



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 691

2 AMENDMENT NO. _____. Amend Senate Bill 691, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 (Text of Section before amendment by P.A. 99-906)

9 Sec. 5-45. Emergency rulemaking.

10 (a) "Emergency" means the existence of any situation that
11 any agency finds reasonably constitutes a threat to the public
12 interest, safety, or welfare.

13 (b) If any agency finds that an emergency exists that
14 requires adoption of a rule upon fewer days than is required by
15 Section 5-40 and states in writing its reasons for that
16 finding, the agency may adopt an emergency rule without prior

1 notice or hearing upon filing a notice of emergency rulemaking
2 with the Secretary of State under Section 5-70. The notice
3 shall include the text of the emergency rule and shall be
4 published in the Illinois Register. Consent orders or other
5 court orders adopting settlements negotiated by an agency may
6 be adopted under this Section. Subject to applicable
7 constitutional or statutory provisions, an emergency rule
8 becomes effective immediately upon filing under Section 5-65 or
9 at a stated date less than 10 days thereafter. The agency's
10 finding and a statement of the specific reasons for the finding
11 shall be filed with the rule. The agency shall take reasonable
12 and appropriate measures to make emergency rules known to the
13 persons who may be affected by them.

14 (c) An emergency rule may be effective for a period of not
15 longer than 150 days, but the agency's authority to adopt an
16 identical rule under Section 5-40 is not precluded. No
17 emergency rule may be adopted more than once in any 24-month ~~24~~
18 ~~month~~ period, except that this limitation on the number of
19 emergency rules that may be adopted in a 24-month ~~24-month~~
20 period does not apply to (i) emergency rules that make
21 additions to and deletions from the Drug Manual under Section
22 5-5.16 of the Illinois Public Aid Code or the generic drug
23 formulary under Section 3.14 of the Illinois Food, Drug and
24 Cosmetic Act, (ii) emergency rules adopted by the Pollution
25 Control Board before July 1, 1997 to implement portions of the
26 Livestock Management Facilities Act, (iii) emergency rules

1 adopted by the Illinois Department of Public Health under
2 subsections (a) through (i) of Section 2 of the Department of
3 Public Health Act when necessary to protect the public's
4 health, (iv) emergency rules adopted pursuant to subsection (n)
5 of this Section, (v) emergency rules adopted pursuant to
6 subsection (o) of this Section, or (vi) emergency rules adopted
7 pursuant to subsection (c-5) of this Section. Two or more
8 emergency rules having substantially the same purpose and
9 effect shall be deemed to be a single rule for purposes of this
10 Section.

11 (c-5) To facilitate the maintenance of the program of group
12 health benefits provided to annuitants, survivors, and retired
13 employees under the State Employees Group Insurance Act of
14 1971, rules to alter the contributions to be paid by the State,
15 annuitants, survivors, retired employees, or any combination
16 of those entities, for that program of group health benefits,
17 shall be adopted as emergency rules. The adoption of those
18 rules shall be considered an emergency and necessary for the
19 public interest, safety, and welfare.

20 (d) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 1999 budget,
22 emergency rules to implement any provision of Public Act 90-587
23 or 90-588 or any other budget initiative for fiscal year 1999
24 may be adopted in accordance with this Section by the agency
25 charged with administering that provision or initiative,
26 except that the 24-month limitation on the adoption of

1 emergency rules and the provisions of Sections 5-115 and 5-125
2 do not apply to rules adopted under this subsection (d). The
3 adoption of emergency rules authorized by this subsection (d)
4 shall be deemed to be necessary for the public interest,
5 safety, and welfare.

6 (e) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2000 budget,
8 emergency rules to implement any provision of Public Act 91-24
9 or any other budget initiative for fiscal year 2000 may be
10 adopted in accordance with this Section by the agency charged
11 with administering that provision or initiative, except that
12 the 24-month limitation on the adoption of emergency rules and
13 the provisions of Sections 5-115 and 5-125 do not apply to
14 rules adopted under this subsection (e). The adoption of
15 emergency rules authorized by this subsection (e) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (f) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2001 budget,
20 emergency rules to implement any provision of Public Act 91-712
21 or any other budget initiative for fiscal year 2001 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (f). The adoption of

1 emergency rules authorized by this subsection (f) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (g) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2002 budget,
6 emergency rules to implement any provision of Public Act 92-10
7 or any other budget initiative for fiscal year 2002 may be
8 adopted in accordance with this Section by the agency charged
9 with administering that provision or initiative, except that
10 the 24-month limitation on the adoption of emergency rules and
11 the provisions of Sections 5-115 and 5-125 do not apply to
12 rules adopted under this subsection (g). The adoption of
13 emergency rules authorized by this subsection (g) shall be
14 deemed to be necessary for the public interest, safety, and
15 welfare.

16 (h) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2003 budget,
18 emergency rules to implement any provision of Public Act 92-597
19 or any other budget initiative for fiscal year 2003 may be
20 adopted in accordance with this Section by the agency charged
21 with administering that provision or initiative, except that
22 the 24-month limitation on the adoption of emergency rules and
23 the provisions of Sections 5-115 and 5-125 do not apply to
24 rules adopted under this subsection (h). The adoption of
25 emergency rules authorized by this subsection (h) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare.

2 (i) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 2004 budget,
4 emergency rules to implement any provision of Public Act 93-20
5 or any other budget initiative for fiscal year 2004 may be
6 adopted in accordance with this Section by the agency charged
7 with administering that provision or initiative, except that
8 the 24-month limitation on the adoption of emergency rules and
9 the provisions of Sections 5-115 and 5-125 do not apply to
10 rules adopted under this subsection (i). The adoption of
11 emergency rules authorized by this subsection (i) shall be
12 deemed to be necessary for the public interest, safety, and
13 welfare.

14 (j) In order to provide for the expeditious and timely
15 implementation of the provisions of the State's fiscal year
16 2005 budget as provided under the Fiscal Year 2005 Budget
17 Implementation (Human Services) Act, emergency rules to
18 implement any provision of the Fiscal Year 2005 Budget
19 Implementation (Human Services) Act may be adopted in
20 accordance with this Section by the agency charged with
21 administering that provision, except that the 24-month
22 limitation on the adoption of emergency rules and the
23 provisions of Sections 5-115 and 5-125 do not apply to rules
24 adopted under this subsection (j). The Department of Public Aid
25 may also adopt rules under this subsection (j) necessary to
26 administer the Illinois Public Aid Code and the Children's

1 Health Insurance Program Act. The adoption of emergency rules
2 authorized by this subsection (j) shall be deemed to be
3 necessary for the public interest, safety, and welfare.

4 (k) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2006 budget, emergency rules to implement any provision of
7 Public Act 94-48 or any other budget initiative for fiscal year
8 2006 may be adopted in accordance with this Section by the
9 agency charged with administering that provision or
10 initiative, except that the 24-month limitation on the adoption
11 of emergency rules and the provisions of Sections 5-115 and
12 5-125 do not apply to rules adopted under this subsection (k).
13 The Department of Healthcare and Family Services may also adopt
14 rules under this subsection (k) necessary to administer the
15 Illinois Public Aid Code, the Senior Citizens and Persons with
16 Disabilities Property Tax Relief Act, the Senior Citizens and
17 Disabled Persons Prescription Drug Discount Program Act (now
18 the Illinois Prescription Drug Discount Program Act), and the
19 Children's Health Insurance Program Act. The adoption of
20 emergency rules authorized by this subsection (k) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare.

