

HB2411



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2411

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-605.1

625 ILCS 5/11-908

from Ch. 95 1/2, par. 11-908

Amends the Illinois Vehicle Code. Requires construction and maintenance zones to install signs with flashing yellow lights that notify motorists of the presence of workers by having the flashing lights in operation while workers are present.

LRB098 08926 MLW 39058 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 Sections 11-605.1 and 11-908 as follows:

6 (625 ILCS 5/11-605.1)

7 Sec. 11-605.1. Special limit while traveling through a
8 highway construction or maintenance speed zone.

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit.

12 (b) Nothing in this Chapter prohibits the use of electronic
13 speed-detecting devices within 500 feet of signs within a
14 construction or maintenance speed zone indicating the zone, as
15 defined in this Section, nor shall evidence obtained by use of
16 those devices be inadmissible in any prosecution for speeding,
17 provided the use of the device shall apply only to the
18 enforcement of the speed limit in the construction or
19 maintenance speed zone.

20 (c) As used in this Section, a "construction or maintenance
21 speed zone" is an area in which the Department, Toll Highway
22 Authority, or local agency has posted signage advising drivers
23 that a construction or maintenance speed zone is being

1 approached, or in which the Department, Authority, or local
2 agency has posted a lower speed limit with a highway
3 construction or maintenance speed zone special speed limit sign
4 after determining that the preexisting established speed limit
5 through a highway construction or maintenance project is
6 greater than is reasonable or safe with respect to the
7 conditions expected to exist in the construction or maintenance
8 speed zone. These signs shall be affixed with flashing yellow
9 lights that are in operation while workers are present in the
10 construction or maintenance speed zone.

11 If it is determined that the preexisting established speed
12 limit is safe with respect to the conditions expected to exist
13 in the construction or maintenance speed zone, additional speed
14 limit signs which conform to the requirements of this
15 subsection (c) shall be posted.

16 Highway construction or maintenance speed zone special
17 speed limit signs shall be of a design approved by the
18 Department. The signs must give proper due warning that a
19 construction or maintenance speed zone is being approached and
20 must indicate the maximum speed limit in effect. The signs also
21 must state the amount of the minimum fine for a violation.

22 (d) A first violation of this Section is a petty offense
23 with a minimum fine of \$250. A second or subsequent violation
24 of this Section is a petty offense with a minimum fine of \$750.

25 (e) If a fine for a violation of this Section is \$250 or
26 greater, the person who violated this Section shall be charged

1 an additional \$125, which shall be deposited into the
2 Transportation Safety Highway Hire-back Fund in the State
3 treasury, unless (i) the violation occurred on a highway other
4 than an interstate highway and (ii) a county police officer
5 wrote the ticket for the violation, in which case the \$125
6 shall be deposited into that county's Transportation Safety
7 Highway Hire-back Fund. In the case of a second or subsequent
8 violation of this Section, if the fine is \$750 or greater, the
9 person who violated this Section shall be charged an additional
10 \$250, which shall be deposited into the Transportation Safety
11 Highway Hire-back Fund in the State treasury, unless (i) the
12 violation occurred on a highway other than an interstate
13 highway and (ii) a county police officer wrote the ticket for
14 the violation, in which case the \$250 shall be deposited into
15 that county's Transportation Safety Highway Hire-back Fund.

16 (e-5) The Department of State Police and the local county
17 police department have concurrent jurisdiction over any
18 violation of this Section that occurs on an interstate highway.

19 (f) The Transportation Safety Highway Hire-back Fund,
20 which was created by Public Act 92-619, shall continue to be a
21 special fund in the State treasury. Subject to appropriation by
22 the General Assembly and approval by the Secretary, the
23 Secretary of Transportation shall use all moneys in the
24 Transportation Safety Highway Hire-back Fund to hire off-duty
25 Department of State Police officers to monitor construction or
26 maintenance zones.

1 (f-5) Each county shall create a Transportation Safety
2 Highway Hire-back Fund. The county shall use all moneys in its
3 Transportation Safety Highway Hire-back Fund to hire off-duty
4 county police officers to monitor construction or maintenance
5 zones in that county on highways other than interstate
6 highways.

7 (g) For a second or subsequent violation of this Section
8 within 2 years of the date of the previous violation, the
9 Secretary of State shall suspend the driver's license of the
10 violator for a period of 90 days.

11 (Source: P.A. 97-830, eff. 1-1-13.)

12 (625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

13 Sec. 11-908. Vehicle approaching or entering a highway
14 construction or maintenance area or zone.

15 (a) The driver of a vehicle shall yield the right of way to
16 any authorized vehicle or pedestrian actually engaged in work
17 upon a highway within any highway construction or maintenance
18 area indicated by official traffic-control devices. These
19 official traffic-control devices must include signs notifying
20 motorists of the presence of workers when lights are flashing,
21 with flashing yellow lights affixed to these signs that are in
22 operation while workers are present.

23 (a-1) Upon entering a construction or maintenance zone when
24 workers are present and flashing yellow lights are in
25 operation, a person who drives a vehicle shall:

1 (1) proceeding with due caution, make a lane change
2 into a lane not adjacent to that of the workers present, if
3 possible with due regard to safety and traffic conditions,
4 if on a highway having at least 4 lanes with not less than
5 2 lanes proceeding in the same direction as the approaching
6 vehicle; or

7 (2) proceeding with due caution, reduce the speed of
8 the vehicle, maintaining a safe speed for road conditions,
9 if changing lanes would be impossible or unsafe.

10 (a-2) A person who violates subsection (a-1) of this
11 Section commits a business offense punishable by a fine of not
12 less than \$100 and not more than \$10,000. It is a factor in
13 aggravation if the person committed the offense while in
14 violation of Section 11-501 of this Code.

15 (a-3) If a violation of subsection (a-1) of this Section
16 results in damage to the property of another person, in
17 addition to any other penalty imposed, the person's driving
18 privileges shall be suspended for a fixed period of not less
19 than 90 days and not more than one year.

20 (a-4) If a violation of subsection (a-1) of this Section
21 results in injury to another person, in addition to any other
22 penalty imposed, the person's driving privileges shall be
23 suspended for a fixed period of not less than 180 days and not
24 more than 2 years.

25 (a-5) If a violation of subsection (a-1) of this Section
26 results in the death of another person, in addition to any

1 other penalty imposed, the person's driving privileges shall be
2 suspended for 2 years.

3 (a-6) The Secretary of State shall, upon receiving a record
4 of a judgment entered against a person under subsection (a-1)
5 of this Section:

6 (1) suspend the person's driving privileges for the
7 mandatory period; or

8 (2) extend the period of an existing suspension by the
9 appropriate mandatory period.

10 (b) The driver of a vehicle shall yield the right of way to
11 any authorized vehicle obviously and actually engaged in work
12 upon a highway whenever the vehicle engaged in construction or
13 maintenance work displays flashing lights as provided in
14 Section 12-215 of this Act.

15 (c) The driver of a vehicle shall stop if signaled to do so
16 by a flagger or a traffic control signal and remain in such
17 position until signaled to proceed. If a driver of a vehicle
18 fails to stop when signaled to do so by a flagger, the flagger
19 is authorized to report such offense to the State's Attorney or
20 authorized prosecutor. The penalties imposed for a violation of
21 this subsection (c) shall be in addition to any penalties
22 imposed for a violation of subsection (a-1).

23 (Source: P.A. 92-872, eff. 6-1-03; 93-705, eff. 7-9-04.)