



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB4173

Introduced 2/15/2022, by Sen. Steve McClure

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204

from Ch. 95 1/2, par. 6-204

625 ILCS 5/12-610.1

Amends the Illinois Vehicle Code. Requires the Secretary of State to suspend the driver's license issued to a person charged with aggravated use of a wireless telephone resulting in the death of another person immediately after: an indictment has been returned by a grand jury; a preliminary hearing after which a judge finds there is probable cause to believe the person has committed one of the offenses; or the person has waived a preliminary hearing. Requires the suspension to remain in effect until the case is resolved by a sentencing hearing, a dismissal of the charge, or an entry of a not guilty verdict. Requires the Secretary of State to revoke the driver's license issued to a person convicted of aggravated use of a wireless telephone resulting in the death of another person, for not less than 3 years, commencing on the date of the person's sentencing hearing. Makes corresponding changes. Provides that the amendatory Act may be referred to as the Protz-Lidy Act.

LRB102 26292 LNS 36231 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. References to Act. This Act may be referred to  
5 as the Protz-Lidy Act.

6 Section 5. The Illinois Vehicle Code is amended by  
7 changing Sections 6-204 and 12-610.1 as follows:

8 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

9 (Text of Section before amendment by P.A. 101-652)

10 Sec. 6-204. When court to forward license and reports.

11 (a) For the purpose of providing to the Secretary of State  
12 the records essential to the performance of the Secretary's  
13 duties under this Code to cancel, revoke or suspend the  
14 driver's license and privilege to drive motor vehicles of  
15 certain minors and of persons found guilty of the criminal  
16 offenses or traffic violations which this Code recognizes as  
17 evidence relating to unfitness to safely operate motor  
18 vehicles, the following duties are imposed upon public  
19 officials:

20 (1) Whenever any person is convicted of any offense  
21 for which this Code makes mandatory the cancellation or  
22 revocation of the driver's license or permit of such

1 person by the Secretary of State, the judge of the court in  
2 which such conviction is had shall require the surrender  
3 to the clerk of the court of all driver's licenses or  
4 permits then held by the person so convicted, and the  
5 clerk of the court shall, within 5 days thereafter,  
6 forward the same, together with a report of such  
7 conviction, to the Secretary.

8 (2) Whenever any person is convicted of any offense  
9 under this Code or similar offenses under a municipal  
10 ordinance, other than regulations governing standing,  
11 parking or weights of vehicles, and excepting the  
12 following enumerated Sections of this Code: Sections  
13 11-1406 (obstruction to driver's view or control), 11-1407  
14 (improper opening of door into traffic), 11-1410 (coasting  
15 on downgrade), 11-1411 (following fire apparatus),  
16 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
17 vehicle which is in unsafe condition or improperly  
18 equipped), 12-201(a) (daytime lights on motorcycles),  
19 12-202 (clearance, identification and side marker lamps),  
20 12-204 (lamp or flag on projecting load), 12-205 (failure  
21 to display the safety lights required), 12-401  
22 (restrictions as to tire equipment), 12-502 (mirrors),  
23 12-503 (windshields must be unobstructed and equipped with  
24 wipers), 12-601 (horns and warning devices), 12-602  
25 (mufflers, prevention of noise or smoke), 12-603 (seat  
26 safety belts), 12-702 (certain vehicles to carry flares or

1 other warning devices), 12-703 (vehicles for oiling roads  
2 operated on highways), 12-710 (splash guards and  
3 replacements), 13-101 (safety tests), 15-101 (size, weight  
4 and load), 15-102 (width), 15-103 (height), 15-104 (name  
5 and address on second division vehicles), 15-107 (length  
6 of vehicle), 15-109.1 (cover or tarpaulin), 15-111  
7 (weights), 15-112 (weights), 15-301 (weights), 15-316  
8 (weights), 15-318 (weights), and also excepting the  
9 following enumerated Sections of the Chicago Municipal  
10 Code: Sections 27-245 (following fire apparatus), 27-254  
11 (obstruction of traffic), 27-258 (driving vehicle which is  
12 in unsafe condition), 27-259 (coasting on downgrade),  
13 27-264 (use of horns and signal devices), 27-265  
14 (obstruction to driver's view or driver mechanism), 27-267  
15 (dimming of headlights), 27-268 (unattended motor  
16 vehicle), 27-272 (illegal funeral procession), 27-273  
17 (funeral procession on boulevard), 27-275 (driving freight  
18 hauling vehicles on boulevard), 27-276 (stopping and  
19 standing of buses or taxicabs), 27-277 (cruising of public  
20 passenger vehicles), 27-305 (parallel parking), 27-306  
21 (diagonal parking), 27-307 (parking not to obstruct  
22 traffic), 27-308 (stopping, standing or parking  
23 regulated), 27-311 (parking regulations), 27-312 (parking  
24 regulations), 27-313 (parking regulations), 27-314  
25 (parking regulations), 27-315 (parking regulations),  
26 27-316 (parking regulations), 27-317 (parking