23 (l) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2007 budget, the Department of Healthcare and Family Services
26 may adopt emergency rules during fiscal year 2007, including

1 rules effective July 1, 2007, in accordance with this
2 subsection to the extent necessary to administer the
3 Department's responsibilities with respect to amendments to
4 the State plans and Illinois waivers approved by the federal
5 Centers for Medicare and Medicaid Services necessitated by the
6 requirements of Title XIX and Title XXI of the federal Social
7 Security Act. The adoption of emergency rules authorized by
8 this subsection (l) shall be deemed to be necessary for the
9 public interest, safety, and welfare.

10 (m) In order to provide for the expeditious and timely
11 implementation of the provisions of the State's fiscal year
12 2008 budget, the Department of Healthcare and Family Services
13 may adopt emergency rules during fiscal year 2008, including
14 rules effective July 1, 2008, in accordance with this
15 subsection to the extent necessary to administer the
16 Department's responsibilities with respect to amendments to
17 the State plans and Illinois waivers approved by the federal
18 Centers for Medicare and Medicaid Services necessitated by the
19 requirements of Title XIX and Title XXI of the federal Social
20 Security Act. The adoption of emergency rules authorized by
21 this subsection (m) shall be deemed to be necessary for the
22 public interest, safety, and welfare.

23 (n) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2010 budget, emergency rules to implement any provision of
26 Public Act 96-45 or any other budget initiative authorized by

1 the 96th General Assembly for fiscal year 2010 may be adopted
2 in accordance with this Section by the agency charged with
3 administering that provision or initiative. The adoption of
4 emergency rules authorized by this subsection (n) shall be
5 deemed to be necessary for the public interest, safety, and
6 welfare. The rulemaking authority granted in this subsection
7 (n) shall apply only to rules promulgated during Fiscal Year
8 2010.

9 (o) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2011 budget, emergency rules to implement any provision of
12 Public Act 96-958 or any other budget initiative authorized by
13 the 96th General Assembly for fiscal year 2011 may be adopted
14 in accordance with this Section by the agency charged with
15 administering that provision or initiative. The adoption of
16 emergency rules authorized by this subsection (o) is deemed to
17 be necessary for the public interest, safety, and welfare. The
18 rulemaking authority granted in this subsection (o) applies
19 only to rules promulgated on or after July 1, 2010 (the
20 effective date of Public Act 96-958) through June 30, 2011.

21 (p) In order to provide for the expeditious and timely
22 implementation of the provisions of Public Act 97-689,
23 emergency rules to implement any provision of Public Act 97-689
24 may be adopted in accordance with this subsection (p) by the
25 agency charged with administering that provision or
26 initiative. The 150-day limitation of the effective period of

1 emergency rules does not apply to rules adopted under this
2 subsection (p), and the effective period may continue through
3 June 30, 2013. The 24-month limitation on the adoption of
4 emergency rules does not apply to rules adopted under this
5 subsection (p). The adoption of emergency rules authorized by
6 this subsection (p) is deemed to be necessary for the public
7 interest, safety, and welfare.

8 (q) In order to provide for the expeditious and timely
9 implementation of the provisions of Articles 7, 8, 9, 11, and
10 12 of Public Act 98-104, emergency rules to implement any
11 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
12 may be adopted in accordance with this subsection (q) by the
13 agency charged with administering that provision or
14 initiative. The 24-month limitation on the adoption of
15 emergency rules does not apply to rules adopted under this
16 subsection (q). The adoption of emergency rules authorized by
17 this subsection (q) is deemed to be necessary for the public
18 interest, safety, and welfare.

19 (r) In order to provide for the expeditious and timely
20 implementation of the provisions of Public Act 98-651,
21 emergency rules to implement Public Act 98-651 may be adopted
22 in accordance with this subsection (r) by the Department of
23 Healthcare and Family Services. The 24-month limitation on the
24 adoption of emergency rules does not apply to rules adopted
25 under this subsection (r). The adoption of emergency rules
26 authorized by this subsection (r) is deemed to be necessary for

1 the public interest, safety, and welfare.

2 (s) In order to provide for the expeditious and timely
3 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
4 the Illinois Public Aid Code, emergency rules to implement any
5 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
6 Public Aid Code may be adopted in accordance with this
7 subsection (s) by the Department of Healthcare and Family
8 Services. The rulemaking authority granted in this subsection
9 (s) shall apply only to those rules adopted prior to July 1,
10 2015. Notwithstanding any other provision of this Section, any
11 emergency rule adopted under this subsection (s) shall only
12 apply to payments made for State fiscal year 2015. The adoption
13 of emergency rules authorized by this subsection (s) is deemed
14 to be necessary for the public interest, safety, and welfare.

15 (t) In order to provide for the expeditious and timely
16 implementation of the provisions of Article II of Public Act
17 99-6, emergency rules to implement the changes made by Article
18 II of Public Act 99-6 to the Emergency Telephone System Act may
19 be adopted in accordance with this subsection (t) by the
20 Department of State Police. The rulemaking authority granted in
21 this subsection (t) shall apply only to those rules adopted
22 prior to July 1, 2016. The 24-month limitation on the adoption
23 of emergency rules does not apply to rules adopted under this
24 subsection (t). The adoption of emergency rules authorized by
25 this subsection (t) is deemed to be necessary for the public
26 interest, safety, and welfare.

1 (u) In order to provide for the expeditious and timely
2 implementation of the provisions of the Burn Victims Relief
3 Act, emergency rules to implement any provision of the Act may
4 be adopted in accordance with this subsection (u) by the
5 Department of Insurance. The rulemaking authority granted in
6 this subsection (u) shall apply only to those rules adopted
7 prior to December 31, 2015. The adoption of emergency rules
8 authorized by this subsection (u) is deemed to be necessary for
9 the public interest, safety, and welfare.

10 (v) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 99-516 ~~this~~
12 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
13 implement Public Act 99-516 ~~this amendatory Act of the 99th~~
14 ~~General Assembly~~ may be adopted in accordance with this
15 subsection (v) by the Department of Healthcare and Family
16 Services. The 24-month limitation on the adoption of emergency
17 rules does not apply to rules adopted under this subsection
18 (v). The adoption of emergency rules authorized by this
19 subsection (v) is deemed to be necessary for the public
20 interest, safety, and welfare.

21 (w) ~~(v)~~ In order to provide for the expeditious and timely
22 implementation of the provisions of Public Act 99-796 ~~this~~
23 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
24 implement the changes made by Public Act 99-796 ~~this amendatory~~
25 ~~Act of the 99th General Assembly~~ may be adopted in accordance
26 with this subsection (w) ~~(v)~~ by the Adjutant General. The

1 adoption of emergency rules authorized by this subsection (w)
2 ~~(v)~~ is deemed to be necessary for the public interest, safety,
3 and welfare.

4 (x) In order to provide for the expeditious and timely
5 implementation of the provisions of this amendatory Act of the
6 100th General Assembly, emergency rules to implement any
7 provision of this amendatory Act of the 100th General Assembly
8 may be adopted in accordance with this subsection (x) by the
9 Department of State Police, the Department of Transportation,
10 the Illinois State Toll Highway Authority, the Illinois
11 Commerce Commission, and the Secretary of State. The rulemaking
12 authority granted in this subsection (x) shall apply only to
13 those rules adopted within 180 days after the effective date of
14 this amendatory Act of the 100th General Assembly. The adoption
15 of emergency rules authorized by this subsection (x) is deemed
16 to be necessary for the public interest, safety, and welfare.

17 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
18 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
19 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
20 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised
21 9-21-16.)

22 (Text of Section after amendment by P.A. 99-906)

23 Sec. 5-45. Emergency rulemaking.

24 (a) "Emergency" means the existence of any situation that
25 any agency finds reasonably constitutes a threat to the public

1 interest, safety, or welfare.

