



Rep. Avery Bourne

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LRB099 20499 AXK 46425 a

1 AMENDMENT TO HOUSE BILL 5961

2 AMENDMENT NO. _____. Amend House Bill 5961 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 12-610.1, and 12-610.2 as follows:

6 (625 ILCS 5/12-610.1)

7 Sec. 12-610.1. Wireless telephones.

8 (a) As used in this Section, "wireless telephone" means a
9 device that is capable of transmitting or receiving telephonic
10 communications without a wire connecting the device to the
11 telephone network, except for a two-way or citizens band radio
12 service or a two-way mobile radio transmitter or receiver for a
13 licensee of the Federal Communications Commission in the
14 amateur radio service.

15 (b) A person may not drive a vehicle on a roadway while
16 using a wireless telephone. A person under the age of 19 years

1 who holds an instruction permit issued under Section 6-105 or
2 6-107.1, or a person under the age of 19 years who holds a
3 graduated license issued under Section 6-107, may not drive a
4 vehicle on a roadway while using a wireless phone.

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

11 (c) This Section does not apply to:

12 (1) a person using a wireless telephone for the sole
13 purpose of reporting an emergency situation and continued
14 communication with emergency personnel during the
15 emergency situation;

16 (2) a law enforcement officer or an operator of an
17 emergency services vehicle who is over the age of 19 years
18 using a wireless telephone while performing his or her
19 official duties;

20 (3) a driver over the age of 19 years using a wireless
21 telephone in hands-free or voice-operated mode; and

22 (4) a driver over the age of 19 years operating a
23 commercial motor vehicle while using a wireless telephone
24 within the permitted scope of his or her employment on a
25 permanently installed communication device designed for a
26 commercial motor vehicle and with a screen that does not

1 exceed 10 inches tall by 10 inches wide in size. ~~a person~~
2 ~~under the age of 19 years using a wireless telephone for~~
3 ~~emergency purposes, including, but not limited to, an~~
4 ~~emergency call to a law enforcement agency, health care~~
5 ~~provider, fire department, or other emergency services~~
6 ~~agency or entity.~~

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

19 (e) A person, ~~regardless of age,~~ may not use a wireless
20 telephone at any time while operating a motor vehicle on a
21 roadway in a school speed zone established under Section
22 11-605, on a highway in a construction or maintenance speed
23 zone established under Section 11-605.1, or within 500 feet of
24 an emergency scene. As used in this Section, "emergency scene"
25 means a location where an authorized emergency vehicle as
26 defined by Section 1-105 of this Code is present and has

1 activated its oscillating, rotating, or flashing lights. This
2 subsection (e) does not apply to ~~(i)~~ a person over the age of
3 19 years engaged in a highway construction or maintenance
4 project for which a construction or maintenance speed zone has
5 been established under Section 11-605.1, ~~(ii) a person using a~~
6 ~~wireless telephone for emergency purposes, including, but not~~
7 ~~limited to, law enforcement agency, health care provider, fire~~
8 ~~department, or other emergency services agency or entity, (iii)~~
9 ~~a law enforcement officer or operator of an emergency vehicle~~
10 ~~when performing the officer's or operator's official duties,~~
11 ~~(iv) a person using a wireless telephone in voice operated~~
12 ~~mode, which may include the use of a headset, (v) a person~~
13 ~~using a wireless telephone by pressing a single button to~~
14 ~~initiate or terminate a voice communication, or (vi) a person~~
15 ~~using an electronic communication device for the sole purpose~~
16 ~~of reporting an emergency situation and continued~~
17 ~~communication with emergency personnel during the emergency~~
18 ~~situation.~~

19 (e-5) (Blank). ~~A person commits aggravated use of a~~
20 ~~wireless telephone when he or she violates subsection (e) and~~
21 ~~in committing the violation he or she was involved in a motor~~
22 ~~vehicle accident that results in great bodily harm, permanent~~
23 ~~disability, disfigurement, or death to another and the~~
24 ~~violation was a proximate cause of the injury or death.~~

25 (f) A person violating subsection (b) commits a petty
26 offense. A person ~~convicted of violating subsection (b-5) or~~

1 ~~(e-5)~~ commits a Class A misdemeanor if the violation resulted
2 in great bodily harm, permanent disability, or disfigurement to
3 another. A person ~~convicted of~~ violating subsection (b-5) ~~or~~
4 ~~(e-5)~~ commits a Class 4 felony if the violation resulted in the
5 death of another person. Any violation of this Section is an
6 offense against traffic regulations governing the movement of
7 vehicles. A person who violates this Section shall be fined a
8 minimum of \$75 for a first offense, \$100 for a second offense,
9 \$125 for a third offense, and \$150 for a fourth or subsequent
10 offense.