1 regulations), 27-318 (parking regulations), 27-319  
2 (parking regulations), 27-320 (parking regulations),  
3 27-321 (parking regulations), 27-322 (parking  
4 regulations), 27-324 (loading and unloading at an angle),  
5 27-333 (wheel and axle loads), 27-334 (load restrictions  
6 in the downtown district), 27-335 (load restrictions in  
7 residential areas), 27-338 (width of vehicles), 27-339  
8 (height of vehicles), 27-340 (length of vehicles), 27-352  
9 (reflectors on trailers), 27-353 (mufflers), 27-354  
10 (display of plates), 27-355 (display of city vehicle tax  
11 sticker), 27-357 (identification of vehicles), 27-358  
12 (projecting of loads), and also excepting the following  
13 enumerated paragraphs of Section 2-201 of the Rules and  
14 Regulations of the Illinois State Toll Highway Authority:  
15 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
16 transporting dangerous cargo not properly indicated), it  
17 shall be the duty of the clerk of the court in which such  
18 conviction is had within 5 days thereafter to forward to  
19 the Secretary of State a report of the conviction and the  
20 court may recommend the suspension of the driver's license  
21 or permit of the person so convicted.

22 The reporting requirements of this subsection shall  
23 apply to all violations stated in paragraphs (1) and (2)  
24 of this subsection when the individual has been  
25 adjudicated under the Juvenile Court Act or the Juvenile  
26 Court Act of 1987. Such reporting requirements shall also

1 apply to individuals adjudicated under the Juvenile Court  
2 Act or the Juvenile Court Act of 1987 who have committed a  
3 violation of Section 11-501 of this Code, or similar  
4 provision of a local ordinance, or Section 9-3 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012,  
6 relating to the offense of reckless homicide, or Section  
7 5-7 of the Snowmobile Registration and Safety Act or  
8 Section 5-16 of the Boat Registration and Safety Act,  
9 relating to the offense of operating a snowmobile or a  
10 watercraft while under the influence of alcohol, other  
11 drug or drugs, intoxicating compound or compounds, or  
12 combination thereof. These reporting requirements also  
13 apply to individuals adjudicated under the Juvenile Court  
14 Act of 1987 based on any offense determined to have been  
15 committed in furtherance of the criminal activities of an  
16 organized gang, as provided in Section 5-710 of that Act,  
17 if those activities involved the operation or use of a  
18 motor vehicle. It shall be the duty of the clerk of the  
19 court in which adjudication is had within 5 days  
20 thereafter to forward to the Secretary of State a report  
21 of the adjudication and the court order requiring the  
22 Secretary of State to suspend the minor's driver's license  
23 and driving privilege for such time as determined by the  
24 court, but only until he or she attains the age of 18  
25 years. All juvenile court dispositions reported to the  
26 Secretary of State under this provision shall be processed

1 by the Secretary of State as if the cases had been  
2 adjudicated in traffic or criminal court. However,  
3 information reported relative to the offense of reckless  
4 homicide, or Section 11-501 of this Code, or a similar  
5 provision of a local ordinance, shall be privileged and  
6 available only to the Secretary of State, courts, and  
7 police officers.

8 The reporting requirements of this subsection (a)  
9 apply to all violations listed in paragraphs (1) and (2)  
10 of this subsection (a), excluding parking violations, when  
11 the driver holds a CLP or CDL, regardless of the type of  
12 vehicle in which the violation occurred, or when any  
13 driver committed the violation in a commercial motor  
14 vehicle as defined in Section 6-500 of this Code.

15 (3) Whenever an order is entered vacating the  
16 forfeiture of any bail, security or bond given to secure  
17 appearance for any offense under this Code or similar  
18 offenses under municipal ordinance, it shall be the duty  
19 of the clerk of the court in which such vacation was had or  
20 the judge of such court if such court has no clerk, within  
21 5 days thereafter to forward to the Secretary of State a  
22 report of the vacation.