2 (b) If any agency finds that an emergency exists that
3 requires adoption of a rule upon fewer days than is required by
4 Section 5-40 and states in writing its reasons for that
5 finding, the agency may adopt an emergency rule without prior
6 notice or hearing upon filing a notice of emergency rulemaking
7 with the Secretary of State under Section 5-70. The notice
8 shall include the text of the emergency rule and shall be
9 published in the Illinois Register. Consent orders or other
10 court orders adopting settlements negotiated by an agency may
11 be adopted under this Section. Subject to applicable
12 constitutional or statutory provisions, an emergency rule
13 becomes effective immediately upon filing under Section 5-65 or
14 at a stated date less than 10 days thereafter. The agency's
15 finding and a statement of the specific reasons for the finding
16 shall be filed with the rule. The agency shall take reasonable
17 and appropriate measures to make emergency rules known to the
18 persons who may be affected by them.

19 (c) An emergency rule may be effective for a period of not
20 longer than 150 days, but the agency's authority to adopt an
21 identical rule under Section 5-40 is not precluded. No
22 emergency rule may be adopted more than once in any 24-month
23 period, except that this limitation on the number of emergency
24 rules that may be adopted in a 24-month period does not apply
25 to (i) emergency rules that make additions to and deletions
26 from the Drug Manual under Section 5-5.16 of the Illinois

1 Public Aid Code or the generic drug formulary under Section
2 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
3 emergency rules adopted by the Pollution Control Board before
4 July 1, 1997 to implement portions of the Livestock Management
5 Facilities Act, (iii) emergency rules adopted by the Illinois
6 Department of Public Health under subsections (a) through (i)
7 of Section 2 of the Department of Public Health Act when
8 necessary to protect the public's health, (iv) emergency rules
9 adopted pursuant to subsection (n) of this Section, (v)
10 emergency rules adopted pursuant to subsection (o) of this
11 Section, or (vi) emergency rules adopted pursuant to subsection
12 (c-5) of this Section. Two or more emergency rules having
13 substantially the same purpose and effect shall be deemed to be
14 a single rule for purposes of this Section.

15 (c-5) To facilitate the maintenance of the program of group
16 health benefits provided to annuitants, survivors, and retired
17 employees under the State Employees Group Insurance Act of
18 1971, rules to alter the contributions to be paid by the State,
19 annuitants, survivors, retired employees, or any combination
20 of those entities, for that program of group health benefits,
21 shall be adopted as emergency rules. The adoption of those
22 rules shall be considered an emergency and necessary for the
23 public interest, safety, and welfare.

24 (d) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 1999 budget,
26 emergency rules to implement any provision of Public Act 90-587

1 or 90-588 or any other budget initiative for fiscal year 1999
2 may be adopted in accordance with this Section by the agency
3 charged with administering that provision or initiative,
4 except that the 24-month limitation on the adoption of
5 emergency rules and the provisions of Sections 5-115 and 5-125
6 do not apply to rules adopted under this subsection (d). The
7 adoption of emergency rules authorized by this subsection (d)
8 shall be deemed to be necessary for the public interest,
9 safety, and welfare.

10 (e) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 2000 budget,
12 emergency rules to implement any provision of Public Act 91-24
13 or any other budget initiative for fiscal year 2000 may be
14 adopted in accordance with this Section by the agency charged
15 with administering that provision or initiative, except that
16 the 24-month limitation on the adoption of emergency rules and
17 the provisions of Sections 5-115 and 5-125 do not apply to
18 rules adopted under this subsection (e). The adoption of
19 emergency rules authorized by this subsection (e) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (f) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2001 budget,
24 emergency rules to implement any provision of Public Act 91-712
25 or any other budget initiative for fiscal year 2001 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (f). The adoption of
5 emergency rules authorized by this subsection (f) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (g) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2002 budget,
10 emergency rules to implement any provision of Public Act 92-10
11 or any other budget initiative for fiscal year 2002 may be
12 adopted in accordance with this Section by the agency charged
13 with administering that provision or initiative, except that
14 the 24-month limitation on the adoption of emergency rules and
15 the provisions of Sections 5-115 and 5-125 do not apply to
16 rules adopted under this subsection (g). The adoption of
17 emergency rules authorized by this subsection (g) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (h) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2003 budget,
22 emergency rules to implement any provision of Public Act 92-597
23 or any other budget initiative for fiscal year 2003 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (h). The adoption of
3 emergency rules authorized by this subsection (h) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (i) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2004 budget,
8 emergency rules to implement any provision of Public Act 93-20
9 or any other budget initiative for fiscal year 2004 may be
10 adopted in accordance with this Section by the agency charged
11 with administering that provision or initiative, except that
12 the 24-month limitation on the adoption of emergency rules and
13 the provisions of Sections 5-115 and 5-125 do not apply to
14 rules adopted under this subsection (i). The adoption of
15 emergency rules authorized by this subsection (i) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (j) In order to provide for the expeditious and timely
19 implementation of the provisions of the State's fiscal year
20 2005 budget as provided under the Fiscal Year 2005 Budget
21 Implementation (Human Services) Act, emergency rules to
22 implement any provision of the Fiscal Year 2005 Budget
23 Implementation (Human Services) Act may be adopted in
24 accordance with this Section by the agency charged with
25 administering that provision, except that the 24-month
26 limitation on the adoption of emergency rules and the

1 provisions of Sections 5-115 and 5-125 do not apply to rules
2 adopted under this subsection (j). The Department of Public Aid
3 may also adopt rules under this subsection (j) necessary to
4 administer the Illinois Public Aid Code and the Children's
5 Health Insurance Program Act. The adoption of emergency rules
6 authorized by this subsection (j) shall be deemed to be
7 necessary for the public interest, safety, and welfare.

8 (k) In order to provide for the expeditious and timely
9 implementation of the provisions of the State's fiscal year
10 2006 budget, emergency rules to implement any provision of
11 Public Act 94-48 or any other budget initiative for fiscal year
12 2006 may be adopted in accordance with this Section by the
13 agency charged with administering that provision or
14 initiative, except that the 24-month limitation on the adoption
15 of emergency rules and the provisions of Sections 5-115 and
16 5-125 do not apply to rules adopted under this subsection (k).
17 The Department of Healthcare and Family Services may also adopt
18 rules under this subsection (k) necessary to administer the
19 Illinois Public Aid Code, the Senior Citizens and Persons with
20 Disabilities Property Tax Relief Act, the Senior Citizens and
21 Disabled Persons Prescription Drug Discount Program Act (now
22 the Illinois Prescription Drug Discount Program Act), and the
23 Children's Health Insurance Program Act. The adoption of
24 emergency rules authorized by this subsection (k) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare.

1 (1) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2007 budget, the Department of Healthcare and Family Services
4 may adopt emergency rules during fiscal year 2007, including
5 rules effective July 1, 2007, in accordance with this
6 subsection to the extent necessary to administer the
7 Department's responsibilities with respect to amendments to
8 the State plans and Illinois waivers approved by the federal
9 Centers for Medicare and Medicaid Services necessitated by the
10 requirements of Title XIX and Title XXI of the federal Social
11 Security Act. The adoption of emergency rules authorized by
12 this subsection (1) shall be deemed to be necessary for the
13 public interest, safety, and welfare.

14 (m) In order to provide for the expeditious and timely
15 implementation of the provisions of the State's fiscal year
16 2008 budget, the Department of Healthcare and Family Services
17 may adopt emergency rules during fiscal year 2008, including
18 rules effective July 1, 2008, in accordance with this
19 subsection to the extent necessary to administer the
20 Department's responsibilities with respect to amendments to
21 the State plans and Illinois waivers approved by the federal
22 Centers for Medicare and Medicaid Services necessitated by the
23 requirements of Title XIX and Title XXI of the federal Social
24 Security Act. The adoption of emergency rules authorized by
25 this subsection (m) shall be deemed to be necessary for the
26 public interest, safety, and welfare.

