

# HB3487



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3487

by Rep. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that a person convicted of aggravated use of an electronic communication device while driving commits a Class 2 felony (rather than a Class 4 felony) if the violation resulted in death of another person. Provides that a person who commits a Class 2 felony under this Section and is sentenced to a term of probation or conditional discharge must serve a minimum term of 480 hours of community service, if available in the jurisdiction, as a condition of the probation or conditional discharge in addition to any other criminal or administrative sanction.

LRB099 09591 RJF 29800 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 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.

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

23 (c) A second or subsequent violation of this Section is an

1 offense against traffic regulations governing the movement of  
2 vehicles. A person who violates this Section shall be fined a  
3 maximum of \$75 for a first offense, \$100 for a second offense,  
4 \$125 for a third offense, and \$150 for a fourth or subsequent  
5 offense.

6 (d) This Section does not apply to:

7 (1) a law enforcement officer or operator of an  
8 emergency vehicle while performing his or her official  
9 duties;

10 (2) a driver using an electronic communication device  
11 for the sole purpose of reporting an emergency situation  
12 and continued communication with emergency personnel  
13 during the emergency situation;

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

17 (4) a driver of a commercial motor vehicle reading a  
18 message displayed on a permanently installed communication  
19 device designed for a commercial motor vehicle with a  
20 screen that does not exceed 10 inches tall by 10 inches  
21 wide in size;

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

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

1 transmission in neutral or park;

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

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

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

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

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

21 (f) A person convicted of violating subsection (b-5)  
22 commits a Class 2 ~~4~~ felony if the violation resulted in the  
23 death of another person. A person sentenced under this  
24 subsection (f) who receives a term of probation or conditional  
25 discharge must serve a minimum term of 480 hours of community  
26 service, if available in the jurisdiction, as a condition of

1 the probation or conditional discharge in addition to any other  
2 criminal or administrative sanction.

3 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;  
4 98-507, eff. 1-1-14; 98-756, eff. 7-16-14.)