a driver using an electronic communication device
22 for the sole purpose of reporting an emergency situation
23 and continued communication with emergency personnel
24 during the emergency situation;

25 (3) a driver using an electronic communication device
26 in hands-free or voice-operated mode, which may include the

1 use of a headset;

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

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

9 (6) a driver using an electronic communication device
10 when the vehicle is stopped due to normal traffic being
11 obstructed and the driver has the motor vehicle
12 transmission in neutral or park;

13 (7) a driver using two-way or citizens band radio
14 services;

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

18 (9) a driver using an electronic communication device
19 by pressing a single button to initiate or terminate a
20 voice communication; or

21 (10) a driver using an electronic communication device
22 capable of performing multiple functions, other than a
23 hand-held wireless telephone or hand-held personal digital
24 assistant (for example, a fleet management system,
25 dispatching device, citizens band radio, or music player)
26 for a purpose that is not otherwise prohibited by this

1 Section.

2 (e) A person convicted of violating subsection (b-5)
3 commits a Class A misdemeanor if the violation resulted in
4 great bodily harm, permanent disability, or disfigurement to
5 another. A person convicted of violating subsection (b-5)
6 commits a Class 4 felony if the violation resulted in the death
7 of another person.

8 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
9 revised 10-15-18.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act."