23 (4) A report of any disposition of court supervision  
24 for a violation of Sections 6-303, 11-401, 11-501 or a  
25 similar provision of a local ordinance, 11-503, 11-504,  
26 and 11-506 of this Code, Section 5-7 of the Snowmobile

1 Registration and Safety Act, and Section 5-16 of the Boat  
2 Registration and Safety Act shall be forwarded to the  
3 Secretary of State. A report of any disposition of court  
4 supervision for a violation of an offense defined as a  
5 serious traffic violation in this Code or a similar  
6 provision of a local ordinance committed by a person under  
7 the age of 21 years shall be forwarded to the Secretary of  
8 State.

9 (5) Reports of conviction under this Code and  
10 sentencing hearings under the Juvenile Court Act of 1987  
11 in an electronic format or a computer processible medium  
12 shall be forwarded to the Secretary of State via the  
13 Supreme Court in the form and format required by the  
14 Illinois Supreme Court and established by a written  
15 agreement between the Supreme Court and the Secretary of  
16 State. In counties with a population over 300,000, instead  
17 of forwarding reports to the Supreme Court, reports of  
18 conviction under this Code and sentencing hearings under  
19 the Juvenile Court Act of 1987 in an electronic format or a  
20 computer processible medium may be forwarded to the  
21 Secretary of State by the Circuit Court Clerk in a form and  
22 format required by the Secretary of State and established  
23 by written agreement between the Circuit Court Clerk and  
24 the Secretary of State. Failure to forward the reports of  
25 conviction or sentencing hearing under the Juvenile Court  
26 Act of 1987 as required by this Section shall be deemed an



1           omission of duty and it shall be the duty of the several  
2           State's Attorneys to enforce the requirements of this  
3           Section.

4           (b) Whenever a restricted driving permit is forwarded to a  
5           court, as a result of confiscation by a police officer  
6           pursuant to the authority in Section 6-113(f), it shall be the  
7           duty of the clerk, or judge, if the court has no clerk, to  
8           forward such restricted driving permit and a facsimile of the  
9           officer's citation to the Secretary of State as expeditiously  
10          as practicable.

11          (c) For the purposes of this Code, a forfeiture of bail or  
12          collateral deposited to secure a defendant's appearance in  
13          court when forfeiture has not been vacated, or the failure of a  
14          defendant to appear for trial after depositing his driver's  
15          license in lieu of other bail, shall be equivalent to a  
16          conviction.

17          (d) For the purpose of providing the Secretary of State  
18          with records necessary to properly monitor and assess driver  
19          performance and assist the courts in the proper disposition of  
20          repeat traffic law offenders, the clerk of the court shall  
21          forward to the Secretary of State, on a form prescribed by the  
22          Secretary, records of a driver's participation in a driver  
23          remedial or rehabilitative program which was required, through  
24          a court order or court supervision, in relation to the  
25          driver's arrest for a violation of Section 11-501 of this Code  
26          or a similar provision of a local ordinance. The clerk of the

1 court shall also forward to the Secretary, either on paper or  
2 in an electronic format or a computer processible medium as  
3 required under paragraph (5) of subsection (a) of this  
4 Section, any disposition of court supervision for any traffic  
5 violation, excluding those offenses listed in paragraph (2) of  
6 subsection (a) of this Section. These reports shall be sent  
7 within 5 days after disposition, or, if the driver is referred  
8 to a driver remedial or rehabilitative program, within 5 days  
9 of the driver's referral to that program. These reports  
10 received by the Secretary of State, including those required  
11 to be forwarded under paragraph (a)(4), shall be privileged  
12 information, available only (i) to the affected driver, (ii)  
13 to the parent or guardian of a person under the age of 18 years  
14 holding an instruction permit or a graduated driver's license,  
15 and (iii) for use by the courts, police officers, prosecuting  
16 authorities, the Secretary of State, and the driver licensing  
17 administrator of any other state. In accordance with 49 C.F.R.  
18 Part 384, all reports of court supervision, except violations  
19 related to parking, shall be forwarded to the Secretary of  
20 State for all holders of a CLP or CDL or any driver who commits  
21 an offense while driving a commercial motor vehicle. These  
22 reports shall be recorded to the driver's record as a  
23 conviction for use in the disqualification of the driver's  
24 commercial motor vehicle privileges and shall not be  
25 privileged information.

