



Rep. Robert F. Martwick

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09800HB4568ham001

LRB098 17992 MLW 56466 a

1 AMENDMENT TO HOUSE BILL 4568

2 AMENDMENT NO. _____. Amend House Bill 4568 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:

9 "Electronic communication device" means an electronic
10 device, including but not limited to a hand-held wireless
11 telephone, hand-held personal digital assistant, or a portable
12 or mobile computer, but does not include a global positioning
13 system or navigation system or a device that is physically or
14 electronically integrated into the motor vehicle.

15 (b) A person may not operate a motor vehicle on a roadway
16 while using an electronic communication device.

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

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

13 (d) This Section does not apply to:

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

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

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

24 (4) a driver of a commercial motor vehicle reading a
25 message displayed on a permanently installed communication
26 device designed for a commercial motor vehicle with a

1 screen that does not exceed 10 inches tall by 10 inches
2 wide in size;

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

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

9 (7) a driver using two-way or citizens band radio
10 services;

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

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

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

24 (e) A person convicted of violating subsection (b-5)
25 commits a Class A misdemeanor if the violation resulted in
26 great bodily harm, permanent disability, or disfigurement to

1 another.

2 (f) A person convicted of violating subsection (b-5)
3 commits a Class 2 ~~4~~ felony if the violation resulted in the
4 death of another person. A person sentenced under this
5 subsection (f) who receives a term of probation or conditional
6 discharge must serve a minimum term of 480 hours of community
7 service, if available in the jurisdiction, as a condition of
8 the probation or conditional discharge in addition to any other
9 criminal or administrative sanction.

10 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;
11 98-507, eff. 1-1-14; revised 9-19-13.)".