



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4754

by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1425

from Ch. 95 1/2, par. 11-1425

Amends the Illinois Vehicle Code. Provides that a person who enters a railroad grade crossing and obstructs the passage of other vehicles or pedestrians or of a train or railroad equipment shall have his or her driver's license suspended for a period of one month, in addition to the imposition of a mandatory \$500 fine or 50 hours of community service. Provides that a person who receives a disposition of court supervision for this violation is also subject to a mandatory fine of \$500 or 50 hours of community service. Provides that upon a second violation, the person shall have his or her driving privileges suspended for a period of 3 months, in addition to the imposition of a fine of \$500 and 50 hours of community service. Provides that, in imposing the suspension, the court may grant the person a restricted driving permit for the duration of the suspension, subject to stated conditions.

LRB095 17755 LCT 43831 b

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 11-1425 as follows:

6 (625 ILCS 5/11-1425) (from Ch. 95 1/2, par. 11-1425)

7 Sec. 11-1425. Stop when traffic obstructed.

8 (a) No driver shall enter an intersection or a marked
9 crosswalk or drive onto any railroad grade crossing unless
10 there is sufficient space on the other side of the
11 intersection, crosswalk or railroad grade crossing to
12 accommodate the vehicle he is operating without obstructing the
13 passage of other vehicles, pedestrians or railroad trains
14 notwithstanding any traffic-control signal indication to
15 proceed.

16 (b) No driver shall enter a highway rail grade crossing
17 unless there is sufficient space on the other side of the
18 highway rail grade crossing to accommodate the vehicle being
19 operated without obstructing the passage of a train or other
20 railroad equipment using the rails, notwithstanding any
21 traffic-control signal indication to proceed. ~~Any person found~~
22 ~~in violation of subsection (b) shall be subject to a mandatory~~
23 ~~fine of \$500 or 50 hours of community service.~~

1 (c) (Blank). ~~Local authorities shall impose fines as~~
2 ~~established in subsection (b) for persons found in violation of~~
3 ~~this Section or any similar local ordinance.~~

4 (d) Beginning with the effective date of this amendatory
5 Act of the 95th General Assembly, the Secretary of State shall
6 suspend for a period of one month the driving privileges of any
7 person convicted of a violation of this Section or a similar
8 provision of a local ordinance; the Secretary shall suspend for
9 a period of 3 months the driving privileges of any person
10 convicted of a second or subsequent violation of this Section
11 or a similar provision of a local ordinance if the second or
12 subsequent violation occurs within 5 years of a prior
13 conviction for the same offense. In addition to the suspensions
14 authorized by this Section, any person convicted of violating
15 this Section or a similar provision of a local ordinance shall
16 be subject to a mandatory fine of \$500 or 50 hours of community
17 service. Any person given a disposition of court supervision
18 for violating this Section or a similar provision of a local
19 ordinance shall also be subject to a mandatory fine of \$500 or
20 50 hours of community service. Upon a second or subsequent
21 violation, in addition to the suspensions authorized by this
22 Section, the person shall be subject to a mandatory fine of
23 \$500 and 50 hours community service. The Secretary may also
24 grant, for the duration of any suspension issued under this
25 subsection, a restricted driving permit granting the privilege
26 of driving a motor vehicle between the driver's residence and

1 place of employment or within other proper limits that the
2 Secretary of State shall find necessary to avoid any undue
3 hardship. A restricted driving permit issued hereunder shall be
4 subject to cancellation, revocation and suspension by the
5 Secretary of State in like manner and for like cause as a
6 driver's license may be cancelled, revoked or suspended; except
7 that a conviction upon one or more offenses against laws or
8 ordinances regulating the movement of traffic shall be deemed
9 sufficient cause for the revocation, suspension or
10 cancellation of the restricted driving permit. The Secretary of
11 State may, as a condition to the issuance of a restricted
12 driving permit, require the applicant to participate in a
13 designated driver remedial or rehabilitative program. Any
14 conviction for a violation of this subsection shall be included
15 as an offense for the purposes of determining suspension action
16 under any other provision of this Code, provided however, that
17 the penalties provided under this subsection shall be imposed
18 unless those penalties imposed under other applicable
19 provisions are greater.

20 The owner of any vehicle alleged to have violated this
21 Section shall, upon appropriate demand by the State's Attorney
22 or other authorized prosecutor acting in response to a signed
23 complaint, provide a written statement or deposition
24 identifying the operator of the vehicle if such operator was
25 not the owner at the time of the alleged violation. Failure to
26 supply such information shall be construed to be the same as a

1 violation of this Section and shall be subject to the same
2 penalties herein provided. In the event the owner has assigned
3 control for the use of the vehicle to another, the person to
4 whom control was assigned shall comply with the provisions of
5 this paragraph and be subject to the same penalties as herein
6 provided.

7 (Source: P.A. 91-532, eff. 1-1-00.)