26 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 6-204. When court to forward license and reports.

3 (a) For the purpose of providing to the Secretary of State  
4 the records essential to the performance of the Secretary's  
5 duties under this Code to cancel, revoke or suspend the  
6 driver's license and privilege to drive motor vehicles of  
7 certain minors and of persons found guilty of the criminal  
8 offenses or traffic violations which this Code recognizes as  
9 evidence relating to unfitness to safely operate motor  
10 vehicles, the following duties are imposed upon public  
11 officials:

12 (1) Whenever any person is convicted of any offense  
13 for which this Code makes mandatory the cancellation or  
14 revocation of the driver's license or permit of such  
15 person by the Secretary of State, the judge of the court in  
16 which such conviction is had shall require the surrender  
17 to the clerk of the court of all driver's licenses or  
18 permits then held by the person so convicted, and the  
19 clerk of the court shall, within 5 days thereafter,  
20 forward the same, together with a report of such  
21 conviction, to the Secretary.

22 (2) Whenever any person is convicted of any offense  
23 under this Code or similar offenses under a municipal  
24 ordinance, other than regulations governing standing,  
25 parking or weights of vehicles, and excepting the

1 following enumerated Sections of this Code: Sections  
2 11-1406 (obstruction to driver's view or control), 11-1407  
3 (improper opening of door into traffic), 11-1410 (coasting  
4 on downgrade), 11-1411 (following fire apparatus),  
5 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
6 vehicle which is in unsafe condition or improperly  
7 equipped), 12-201(a) (daytime lights on motorcycles),  
8 12-202 (clearance, identification and side marker lamps),  
9 12-204 (lamp or flag on projecting load), 12-205 (failure  
10 to display the safety lights required), 12-401  
11 (restrictions as to tire equipment), 12-502 (mirrors),  
12 12-503 (windshields must be unobstructed and equipped with  
13 wipers), 12-601 (horns and warning devices), 12-602  
14 (mufflers, prevention of noise or smoke), 12-603 (seat  
15 safety belts), 12-702 (certain vehicles to carry flares or  
16 other warning devices), 12-703 (vehicles for oiling roads  
17 operated on highways), 12-710 (splash guards and  
18 replacements), 13-101 (safety tests), 15-101 (size, weight  
19 and load), 15-102 (width), 15-103 (height), 15-104 (name  
20 and address on second division vehicles), 15-107 (length  
21 of vehicle), 15-109.1 (cover or tarpaulin), 15-111  
22 (weights), 15-112 (weights), 15-301 (weights), 15-316  
23 (weights), 15-318 (weights), and also excepting the  
24 following enumerated Sections of the Chicago Municipal  
25 Code: Sections 27-245 (following fire apparatus), 27-254  
26 (obstruction of traffic), 27-258 (driving vehicle which is

1 in unsafe condition), 27-259 (coasting on downgrade),  
2 27-264 (use of horns and signal devices), 27-265  
3 (obstruction to driver's view or driver mechanism), 27-267  
4 (dimming of headlights), 27-268 (unattended motor  
5 vehicle), 27-272 (illegal funeral procession), 27-273  
6 (funeral procession on boulevard), 27-275 (driving freight  
7 hauling vehicles on boulevard), 27-276 (stopping and  
8 standing of buses or taxicabs), 27-277 (cruising of public  
9 passenger vehicles), 27-305 (parallel parking), 27-306  
10 (diagonal parking), 27-307 (parking not to obstruct  
11 traffic), 27-308 (stopping, standing or parking  
12 regulated), 27-311 (parking regulations), 27-312 (parking  
13 regulations), 27-313 (parking regulations), 27-314  
14 (parking regulations), 27-315 (parking regulations),  
15 27-316 (parking regulations), 27-317 (parking  
16 regulations), 27-318 (parking regulations), 27-319  
17 (parking regulations), 27-320 (parking regulations),  
18 27-321 (parking regulations), 27-322 (parking  
19 regulations), 27-324 (loading and unloading at an angle),  
20 27-333 (wheel and axle loads), 27-334 (load restrictions  
21 in the downtown district), 27-335 (load restrictions in  
22 residential areas), 27-338 (width of vehicles), 27-339  
23 (height of vehicles), 27-340 (length of vehicles), 27-352  
24 (reflectors on trailers), 27-353 (mufflers), 27-354  
25 (display of plates), 27-355 (display of city vehicle tax  
26 sticker), 27-357 (identification of vehicles), 27-358