1 (n) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2010 budget, emergency rules to implement any provision of
4 Public Act 96-45 or any other budget initiative authorized by
5 the 96th General Assembly for fiscal year 2010 may be adopted
6 in accordance with this Section by the agency charged with
7 administering that provision or initiative. The adoption of
8 emergency rules authorized by this subsection (n) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare. The rulemaking authority granted in this subsection
11 (n) shall apply only to rules promulgated during Fiscal Year
12 2010.

13 (o) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2011 budget, emergency rules to implement any provision of
16 Public Act 96-958 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2011 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (o) is deemed to
21 be necessary for the public interest, safety, and welfare. The
22 rulemaking authority granted in this subsection (o) applies
23 only to rules promulgated on or after July 1, 2010 (the
24 effective date of Public Act 96-958) through June 30, 2011.

25 (p) In order to provide for the expeditious and timely
26 implementation of the provisions of Public Act 97-689,

1 emergency rules to implement any provision of Public Act 97-689
2 may be adopted in accordance with this subsection (p) by the
3 agency charged with administering that provision or
4 initiative. The 150-day limitation of the effective period of
5 emergency rules does not apply to rules adopted under this
6 subsection (p), and the effective period may continue through
7 June 30, 2013. The 24-month limitation on the adoption of
8 emergency rules does not apply to rules adopted under this
9 subsection (p). The adoption of emergency rules authorized by
10 this subsection (p) is deemed to be necessary for the public
11 interest, safety, and welfare.

12 (q) In order to provide for the expeditious and timely
13 implementation of the provisions of Articles 7, 8, 9, 11, and
14 12 of Public Act 98-104, emergency rules to implement any
15 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
16 may be adopted in accordance with this subsection (q) by the
17 agency charged with administering that provision or
18 initiative. The 24-month limitation on the adoption of
19 emergency rules does not apply to rules adopted under this
20 subsection (q). The adoption of emergency rules authorized by
21 this subsection (q) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (r) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 98-651,
25 emergency rules to implement Public Act 98-651 may be adopted
26 in accordance with this subsection (r) by the Department of

1 Healthcare and Family Services. The 24-month limitation on the
2 adoption of emergency rules does not apply to rules adopted
3 under this subsection (r). The adoption of emergency rules
4 authorized by this subsection (r) is deemed to be necessary for
5 the public interest, safety, and welfare.

6 (s) In order to provide for the expeditious and timely
7 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
8 the Illinois Public Aid Code, emergency rules to implement any
9 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
10 Public Aid Code may be adopted in accordance with this
11 subsection (s) by the Department of Healthcare and Family
12 Services. The rulemaking authority granted in this subsection
13 (s) shall apply only to those rules adopted prior to July 1,
14 2015. Notwithstanding any other provision of this Section, any
15 emergency rule adopted under this subsection (s) shall only
16 apply to payments made for State fiscal year 2015. The adoption
17 of emergency rules authorized by this subsection (s) is deemed
18 to be necessary for the public interest, safety, and welfare.

19 (t) In order to provide for the expeditious and timely
20 implementation of the provisions of Article II of Public Act
21 99-6, emergency rules to implement the changes made by Article
22 II of Public Act 99-6 to the Emergency Telephone System Act may
23 be adopted in accordance with this subsection (t) by the
24 Department of State Police. The rulemaking authority granted in
25 this subsection (t) shall apply only to those rules adopted
26 prior to July 1, 2016. The 24-month limitation on the adoption

1 of emergency rules does not apply to rules adopted under this
2 subsection (t). The adoption of emergency rules authorized by
3 this subsection (t) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (u) In order to provide for the expeditious and timely
6 implementation of the provisions of the Burn Victims Relief
7 Act, emergency rules to implement any provision of the Act may
8 be adopted in accordance with this subsection (u) by the
9 Department of Insurance. The rulemaking authority granted in
10 this subsection (u) shall apply only to those rules adopted
11 prior to December 31, 2015. The adoption of emergency rules
12 authorized by this subsection (u) is deemed to be necessary for
13 the public interest, safety, and welfare.

14 (v) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 99-516,
16 emergency rules to implement Public Act 99-516 may be adopted
17 in accordance with this subsection (v) by the Department of
18 Healthcare and Family Services. The 24-month limitation on the
19 adoption of emergency rules does not apply to rules adopted
20 under this subsection (v). The adoption of emergency rules
21 authorized by this subsection (v) is deemed to be necessary for
22 the public interest, safety, and welfare.

23 (w) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 99-796,
25 emergency rules to implement the changes made by Public Act
26 99-796 may be adopted in accordance with this subsection (w) by

1 the Adjutant General. The adoption of emergency rules
2 authorized by this subsection (w) is deemed to be necessary for
3 the public interest, safety, and welfare.

4 (x) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 99-906 ~~this~~
6 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
7 implement subsection (i) of Section 16-115D, subsection (g) of
8 Section 16-128A, and subsection (a) of Section 16-128B of the
9 Public Utilities Act may be adopted in accordance with this
10 subsection (x) by the Illinois Commerce Commission. The
11 rulemaking authority granted in this subsection (x) shall apply
12 only to those rules adopted within 180 days after June 1, 2017
13 ~~(the effective date of Public Act 99-906) this amendatory Act~~
14 ~~of the 99th General Assembly~~. The adoption of emergency rules
15 authorized by this subsection (x) is deemed to be necessary for
16 the public interest, safety, and welfare.

17 (y) In order to provide for the expeditious and timely
18 implementation of the provisions of this amendatory Act of the
19 100th General Assembly, emergency rules to implement any
20 provision of this amendatory Act of the 100th General Assembly
21 may be adopted in accordance with this subsection (y) by the
22 Department of State Police, the Department of Transportation,
23 the Illinois State Toll Highway Authority, the Illinois
24 Commerce Commission, and the Secretary of State. The rulemaking
25 authority granted in this subsection (y) shall apply only to
26 those rules adopted within 180 days after the effective date of

1 this amendatory Act of the 100th General Assembly. The adoption
2 of emergency rules authorized by this subsection (y) is deemed
3 to be necessary for the public interest, safety, and welfare.

4 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
5 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
6 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
7 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906,
8 eff. 6-1-17; revised 1-1-17.)

9 Section 10. The State Police Act is amended by changing
10 Section 7.2 and by adding Section 7.5 as follows:

11 (20 ILCS 2610/7.2)

12 Sec. 7.2. State Police Merit Board Public Safety Fund.

13 (a) A special fund in the State treasury is hereby created
14 which shall be known as the State Police Merit Board Public
15 Safety Fund. The Fund shall be used by the State Police Merit
16 Board to provide a cadet program for State Police personnel and
17 to meet all costs associated with the functions of the State
18 Police Merit Board. Notwithstanding any other law to the
19 contrary, the State Police Merit Board Public Safety Fund is
20 not subject to sweeps, administrative charge-backs, or any
21 other fiscal or budgetary maneuver that would in any way
22 transfer any amounts from the State Police Merit Board Public
23 Safety Fund into any other fund of the State.

24 (b) The Fund may receive State appropriations, gifts,

1 grants, and federal funds and shall include earnings from the
2 investment of moneys in the Fund.

