



Rep. John D'Amico

Filed: 2/3/2012

09700HB3972ham001

LRB097 15981 HEP 65368 a

1 AMENDMENT TO HOUSE BILL 3972

2 AMENDMENT NO. _____. Amend House Bill 3972 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 Sec. 12-610.2. Electronic communication devices.

8 (a) As used in this Section, ~~Section:~~ "Electronic
9 communication device" means an electronic device, including
10 but not limited to a hand-held wireless telephone, hand-held
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.

1 ~~"Electronic message" means a self-contained piece of~~
2 ~~digital communication that is designed or intended to be~~
3 ~~transmitted between physical devices. "Electronic message"~~
4 ~~includes, but is not limited to electronic mail, a text~~
5 ~~message, an instant message, or a command or request to access~~
6 ~~an Internet site.~~

7 (b) A person may not operate a motor vehicle on a roadway
8 while using an electronic communication device ~~to compose,~~
9 ~~send, or read an electronic message.~~

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

15 (d) This Section does not apply to:

16 (1) a law enforcement officer or operator of an
17 emergency vehicle while performing his or her official
18 duties;

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

23 (3) a driver using an electronic communication device
24 in hands-free or voice-operated ~~voice-activated~~ mode,
25 which may include the use of a headset;

26 (4) a driver of a commercial motor vehicle reading a

1 message displayed on a permanently installed communication
2 device designed for a commercial motor vehicle with a
3 screen that does not exceed 10 inches tall by 10 inches
4 wide in size;

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

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

11 (7) a driver using two-way or citizens band radio
12 services or two-way mobile radio transmitter or receivers
13 for licensees of the Federal Communications Commission in
14 the amateur radio service;

15 (8) a driver using an electronic communication device
16 by pressing a single button to initiate or terminate a
17 voice communication; or

18 (9) a driver using an electronic communication device
19 capable of performing multiple functions (for example, a
20 fleet management system, dispatching device, smart phone,
21 citizens band radio, or music player) for a purpose that is
22 not otherwise prohibited by this Section.

23 (Source: P.A. 96-130, eff. 1-1-10; 96-1000, eff. 7-2-10.)".