1 (projecting of loads), and also excepting the following  
2 enumerated paragraphs of Section 2-201 of the Rules and  
3 Regulations of the Illinois State Toll Highway Authority:  
4 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
5 transporting dangerous cargo not properly indicated), it  
6 shall be the duty of the clerk of the court in which such  
7 conviction is had within 5 days thereafter to forward to  
8 the Secretary of State a report of the conviction and the  
9 court may recommend the suspension of the driver's license  
10 or permit of the person so convicted.

11 The reporting requirements of this subsection shall  
12 apply to all violations stated in paragraphs (1) and (2)  
13 of this subsection when the individual has been  
14 adjudicated under the Juvenile Court Act or the Juvenile  
15 Court Act of 1987. Such reporting requirements shall also  
16 apply to individuals adjudicated under the Juvenile Court  
17 Act or the Juvenile Court Act of 1987 who have committed a  
18 violation of Section 11-501 of this Code, or similar  
19 provision of a local ordinance, or Section 9-3 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012,  
21 relating to the offense of reckless homicide, or Section  
22 5-7 of the Snowmobile Registration and Safety Act or  
23 Section 5-16 of the Boat Registration and Safety Act,  
24 relating to the offense of operating a snowmobile or a  
25 watercraft while under the influence of alcohol, other  
26 drug or drugs, intoxicating compound or compounds, or

1 combination thereof. These reporting requirements also  
2 apply to individuals adjudicated under the Juvenile Court  
3 Act of 1987 based on any offense determined to have been  
4 committed in furtherance of the criminal activities of an  
5 organized gang, as provided in Section 5-710 of that Act,  
6 if those activities involved the operation or use of a  
7 motor vehicle. It shall be the duty of the clerk of the  
8 court in which adjudication is had within 5 days  
9 thereafter to forward to the Secretary of State a report  
10 of the adjudication and the court order requiring the  
11 Secretary of State to suspend the minor's driver's license  
12 and driving privilege for such time as determined by the  
13 court, but only until he or she attains the age of 18  
14 years. All juvenile court dispositions reported to the  
15 Secretary of State under this provision shall be processed  
16 by the Secretary of State as if the cases had been  
17 adjudicated in traffic or criminal court. However,  
18 information reported relative to the offense of reckless  
19 homicide, or Section 11-501 of this Code, or a similar  
20 provision of a local ordinance, shall be privileged and  
21 available only to the Secretary of State, courts, and  
22 police officers.

23 The reporting requirements of this subsection (a)  
24 apply to all violations listed in paragraphs (1) and (2)  
25 of this subsection (a), excluding parking violations, when  
26 the driver holds a CLP or CDL, regardless of the type of

1 vehicle in which the violation occurred, or when any  
2 driver committed the violation in a commercial motor  
3 vehicle as defined in Section 6-500 of this Code.

4 (2.5) Whenever a person is charged with aggravated use  
5 of a wireless telephone resulting in the death of another  
6 person under subsection (b-5) or (e-5) of Section  
7 12-610.1, after an indictment has been returned by a grand  
8 jury, or following a hearing pursuant to Section 109-3 of  
9 the Code of Criminal Procedure of 1963 after which a judge  
10 finds there is probable cause to believe a person has  
11 committed one of the offenses, or the person has waived a  
12 preliminary hearing, it shall be the duty of the clerk of  
13 court in which the indictment, finding of probable cause,  
14 or waiver was entered, within 5 days thereafter, to  
15 forward to the Secretary of State a report of the  
16 indictment, finding of probable cause, or waiver.

17 (3) Whenever an order is entered vacating the  
18 conditions of pretrial release given to secure appearance  
19 for any offense under this Code or similar offenses under  
20 municipal ordinance, it shall be the duty of the clerk of  
21 the court in which such vacation was had or the judge of  
22 such court if such court has no clerk, within 5 days  
23 thereafter to forward to the Secretary of State a report  
24 of the vacation.

