

HB2386



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2386

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that any person who commits a violation of the Section prohibiting the operation of an electronic communication device while operating a motor vehicle, and the violation results in an accident causing great bodily harm to any person, shall have his or her driver's license suspended for a period of one year and shall be assessed a fine of \$1,000. Effective immediately.

LRB101 08836 TAE 53925 b

A BILL FOR

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

6 (625 ILCS 5/12-610.2)

7 (Text of Section before amendment by P.A. 100-858)

8 Sec. 12-610.2. Electronic communication devices.

9 (a) As used in this Section:

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

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

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

1 (c) A second or subsequent violation of this Section is an
2 offense against traffic regulations governing the movement of
3 vehicles. A person who violates this Section shall be fined a
4 maximum of \$75 for a first offense, \$100 for a second offense,
5 \$125 for a third offense, and \$150 for a fourth or subsequent
6 offense, except that a person who violates subsection (b-5)
7 shall have his or her driver's license suspended for a period
8 of one year and shall be assessed a fine of \$1,000.

9 (d) This Section does not apply to:

10 (1) a law enforcement officer or operator of an
11 emergency vehicle while performing his or her official
12 duties;

13 (1.5) a first responder, including a volunteer first
14 responder ~~responders~~, while operating his or her own
15 personal motor vehicle using an electronic communication
16 device for the sole purpose of receiving information about
17 an emergency situation while en route to performing his or
18 her official 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 mode, which may include the
25 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;

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;

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

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

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

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

26 (e) A person convicted of violating subsection (b-5)

1 commits a Class A misdemeanor if the violation resulted in
2 great bodily harm, permanent disability, or disfigurement to
3 another. A person convicted of violating subsection (b-5)
4 commits a Class 4 felony if the violation resulted in the death
5 of another person.

6 (Source: P.A. 100-727, eff. 8-3-18; revised 10-15-18.)

7 (Text of Section after amendment by P.A. 100-858)

8 Sec. 12-610.2. Electronic communication devices.

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

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

24 (c) A violation of this Section is an offense against
25 traffic regulations governing the movement of vehicles. A

1 person who violates this Section shall be fined a maximum of
2 \$75 for a first offense, \$100 for a second offense, \$125 for a
3 third offense, and \$150 for a fourth or subsequent offense,
4 except that a person who violates subsection (b-5) shall have
5 his or her driver's license suspended for a period of one year
6 and shall be assessed a fine of \$1,000.

7 (d) This Section does not apply to:

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23 Section.

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25 commits a Class A misdemeanor if the violation resulted in
26 great bodily harm, permanent disability, or disfigurement to

1 another. A person convicted of violating subsection (b-5)
2 commits a Class 4 felony if the violation resulted in the death
3 of another person.

4 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
5 revised 10-15-18.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.