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

13 (625 ILCS 5/12-610.2)

14 Sec. 12-610.2. Electronic communication devices.

15 (a) As used in this Section:

16 "Electronic communication device" means an electronic
17 device, including but not limited to a hand-held wireless
18 telephone, hand-held personal digital assistant, or a portable
19 or mobile computer, but does not include a global positioning
20 system or navigation system or a device that is physically or
21 electronically integrated into the motor vehicle, or a two-way
22 or citizens band radio service or a two-way mobile radio
23 transmitter or receiver for a licensee of the Federal
24 Communications Commission in the amateur radio service.

25 "Electronic message" means reading from or manually

1 entering data into an electronic communication device,
2 including using the device for the purpose of Short Message
3 Service (SMS) texting, emailing, instant messaging, or
4 engaging in any other form of electronic data retrieval or
5 electronic communication.

6 (b) A person may not operate a motor vehicle on a roadway
7 while using an electronic communication device for the purpose
8 of, but not limited to, composing, reading, or sending an
9 electronic message.

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

16 (c) A ~~second or subsequent~~ violation of subsection (b) this
17 Section is a petty offense. A violation of subsection (b-5) is
18 a Class A misdemeanor if the violation resulted in great bodily
19 harm, permanent disability, or disfigurement to another. A
20 violation of subsection (b-5) is a Class 4 felony if the
21 violation resulted in the death of another person. A violation
22 of this Section is an offense against traffic regulations
23 governing the movement of vehicles. A person who violates this
24 Section shall be fined a minimum ~~maximum~~ of \$75 for a first
25 offense, \$100 for a second offense, \$125 for a third offense,
26 and \$150 for a fourth or subsequent offense.

1 (d) This Section does not apply to:

2 (1) a law enforcement officer or operator of an
3 emergency vehicle who is over the age of 19 years using an
4 electronic communication device while performing his or
5 her official duties;

6 (2) a driver using an electronic communication device
7 for the sole purpose of reporting an emergency situation
8 and continued communication with emergency personnel
9 during the emergency situation;

10 (3) a driver over the age of 19 years using an
11 electronic communication device in hands-free or
12 voice-operated mode, ~~which may include the use of a~~
13 ~~headset;~~

14 (4) a driver over the age of 19 years operating of a
15 commercial motor vehicle while using the electronic
16 communication device within the permitted scope of his or
17 her employment ~~reading a message displayed~~ on a permanently
18 installed communication device designed for a commercial
19 motor vehicle with a screen that does not exceed 10 inches
20 tall by 10 inches wide in size;

21 (5) (blank); ~~a driver using an electronic~~
22 ~~communication device while parked on the shoulder of a~~
23 ~~roadway;~~

24 (6) (blank); ~~a driver using an electronic~~
25 ~~communication device when the vehicle is stopped due to~~
26 ~~normal traffic being obstructed and the driver has the~~

1 ~~motor vehicle transmission in neutral or park;~~

2 (7) (blank); ~~a driver using two-way or citizens band~~
3 ~~radio services;~~

4 (8) (blank); ~~a driver using two-way mobile radio~~
5 ~~transmitters or receivers for licensees of the Federal~~
6 ~~Communications Commission in the amateur radio service;~~

7 (9) (blank); ~~or a driver using an electronic~~
8 ~~communication device by pressing a single button to~~
9 ~~initiate or terminate a voice communication; or~~

10 (10) (blank). ~~a driver using an electronic~~
11 ~~communication device capable of performing multiple~~
12 ~~functions, other than a hand-held wireless telephone or~~
13 ~~hand-held personal digital assistant (for example, a fleet~~
14 ~~management system, dispatching device, citizens band~~
15 ~~radio, or music player) for a purpose that is not otherwise~~
16 ~~prohibited by this Section.~~

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

23 (f) A person may not use an electronic communication device
24 at any time while operating a motor vehicle on a roadway in a
25 school speed zone established under Section 11-605 of this
26 Code, on a highway in a construction or maintenance speed zone

1 under Section 11-605.1 of this Code, or within 500 feet of an
2 emergency scene. As used in this Section, "emergency scene"
3 means a location where an authorized emergency vehicle under
4 Section 1-105 of this Code is present and has activated its
5 oscillating, rotating, or flashing lights. In addition to the
6 exceptions under subsection (d) of this Section, this Section
7 does not apply to a person over the age of 19 years engaged in a
8 highway construction or maintenance project for which a
9 construction or maintenance speed zone has been established
10 under Section 11-605.1 of this Code.

11 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;
12 98-507, eff. 1-1-14; 98-756, eff. 7-16-14.)".