25 (4) A report of any disposition of court supervision  
26 for a violation of Sections 6-303, 11-401, 11-501 or a



1 similar provision of a local ordinance, 11-503, 11-504,  
2 and 11-506 of this Code, Section 5-7 of the Snowmobile  
3 Registration and Safety Act, and Section 5-16 of the Boat  
4 Registration and Safety Act shall be forwarded to the  
5 Secretary of State. A report of any disposition of court  
6 supervision for a violation of an offense defined as a  
7 serious traffic violation in this Code or a similar  
8 provision of a local ordinance committed by a person under  
9 the age of 21 years shall be forwarded to the Secretary of  
10 State.

11 (5) Reports of conviction under this Code and  
12 sentencing hearings under the Juvenile Court Act of 1987  
13 in an electronic format or a computer processible medium  
14 shall be forwarded to the Secretary of State via the  
15 Supreme Court in the form and format required by the  
16 Illinois Supreme Court and established by a written  
17 agreement between the Supreme Court and the Secretary of  
18 State. In counties with a population over 300,000, instead  
19 of forwarding reports to the Supreme Court, reports of  
20 conviction under this Code and sentencing hearings under  
21 the Juvenile Court Act of 1987 in an electronic format or a  
22 computer processible medium may be forwarded to the  
23 Secretary of State by the Circuit Court Clerk in a form and  
24 format required by the Secretary of State and established  
25 by written agreement between the Circuit Court Clerk and  
26 the Secretary of State. Failure to forward the reports of

1 conviction or sentencing hearing under the Juvenile Court  
2 Act of 1987 as required by this Section shall be deemed an  
3 omission of duty and it shall be the duty of the several  
4 State's Attorneys to enforce the requirements of this  
5 Section.

6 (b) Whenever a restricted driving permit is forwarded to a  
7 court, as a result of confiscation by a police officer  
8 pursuant to the authority in Section 6-113(f), it shall be the  
9 duty of the clerk, or judge, if the court has no clerk, to  
10 forward such restricted driving permit and a facsimile of the  
11 officer's citation to the Secretary of State as expeditiously  
12 as practicable.

13 (c) For the purposes of this Code, a violation of the  
14 conditions of pretrial release when the conditions of pretrial  
15 release have not been vacated, or the failure of a defendant to  
16 appear for trial after depositing his driver's license in lieu  
17 of other bail, shall be equivalent to a conviction.

18 (d) For the purpose of providing the Secretary of State  
19 with records necessary to properly monitor and assess driver  
20 performance and assist the courts in the proper disposition of  
21 repeat traffic law offenders, the clerk of the court shall  
22 forward to the Secretary of State, on a form prescribed by the  
23 Secretary, records of a driver's participation in a driver  
24 remedial or rehabilitative program which was required, through  
25 a court order or court supervision, in relation to the  
26 driver's arrest for a violation of Section 11-501 of this Code

1 or a similar provision of a local ordinance. The clerk of the  
2 court shall also forward to the Secretary, either on paper or  
3 in an electronic format or a computer processible medium as  
4 required under paragraph (5) of subsection (a) of this  
5 Section, any disposition of court supervision for any traffic  
6 violation, excluding those offenses listed in paragraph (2) of  
7 subsection (a) of this Section. These reports shall be sent  
8 within 5 days after disposition, or, if the driver is referred  
9 to a driver remedial or rehabilitative program, within 5 days  
10 of the driver's referral to that program. These reports  
11 received by the Secretary of State, including those required  
12 to be forwarded under paragraph (a)(4), shall be privileged  
13 information, available only (i) to the affected driver, (ii)  
14 to the parent or guardian of a person under the age of 18 years  
15 holding an instruction permit or a graduated driver's license,  
16 and (iii) for use by the courts, police officers, prosecuting  
17 authorities, the Secretary of State, and the driver licensing  
18 administrator of any other state. In accordance with 49 C.F.R.  
19 Part 384, all reports of court supervision, except violations  
20 related to parking, shall be forwarded to the Secretary of  
21 State for all holders of a CLP or CDL or any driver who commits  
22 an offense while driving a commercial motor vehicle. These  
23 reports shall be recorded to the driver's record as a  
24 conviction for use in the disqualification of the driver's  
25 commercial motor vehicle privileges and shall not be  
26 privileged information.

1 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20;  
2 101-652, eff. 1-1-23.)

3 (625 ILCS 5/12-610.1)

4 Sec. 12-610.1. Wireless telephones.

5 (a) As used in this Section, "wireless telephone" means a  
6 device that is capable of transmitting or receiving telephonic  
7 communications without a wire connecting the device to the  
8 telephone network.