3 (c) The administration of this Fund shall be the
4 responsibility of the State Police Merit Board. The Board shall
5 establish terms and conditions for the operation of the Fund.
6 The Board shall establish and implement fiscal controls and
7 accounting periods for programs operated using the Fund. All
8 fees or moneys received by the State Treasurer under subsection
9 (n) of Section 27.6 of the Clerks of Courts Act shall be
10 deposited into the Fund. The moneys deposited in the State
11 Police Merit Board Public Safety Fund shall be appropriated to
12 the State Police Merit Board for expenses of the Board for the
13 administration and conduct of all its programs for State Police
14 personnel. Three percent of the moneys deposited into the Fund
15 under subsection (d-5) of Section 20 of the Automated Traffic
16 Control Systems in Highway Construction or Maintenance Zones
17 Act shall be used for advertising or other methods to attract
18 diverse State Police cadet candidates so that the headcount
19 goal of State Police officers under Section 7.5 of this Act
20 continues to adequately represent the population of women,
21 minorities, and military veterans in this State.

22 (Source: P.A. 97-1051, eff. 1-1-13.)

23 (20 ILCS 2610/7.5 new)

24 Sec. 7.5. Cadet classes. Beginning July 1, 2018, the
25 Director of State Police, in conjunction with the State Police

1 Merit Board, shall annually appoint between one and 3 cadet
2 classes with a goal of a minimum of 75 cadets per class. The
3 appointments shall continue until the Department's total sworn
4 headcount meets or exceeds 2,500 sworn State Police officers.
5 The headcount goal of the Director shall be to maintain a total
6 minimum headcount of 2,500 sworn State Police officers.

7 Section 15. The Illinois Vehicle Code is amended by
8 changing Sections 3-704 and 11-605.1 as follows:

9 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

10 Sec. 3-704. Authority of Secretary of State to suspend or
11 revoke a registration or certificate of title; authority to
12 suspend or revoke the registration of a vehicle.

13 (a) The Secretary of State may suspend or revoke the
14 registration of a vehicle or a certificate of title,
15 registration card, registration sticker, registration plate,
16 disability parking decal or device, or any nonresident or other
17 permit in any of the following events:

18 1. When the Secretary of State is satisfied that such
19 registration or that such certificate, card, plate,
20 registration sticker or permit was fraudulently or
21 erroneously issued;

22 2. When a registered vehicle has been dismantled or
23 wrecked or is not properly equipped;

24 3. When the Secretary of State determines that any

1 required fees have not been paid to the Secretary of State,
2 to the Illinois Commerce Commission, or to the Illinois
3 Department of Revenue under the Motor Fuel Tax Law, and the
4 same are not paid upon reasonable notice and demand;

5 4. When a registration card, registration plate,
6 registration sticker or permit is knowingly displayed upon
7 a vehicle other than the one for which issued;

8 5. When the Secretary of State determines that the
9 owner has committed any offense under this Chapter
10 involving the registration or the certificate, card,
11 plate, registration sticker or permit to be suspended or
12 revoked;

13 6. When the Secretary of State determines that a
14 vehicle registered not-for-hire is used or operated
15 for-hire unlawfully, or used or operated for purposes other
16 than those authorized;

17 7. When the Secretary of State determines that an owner
18 of a for-hire motor vehicle has failed to give proof of
19 financial responsibility as required by this Act;

20 8. When the Secretary determines that the vehicle is
21 not subject to or eligible for a registration;

22 9. When the Secretary determines that the owner of a
23 vehicle registered under the mileage weight tax option
24 fails to maintain the records specified by law, or fails to
25 file the reports required by law, or that such vehicle is
26 not equipped with an operable and operating speedometer or

1 odometer;

2 10. When the Secretary of State is so authorized under
3 any other provision of law;

4 11. When the Secretary of State determines that the
5 holder of a disability parking decal or device has
6 committed any offense under Chapter 11 of this Code
7 involving the use of a disability parking decal or device.

8 (a-5) The Secretary of State may revoke a certificate of
9 title and registration card and issue a corrected certificate
10 of title and registration card, at no fee to the vehicle owner
11 or lienholder, if there is proof that the vehicle
12 identification number is erroneously shown on the original
13 certificate of title.

14 (b) The Secretary of State may suspend or revoke the
15 registration of a vehicle as follows:

16 1. When the Secretary of State determines that the
17 owner of a vehicle has not paid a civil penalty or a
18 settlement agreement arising from the violation of rules
19 adopted under the Illinois Motor Carrier Safety Law or the
20 Illinois Hazardous Materials Transportation Act or that a
21 vehicle, regardless of ownership, was the subject of
22 violations of these rules that resulted in a civil penalty
23 or settlement agreement which remains unpaid.

24 2. When the Secretary of State determines that a
25 vehicle registered for a gross weight of more than 16,000
26 pounds within an affected area is not in compliance with

1 the provisions of Section 13-109.1 of the Illinois Vehicle
2 Code.

3 3. When the Secretary of State is notified by the
4 United States Department of Transportation that a vehicle
5 is in violation of the Federal Motor Carrier Safety
6 Regulations, as they are now or hereafter amended, and is
7 prohibited from operating.

8 (c) The Secretary of State may suspend the registration of
9 a vehicle when a court finds that the vehicle was used in a
10 violation of Section 24-3A of the Criminal Code of 1961 or the
11 Criminal Code of 2012 relating to gunrunning. A suspension of
12 registration under this subsection (c) may be for a period of
13 up to 90 days.

14 (d) The Secretary of State shall not renew the registration
15 of a vehicle when the Illinois Commerce Commission finds that
16 the registered owner of a vehicle used in violation of the
17 Automated Traffic Control Systems in Highway Construction or
18 Maintenance Zones Act: (1) has failed to pay any penalty due
19 and owing as a result of 3 violations under the Automated
20 Traffic Control Systems in Highway Construction or Maintenance
21 Zones Act; or (2) is more than 30 calendar days in default of a
22 payment plan. The Illinois Commerce Commission and the
23 Secretary of State shall adopt rules to implement this
24 subsection (d).

25 (Source: P.A. 97-540, eff. 1-1-12; 97-1150, eff. 1-25-13.)

1 (625 ILCS 5/11-605.1)

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

4 (a) A person may not operate a motor vehicle in a
5 construction or maintenance speed zone at a speed in excess of
6 the posted speed limit when workers are present.

7 (a-5) A person may not operate a motor vehicle in a
8 construction or maintenance speed zone at a speed in excess of
9 the posted speed limit when workers are not present.

10 (b) Nothing in this Chapter prohibits the use of electronic
11 speed-detecting devices within 500 feet of signs within a
12 construction or maintenance speed zone as defined by the
13 Automated Traffic Control Systems in Highway Construction or
14 Maintenance Zones Act. A violation incurred by use of
15 electronic speed-detecting devices shall not constitute a
16 first or subsequent violation of this Section for purposes of
17 finer or driver's license suspensions ~~indicating the zone, as~~
18 ~~defined in this Section, nor shall evidence obtained by use of~~
19 ~~those devices be inadmissible in any prosecution for speeding,~~
20 ~~provided the use of the device shall apply only to the~~
21 ~~enforcement of the speed limit in the construction or~~
22 ~~maintenance speed zone.~~

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

1 approached, or in which the Department, Authority, or local
2 agency is preparing for construction or maintenance of the
3 road, conducting construction or maintenance of the road, or
4 removing construction or maintenance equipment and materials
5 from the road, and has posted a lower speed limit with a
6 highway construction or maintenance speed zone special speed
7 limit sign after determining that the preexisting established
8 speed limit through a highway construction or maintenance
9 project is greater than is reasonable or safe with respect to
10 the conditions expected to exist in the construction or
11 maintenance speed zone.

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

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

24 (d) Except as provided under subsection (d-5), a person who
25 violates this Section is guilty of a petty offense. Violations
26 of this Section are punishable with a minimum fine of \$250 for

1 the first violation and a minimum fine of \$750 for the second
2 or subsequent violation.

