



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5054

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

605 ILCS 10/31

from Ch. 121, par. 100-31

625 ILCS 5/11-603

from Ch. 95 1/2, par. 11-603

Amends the Toll Highway Act. Provides that any person or persons may bring a civil action to recover damages for injury to his or her person or property caused by any act of the Illinois State Toll Highway Authority or any of its officers, agents, or employees. Provides that any such action is subject to the same limits and requirements applicable to actions against the State under the Court of Claims Act and the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Amends the Illinois Vehicle Code. Provides that in order to post a speed limit on a highway under its jurisdiction that is less than the limit prescribed in a provision of the Code concerning general speed restrictions, the Authority shall obtain approval from the Joint Committee on Administrative Rules. Provides that the Authority shall not issue a regulation to change the speed limit for vehicles of the second division weighing more than 8,000 pounds that is more than 10 miles per hour less than the maximum speed limit of that highway. Provides that beginning 12 months after the effective date of the bill, the effective absolute maximum speed limit on any part of a highway under the Authority's jurisdiction shall be: (1) except for Interstate Route 294 and the portion of Interstate Route 94 that is between Interstate Route 294 and U.S. Route 41, 70 miles per hour or the maximum speed limit authorized in the Code, whichever is less; and (2) 60 miles per hour or the maximum speed limit authorized in the Code, whichever is less, on Interstate Route 294 and the portion of Interstate Route 94 that is between Interstate Route 294 and U.S. Route 41. Provides that if Interstate Route 294 undergoes construction that results in an increase in the maximum design speed limit, the effective absolute maximum speed limit shall be the design speed limit or the maximum speed limit authorized in the Code, whichever is less. Provides that the Authority shall issue regulations to implement a change in the speed limits. Provides that the Authority and its employees, officers, and agents shall not be subject to an action for any injury to person or property fairly traceable to the setting of speed limits. Effective immediately.

LRB100 19852 LNS 35128 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 1. Legislative findings. The General Assembly
5 finds that the maximum speed limits for motor vehicles
6 prescribed in a provision concerning general speed
7 restrictions in the Illinois Vehicle Code are presumed to be
8 reasonable and safe maximum speed limits for all highways under
9 the jurisdiction of the Illinois State Toll Highway Authority.

10 Section 5. The Toll Highway Act is amended by changing
11 Section 31 as follows:

12 (605 ILCS 10/31) (from Ch. 121, par. 100-31)

13 Sec. 31. The State of Illinois hereby consents to suits
14 against the Authority solely as in this section provided:

15 (a) The holder or holders of any bonds or coupons issued by
16 the Authority may bring civil actions to compel the observance
17 by the Authority or by any of its officers, agents, or
18 employees of any contract or covenant made by the Authority
19 with the holders of such bonds or coupons, and to compel the
20 Authority and any of its officers, agents or employees, to
21 perform any duties required to be performed for the benefit of
22 the holders of said bonds or coupons by the provisions of the

1 resolution authorizing their issuance, or by this Act, or to
2 enjoin the Authority and any of its officers, agents or
3 employees from taking any action in conflict with such contract
4 or covenant.

5 (b) Any person or persons may bring a civil action to
6 recover damages for injury to his or her person or property of
7 that person or persons caused by any act of the Authority or by
8 any act of any of its officers, agents, or employees done under
9 its direction or in the course of employment of the Authority,
10 except as provided in Section 11-603 of the Illinois Vehicle
11 Code. Any such action is subject to the same limits applicable
12 to actions against the State under Section 8 of the Court of
13 Claims Act and Section 405-105 of the Department of Central
14 Management Services Law of the Civil Administration Code of
15 Illinois. The statute of limitations applicable to civil
16 actions against the State as provided in Section 22 of the
17 Court of Claims Act and the notice provisions applicable to
18 civil actions against the State as provided in Sections 22-1
19 and 22-2 of the Court of Claims Act also applies to civil
20 actions under this subsection.

21 (Source: P.A. 79-1366.)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Section 11-603 as follows:

24 (625 ILCS 5/11-603) (from Ch. 95 1/2, par. 11-603)

1 Sec. 11-603. Alteration of limits by Toll Highway
2 Authority.

3 (a) Whenever the Illinois State Toll Highway Authority
4 determines, upon the basis of an engineering and traffic
5 investigation concerning a toll highway under its
6 jurisdiction, that a maximum speed limit prescribed in Section
7 11-601 of this Chapter is greater or less than is reasonable or
8 safe with respect to conditions found to exist at any place or
9 along any part or zone of such highway, the Authority shall
10 determine and declare by regulation a reasonable and safe
11 absolute maximum speed limit at such place or along such part
12 or zone, and the speed limit shall conform with the maximum
13 speed limit restrictions provided for in Section 11-601 of this
14 Code. A limit so determined and declared becomes effective, and
15 suspends the application of the limit prescribed in Section
16 11-601 of this Chapter, when (1) ~~(a)~~ the Department concurs in
17 writing with the Authority's regulation, (2) ~~and (b)~~
18 appropriate signs giving notice of the limit are erected at
19 such place or along such part or zone of the highway, and (3)
20 for a decrease in a speed limit, the Joint Committee on
21 Administrative Rules approves the Authority's regulation. The
22 Authority shall not issue a regulation to change a maximum
23 speed limit for vehicles of the second division weighing more
24 than 8,000 pounds that is more than 10 miles per hour less than
25 the maximum speed limit of that highway. Electronic
26 speed-detecting devices shall not be used within 500 feet

1 beyond any such sign in the direction of travel; if so used in
2 violation hereof, evidence obtained thereby shall be
3 inadmissible in any prosecution for speeding.

4 (b) Beginning 12 months after the effective date of this
5 amendatory Act of the 100th General Assembly, and except for
6 vehicles of the second division weighing more than 8,000
7 pounds, the effective absolute maximum speed limit on any part
8 of a highway under the Authority's jurisdiction shall be: (1)
9 except for Interstate Route 294 and the portion of Interstate
10 Route 94 that is between Interstate Route 294 and U.S. Route
11 41, 70 miles per hour, or the maximum speed limit under
12 subsection (a) of this Section or Section 11-601 or this Code,
13 whichever is less; and (2) 60 miles per hour or the maximum
14 speed limit under subsection (a) of this Section or Section
15 11-601 of this Code, whichever is less, on Interstate Route 294
16 and the portion of Interstate Route 94 that is between
17 Interstate Route 294 and U.S. Route 41. If Interstate Route 294
18 undergoes construction that results in an increase in the
19 maximum design speed limit, the effective absolute maximum
20 speed limit shall be the design speed limit, or the maximum
21 speed limit under subsection (a) of this Section or Section
22 11-601 of this Code, whichever is less, within 12 months of the
23 design speed limit change. The maximum speed limits under this
24 subsection (b) may be altered under subsection (a) of this
25 Section. The Authority shall issue regulations to implement
26 this subsection (b).

1 (c) The Authority and its employees, officers, and agents
2 shall not be subject to an action in any venue for any injury
3 of any type to a person or property fairly traceable to the
4 setting of speed limits under this Section.

5 (Source: P.A. 98-511, eff. 1-1-14.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.