9 (b) A person under the age of 19 years who holds an  
10 instruction permit issued under Section 6-105 or 6-107.1, or a  
11 person under the age of 19 years who holds a graduated license  
12 issued under Section 6-107, may not drive a vehicle on a  
13 roadway while using a wireless phone.

14 (b-5) A person under the age of 19 commits aggravated use  
15 of a wireless telephone when he or she violates subsection (b)  
16 and in committing the violation he or she was involved in a  
17 motor vehicle accident that results in great bodily harm,  
18 permanent disability, disfigurement, or death to another and  
19 the violation was a proximate cause of the injury or death.

20 (c) This Section does not apply to a person under the age  
21 of 19 years using a wireless telephone for emergency purposes,  
22 including, but not limited to, an emergency call to a law  
23 enforcement agency, health care provider, fire department, or  
24 other emergency services agency or entity.

25 (d) If a graduated driver's license holder over the age of

1 18 committed an offense against traffic regulations governing  
2 the movement of vehicles or any violation of Section 6-107 or  
3 Section 12-603.1 of this Code in the 6 months prior to the  
4 graduated driver's license holder's 18th birthday, and was  
5 subsequently convicted of the violation, the provisions of  
6 paragraph (b) shall continue to apply until such time as a  
7 period of 6 consecutive months has elapsed without an  
8 additional violation and subsequent conviction of an offense  
9 against traffic regulations governing the movement of vehicles  
10 or any violation of Section 6-107 or Section 12-603.1 of this  
11 Code.

12 (e) A person, regardless of age, may not use a wireless  
13 telephone at any time while operating a motor vehicle on a  
14 roadway in a school speed zone established under Section  
15 11-605, on a highway in a construction or maintenance speed  
16 zone established under Section 11-605.1, or within 500 feet of  
17 an emergency scene. As used in this Section, "emergency scene"  
18 means a location where an authorized emergency vehicle as  
19 defined by Section 1-105 of this Code is present and has  
20 activated its oscillating, rotating, or flashing lights. This  
21 subsection (e) does not apply to (i) a person engaged in a  
22 highway construction or maintenance project for which a  
23 construction or maintenance speed zone has been established  
24 under Section 11-605.1, (ii) a person using a wireless  
25 telephone for emergency purposes, including, but not limited  
26 to, law enforcement agency, health care provider, fire

1 department, or other emergency services agency or entity,  
2 (iii) a law enforcement officer or operator of an emergency  
3 vehicle when performing the officer's or operator's official  
4 duties, (iv) a person using a wireless telephone in  
5 voice-operated mode, which may include the use of a headset,  
6 (v) a person using a wireless telephone by pressing a single  
7 button to initiate or terminate a voice communication, or (vi)  
8 a person using an electronic communication device for the sole  
9 purpose of reporting an emergency situation and continued  
10 communication with emergency personnel during the emergency  
11 situation.

12 (e-5) A person commits aggravated use of a wireless  
13 telephone when he or she violates subsection (e) and in  
14 committing the violation he or she was involved in a motor  
15 vehicle accident that results in great bodily harm, permanent  
16 disability, disfigurement, or death to another and the  
17 violation was a proximate cause of the injury or death.

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

24 (g) The Secretary of State shall suspend the driver's  
25 license issued to a person charged with aggravated use of a  
26 wireless telephone resulting in the death of another person

1 under subsection (b-5) or (e-5) of this Section, immediately  
2 after: an indictment has been returned by a grand jury;  
3 following a hearing pursuant to Section 109-3 of the Code of  
4 Criminal Procedure of 1963 after which a judge finds there is  
5 probable cause to believe the person has committed one of the  
6 offenses; or the person has waived a preliminary hearing. The  
7 suspension shall remain in effect until the case is resolved  
8 by a sentencing hearing, a dismissal of the charge, or an entry  
9 of a not guilty verdict. The Secretary of State shall revoke  
10 the driver's license issued to a person convicted of  
11 aggravated use of a wireless telephone resulting in death  
12 under subsection (b-5) or (e-5) for not less than 3 years,  
13 commencing on the date of the person's sentencing hearing.

14 (Source: P.A. 97-828, eff. 7-20-12; 97-830, eff. 1-1-13;  
15 98-463, eff. 8-16-13; 98-507, eff. 1-1-14.)

16 Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.