3 (d-5) A person committing a violation of this Section is
4 guilty of aggravated special speed limit while traveling
5 through a highway construction or maintenance speed zone when
6 he or she drives a motor vehicle at a speed that is:

7 (1) 26 miles per hour or more but less than 35 miles
8 per hour in excess of the applicable special speed limit
9 established under this Section or a similar provision of a
10 local ordinance and is guilty of a Class B misdemeanor; or

11 (2) 35 miles per hour or more in excess of the
12 applicable special speed limit established under this
13 Section or a similar provision of a local ordinance and is
14 guilty of a Class A misdemeanor.

15 (e) If a fine for a violation of this Section is \$250 or
16 greater, the person who violated this Section shall be charged
17 an additional \$125, which shall be deposited into the
18 Transportation Safety Highway Hire-back Fund in the State
19 treasury, unless (i) the violation occurred on a highway other
20 than an interstate highway and (ii) a county police officer
21 wrote the ticket for the violation, in which case the \$125
22 shall be deposited into that county's Transportation Safety
23 Highway Hire-back Fund. In the case of a second or subsequent
24 violation of this Section, if the fine is \$750 or greater, the
25 person who violated this Section shall be charged an additional
26 \$250, which shall be deposited into the Transportation Safety

1 Highway Hire-back Fund in the State treasury, unless (i) the
2 violation occurred on a highway other than an interstate
3 highway and (ii) a county police officer wrote the ticket for
4 the violation, in which case the \$250 shall be deposited into
5 that county's Transportation Safety Highway Hire-back Fund.

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

9 (f) The Transportation Safety Highway Hire-back Fund,
10 which was created by Public Act 92-619, shall continue to be a
11 special fund in the State treasury. Subject to appropriation by
12 the General Assembly and approval by the Secretary, the
13 Secretary of Transportation shall use all moneys in the
14 Transportation Safety Highway Hire-back Fund to hire off-duty
15 Department of State Police officers to monitor construction or
16 maintenance zones, and to provide additional policing as
17 determined by the Director of State Police, in coordination
18 with the Secretary of Transportation, including State Police
19 cadet training.

20 (f-5) Each county shall create a Transportation Safety
21 Highway Hire-back Fund. The county shall use the moneys in its
22 Transportation Safety Highway Hire-back Fund to hire off-duty
23 county police officers to monitor construction or maintenance
24 zones in that county on highways other than interstate
25 highways, and to provide additional policing as determined by
26 the sheriff. The county, in its discretion, may also use a

1 portion of the moneys in its Transportation Safety Highway
2 Hire-back Fund to purchase equipment for county law enforcement
3 and fund the production of materials to educate drivers on
4 construction zone safe driving habits.

5 (f-10) Each local agency operating an automated control
6 system under the Automated Traffic Control Systems in Highway
7 Construction or Maintenance Zones Act may create a
8 Transportation Safety Highway Hire-back Fund to hire off-duty
9 law enforcement officers to monitor construction or
10 maintenance zones within that agency's jurisdiction and
11 provide additional policing within that agency's jurisdiction.

12 (g) For a second or subsequent violation of this Section
13 within 2 years of the date of the previous violation, the
14 Secretary of State shall suspend the driver's license of the
15 violator for a period of 90 days. This suspension shall only be
16 imposed if the current violation of this Section and at least
17 one prior violation of this Section occurred during a period
18 when workers were present in the construction or maintenance
19 zone.

20 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,
21 eff. 1-1-16; 99-642, eff. 7-28-16.)

22 Section 20. The Automated Traffic Control Systems in
23 Highway Construction or Maintenance Zones Act is amended by
24 changing Sections 10, 15, 20, 25, 30, 35, and 40 as follows:

1 (625 ILCS 7/10)

2 Sec. 10. Establishment of automated traffic control
3 systems. The Department of State Police or local agency with
4 jurisdiction may establish and enforce an automated traffic
5 control system in any construction or maintenance zone
6 established by the Department of Transportation, ~~or the~~
7 Illinois State Toll Highway Authority, or a local agency with
8 jurisdiction. The Department of State Police may enforce an
9 automated traffic control system in any construction or
10 maintenance zone established by a local agency with
11 jurisdiction. The Department of State Police shall cease
12 automated enforcement operations if the municipal chief of
13 police with jurisdiction makes a written request to the
14 Department of State Police. The Department of State Police
15 shall cease automated enforcement operations in any
16 unincorporated area of the county if the county sheriff with
17 jurisdiction makes a written request to the Department of State
18 Police. The Department of State Police or local agency shall
19 operate a technically advanced system in terms of image or
20 video recording capabilities in combination with vehicle
21 detection sensors. No automated traffic control system shall be
22 established or operated under this Section unless approved by
23 the Secretary of Transportation. The Department of State Police
24 and the Department of Transportation shall create rules for the
25 establishment, compatibility, operation, transmission of data,
26 and enforcement of an automated traffic control system under

1 this Act. The Department of State Police shall review and send
2 notice of any violation of this Act. The Department of State
3 Police shall be responsible for entering into contracts with
4 vendors for the establishment, maintenance, and operation of
5 the automated traffic control system. All contracts shall be
6 paid from the penalties collected under this Act before any
7 other funds are distributed. A local agency with jurisdiction
8 seeking to utilize an automated traffic control system shall
9 enter into an intergovernmental agreement with the Department
10 of State Police to sub-lease the equipment. The Department of
11 State Police shall review all the evidence of potential
12 violations, make violation determinations, and send out all
13 notices of violations. An automated traffic control system may
14 operate only during those periods when workers are present in
15 the construction or maintenance zone. In any prosecution based
16 upon evidence obtained through an automated traffic control
17 system established under this Act, the State must prove that
18 one or more workers were present in the construction or
19 maintenance zone when the violation occurred.

20 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
21 94-814, eff. 1-1-07.)

22 (625 ILCS 7/15)

23 Sec. 15. Definitions. As used in this Act:

24 ~~(a)~~ "Automated traffic control system" means any system
25 with image or video recording capabilities in combination with

1 vehicle detection sensors that accurately measures a vehicle's
2 speed while recording a clear image or video of the vehicle and
3 the vehicle's front and rear registration plates while the
4 driver is violating Section 20 of this Act. Each system shall
5 also attempt to capture the image of the face of the driver to
6 assist the owners of the vehicle in identifying the person
7 driving the vehicle at the time of the violation. The image of
8 the face of the driver is not necessary for the issuance of a
9 Notice of Violation under Section 30 of this Act. ~~a~~
10 ~~photographic device, radar device, laser device, or other~~
11 ~~electrical or mechanical device or devices designed to record~~
12 ~~the speed of a vehicle and obtain a clear photograph or other~~
13 ~~recorded image of the vehicle, the vehicle operator, and the~~
14 ~~vehicle's registration plate while the driver is violating~~
15 ~~Section 11-605.1 of the Illinois Vehicle Code. The photograph~~
16 ~~or other recorded image must also display the time, date, and~~
17 ~~location of the violation. A law enforcement officer is not~~
18 ~~required to be present or to witness the violation.~~

19 ~~(b)~~ "Construction or maintenance zone" means an area in
20 which the Department of Transportation, ~~or the~~ Illinois State
21 Toll Highway Authority, or local agency with jurisdiction is
22 preparing for construction or maintenance of the road,
23 conducting construction or maintenance of the road, or removing
24 construction or maintenance equipment and materials from the
25 road, and has determined that the preexisting established speed
26 limit through a highway construction or maintenance project is

1 greater than is reasonable or safe with respect to the
2 conditions expected to exist in the construction or maintenance
3 zone and has posted a lower speed limit with a highway
4 construction or maintenance zone special speed limit sign in
5 accordance with Section 11-605.1 of the Illinois Vehicle Code.
6 Unless a road or highway remains in an unsafe or hazardous
7 condition, including, but not limited to, lane closures,
8 traffic alterations, or other alterations impacting normal
9 driving conditions, no automated enforcement shall occur in a
10 construction or maintenance zone if construction work has not
11 occurred in the previous 48 hours or more.

