



Rep. John D'Amico

Filed: 2/15/2012

09700HB3972ham003

LRB097 15981 HEP 65705 a

1 AMENDMENT TO HOUSE BILL 3972

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3972, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Section 12-610.2 as follows:

7 (625 ILCS 5/12-610.2)

8 Sec. 12-610.2. Electronic communication devices.

9 (a) As used in this Section, ~~Section:~~ "Electronic  
10 communication device" means an electronic device, including  
11 but not limited to a hand-held wireless telephone, hand-held  
12 personal digital assistant, or a portable or mobile computer  
13 ~~while being used for the purpose of composing, reading, or~~  
14 ~~sending an electronic message,~~ but does not include a global  
15 positioning system or navigation system or a device that is  
16 physically or electronically integrated into the motor

1 vehicle.

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

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

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

16 (d) This Section does not apply to:

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

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

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

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

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

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

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

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

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

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

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