12 "Local agency with jurisdiction" means the municipality or
13 county establishing a construction or maintenance zone under
14 this Act. Local agency enforcement is limited to all or any
15 portion of a State highway or road where speed limits exceed 45
16 miles per hour before establishment of a construction or
17 maintenance zone. Local agency enforcement for a county is
18 limited to an unincorporated area of the county.

19 ~~(e)~~ "Owner" means the person or entity to whom the vehicle
20 is registered.

21 (Source: P.A. 93-947, eff. 8-19-04.)

22 (625 ILCS 7/20)

23 Sec. 20. Civil violation; penalties; vehicle registration
24 non-renewal Penalties.

25 (a) A motor vehicle may not operate in a construction or

1 maintenance zone at a speed in excess of the posted speed
2 limit. The registered owner of a motor vehicle operated in
3 violation of this Section when the violation is recorded by an
4 automated traffic control system shall be subject to the
5 following penalties:

6 (1) if the recorded speed is less than 10 miles per
7 hour over the posted speed limit, a civil penalty may not
8 be imposed under this Act; however, the Department of State
9 Police may send a speed violation warning notice to the
10 registered owner of the vehicle, in the same manner that a
11 Notice of Violation is sent under this Act;

12 (2) if the recorded speed is at least 10 miles per hour
13 but less than 20 miles per hour over the posted speed
14 limit, a civil penalty of \$50 is imposed, and if the
15 penalty is not paid in a timely manner an additional
16 penalty of \$50 is imposed; or

17 (3) if the recorded speed is 20 miles per hour or more
18 over the posted speed limit, a civil penalty of \$100 is
19 imposed, and if the penalty is not paid in a timely manner
20 an additional penalty of \$100 is imposed.

21 (b) A violation of this Section is a civil penalty, and not
22 a violation of a traffic regulation governing the movement of
23 vehicles and may not be recorded on the driving record of the
24 owner of the vehicle.

25 (c) In addition to the penalties imposed under this
26 Section, the Secretary of State shall not renew the vehicle

1 registration of the registered owner of a vehicle operated in
2 violation of this Section, if the Illinois Commerce Commission
3 finds that the owner: (1) has failed to pay any penalty due and
4 owing as a result of 3 violations of this Section; or (2) is
5 more than 30 calendar days in default of a payment plan. The
6 Illinois Commerce Commission and the Secretary of State shall
7 adopt rules to implement this Section.

8 (d) Forty percent of the penalties collected under an
9 automated traffic control system established by a local agency
10 that enters into an intergovernmental agreement with the
11 Department of State Police shall be deposited as follows: 20%
12 into the Traffic and Criminal Conviction Surcharge Fund for use
13 in law enforcement training and 20% into the State Police
14 Operations Assistance Fund.

15 (d-5) Forty percent of the penalties collected under an
16 automated traffic control system established by the Department
17 of State Police, the Department of Transportation, or the
18 Illinois State Toll Highway Authority, shall be deposited into
19 the State Police Merit Board Public Safety Fund for
20 distribution under Section 7.2 of the State Police Act.

21 (e) Ten percent of the penalties collected under an
22 automated traffic control system established by the Department
23 of State Police, the Department of Transportation, or the
24 Illinois State Toll Highway Authority, shall be deposited into
25 the State Transportation Safety Highway Hire-back Fund. All
26 moneys deposited into the State Transportation Safety Highway

1 Hire-back Fund from funds collected under an automated traffic
2 control system established by the Illinois State Toll Highway
3 Authority shall be used exclusively for policing expenditures
4 on State tollways. Ten percent of the penalties collected under
5 an automated traffic control system established by a local
6 agency with jurisdiction shall be deposited as follows: 5% into
7 the Transportation Safety Highway Hire-back Fund of the local
8 agency with jurisdiction, if a fund exists, and 5% into the
9 State Transportation Safety Highway Hire-back Fund. If the
10 local agency with jurisdiction does not have a Transportation
11 Safety Highway Hire-back Fund, then 10% of the penalties
12 collected under an automated traffic control system
13 established by a local agency with jurisdiction shall be
14 deposited into the State Transportation Safety Highway
15 Hire-back Fund. The funds deposited into the State
16 Transportation Safety Highway Hire-back Fund or the
17 Transportation Safety Highway Hire-back Fund of the local
18 agency with jurisdiction under this subsection (e) shall be
19 used to hire off-duty Department of State Police or local
20 agency officers to monitor construction or maintenance zones
21 and provide for additional policing. The Department of State
22 Police may recover, and deposit into the State Police
23 Operations Assistance Fund, enforcement and administrative
24 costs from enforcement penalties collected under this Act, but
25 the amount collected shall not exceed 20% of the total
26 penalties collected under this Act. A local agency with

1 jurisdiction may establish a Safety Highway Hire-back Fund to
2 receive revenues under this Section. The Department of State
3 Police shall adopt rules to implement this subsection (e).

4 (e-5) Twenty percent of the penalties collected under an
5 automated traffic control system shall be deposited into the
6 Road Fund and used exclusively for driver education or work
7 zone safety awareness; or into the State Transportation
8 Hire-back Fund and used exclusively for roads and highways
9 under the jurisdiction of the Department of Transportation.

10 (e-7) Ten percent of all penalties collected under this Act
11 shall be deposited into the Transportation Regulatory Fund and
12 may be used by the Illinois Commerce Commission for
13 administrative, enforcement, and adjudicatory purposes.

14 (f) The Department of State Police and the Department of
15 Transportation shall jointly conduct an annual statistical
16 analysis to assess the safety impact of the system. The
17 statistical analysis shall be based upon the best available
18 crash, traffic, and other data, and shall cover a period of
19 time before and after the installation of the system sufficient
20 to provide a statistically valid comparison of the safety
21 impact. The statistical analysis required by this subsection

22 (f) shall be made available to the public and shall be
23 published on the websites of the Department of State Police and
24 the Department of Transportation.

25 (g) The Illinois Commerce Commission and Department of
26 State Police shall adopt rules for collection of penalties,

1 conduct of administrative proceedings, and other rules
2 necessary to implement this Act. The rules adopted must allow
3 for a 60-day period to pay a penalty or challenge each attested
4 Notice of Violation.

5 ~~The penalties for and consequences of a traffic violation~~
6 ~~recorded by an automated traffic control system are the same as~~
7 ~~for any similar violation of the Illinois Vehicle Code.~~

8 (Source: P.A. 93-947, eff. 8-19-04.)

9 (625 ILCS 7/25)

10 Sec. 25. Limitations on the use of automated traffic
11 control enforcement systems.

12 (a) The Department of State Police or local agency with
13 jurisdiction must conduct a public information campaign to
14 inform drivers about the use of automated traffic control
15 systems in highway construction or maintenance zones,
16 including but not limited to speed restrictions under Sections
17 11-601.5 and 11-605.1 of the Illinois Vehicle Code and
18 penalties for injuring or killing a worker in a highway
19 construction or maintenance zone under Section 11-908 of the
20 Illinois Vehicle Code before establishing any of those systems.
21 The Department of State Police shall adopt rules for
22 implementing this subsection (a).

23 (b) Signs indicating that speeds are enforced by automated
24 traffic control systems must be clearly and conspicuously
25 posted not more than 500 feet before a construction or

1 maintenance zone and not more than 500 feet before an automated
2 traffic control system. Signs indicating the end of a
3 construction or maintenance zone utilizing an automated
4 traffic control system must be clearly and conspicuously posted
5 ~~in the areas where the systems are in use.~~

6 (c) Operation of automated traffic control systems is
7 limited to established areas ~~where~~ road construction or
8 maintenance zones ~~is occurring.~~

9 (d) Photographs or other recorded images obtained in this
10 manner may only be used as evidence in relation to a violation
11 of this Act or Section 11-605.1 of the Illinois Vehicle Code
12 ~~for which the photograph is taken. For the purposes of this~~
13 Act, the ~~The~~ photographs or other recorded images are available
14 only to the owner of the vehicle, the driver of the vehicle,
15 the lessee of the vehicle, the ~~offender and the offender's~~
16 attorney of the owner or driver or lessee, hearing officer,
17 relevant Secretary of State or Illinois Commerce Commission
18 personnel ~~the judiciary, the local State's Attorney,~~ and law
19 enforcement officials.

20 (e) (Blank). ~~If the driver of the vehicle cannot be~~
21 ~~identified through the photograph, the owner is not liable for~~
22 ~~the fine, and the citation may not be counted against the~~
23 ~~driving record of the owner. If the driver can be identified,~~
24 ~~the driver is liable for the fine, and the violation is counted~~
25 ~~against his or her driving record.~~

26 (Source: P.A. 93-947, eff. 8-19-04.)

1 (625 ILCS 7/30)

2 Sec. 30. Requirements for issuance of a Notice of Violation
3 citation.

4 (a) The vehicle, ~~vehicle operator~~, vehicle registration
5 plate, speed, date, time, and location must be clearly visible
6 on the photograph or other recorded image of the alleged
7 violation. The Department of State Police must review and
8 approve the photograph or other recorded image for compliance
9 with this subsection. The Department of State Police shall
10 adopt rules for: (1) coordination of enforcement efforts with
11 State agencies, local agencies with jurisdiction, the Illinois
12 Commerce Commission, and the Secretary of State; (2) notices to
13 motorists; and (3) review and approval of photographs or other
14 recorded images from automated traffic control systems
15 established by the Department or a local agency with
16 jurisdiction. The rules may provide that the review and
17 approval of the photograph or other recorded image under this
18 subsection may be conducted by a Department employee other than
19 a sworn law enforcement officer.

20 (b) A Notice of Violation ~~Uniform Traffic Citation~~ must be
21 mailed by first class United States mail with postage prepaid
22 ~~or otherwise delivered~~ to the registered owner of the vehicle .
23 ~~If mailed, the citation must be sent via certified mail~~ within
24 14 business days of the alleged violation, ~~return receipt~~
25 ~~requested.~~

1 (c) The Notice of Violation ~~Uniform Traffic Citation~~ must
2 include:

3 (1) the name and address of the vehicle owner;

4 (2) the registration number of the vehicle;

5 (3) the violation ~~offense~~ charged;

6 (4) the time, date, and location of the violation;

7 (5) (blank) ~~the first available court date; and~~

8 (6) notice that the basis of the violation ~~citation~~ is
9 the photograph or recorded image from the automated traffic
10 control system; ~~-~~

11 (7) a copy of the recorded image or images and a
12 statement that the violation occurred in a construction or
13 maintenance zone, as defined by Section 15 of this Act;

14 (8) the amount of the civil penalty imposed and the
15 date by which the civil penalty should be paid;

16 (9) a statement that recorded images are evidence of a
17 violation of a speed restriction;

18 (10) a warning that failure to pay the civil penalty in
19 a timely manner is an admission of liability and may result
20 in the non-renewal of the vehicle registration of the owner
21 of the vehicle;

22 (11) a statement that the person may elect to proceed
23 by:

24 (A) paying the fine;

25 (B) challenging the charge by mail or by
26 administrative hearing; or

1 (C) challenging the charge by any administrative
2 rule adopted by the Illinois Commerce Commission under
3 this Act; and

4 (12) a website address where the owner may view the
5 recorded images of the violation.

6 (d) The Notice of Violation ~~Uniform Traffic Citation~~ issued
7 to the owner ~~violation~~ must be a single sheet. ~~accompanied by a~~
8 ~~written document that lists the violator's rights and~~
9 ~~obligations and explains how the violator can elect to proceed~~
10 ~~by either paying the fine or challenging the issuance of the~~
11 The written document must also include on the backside of the
12 sheet information on penalties for injuring or killing a worker
13 in a highway construction or maintenance zone ~~Uniform Traffic~~
14 ~~Citation.~~

15 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
16 94-814, eff. 1-1-07.)

17 (625 ILCS 7/35)

18 Sec. 35. Response to issuance of a Notice of Violation
19 ~~citation.~~

20 (a) If a ~~A~~ person issued a Notice of Violation ~~citation~~
21 under this Act (1) has failed to pay any penalty due and owing
22 as a result of 3 violations under the Automated Traffic Control
23 Systems in Highway Construction or Maintenance Zones Act; or
24 (2) is more than 30 calendar days in default of a payment plan,
25 the Secretary of State shall not renew the registration of the

1 owner of the vehicle. The Secretary of State shall adopt rules
2 to implement this Section ~~may respond to the citation in person~~
3 ~~or by any method allowed by law.~~

4 (b) (Blank). ~~If the driver of the vehicle cannot be~~
5 ~~identified through the photograph or other recorded image, the~~
6 ~~owner is not liable for the fine.~~

7 (c) The Illinois Commerce Commission shall establish an
8 administrative process to carry out this Section and shall
9 adopt rules to allow for coordination with the Department of
10 State Police, the Secretary of State, other State agencies, and
11 local agencies with jurisdiction to enforce this Section. The
12 rules adopted shall not allow for less than 60 days for a
13 vehicle owner to either pay the violation or challenge the
14 violation by mail, administrative hearing, or any other
15 procedure established by rule. The rules shall provide a
16 process by which a vehicle owner may transfer liability for a
17 violation under this Act to the driver of the owner's vehicle
18 and a process by which a lessor may transfer liability for a
19 violation under this Act to the lessee of the lessor's vehicle.

20 (d) In an administrative proceeding challenging the
21 violation, the hearing officer may consider in defense of a
22 violation:

23 (1) that the motor vehicle or registration plate of the
24 motor vehicle were stolen before the violation occurred and
25 were not under the control of or in the possession of the
26 owner at the time of the violation;

1 (2) that the driver or owner of the motor vehicle
2 received a Uniform Traffic Citation from a law enforcement
3 officer for a speed violation occurring within one-eighth
4 of a mile and within 15 minutes of the violation recorded
5 by the automated traffic control system;

6 (3) that the owner or lessor of the vehicle has
7 transferred liability to the driver;

8 (4) that clear and conspicuous signs were not displayed
9 at the construction or maintenance zone;

10 (5) that the Department of Transportation, Illinois
11 State Toll Highway Authority, or local agency with
12 jurisdiction did not properly establish a construction or
13 maintenance zone as defined under Section 15 of this Act;

14 or

15 (6) any other evidence or issues allowed by
16 administrative rule adopted under this Act.

17 (Source: P.A. 93-947, eff. 8-19-04.)

18 (625 ILCS 7/40)

19 Sec. 40. Admissibility of recorded images. Any ~~Except as~~
20 ~~provided in Section 45, any~~ photograph or other recorded image
21 evidencing a violation of this Act or Section 11-605.1 of the
22 Illinois Vehicle Code is admissible in any proceeding resulting
23 from the issuance of the Notice of Violation under this Act or
24 Uniform Traffic Citation under Section 11-605.1 of the Illinois
25 Vehicle Code. For the purposes of this Act, photographs

1 ~~Photographs~~ or other recorded images made by an automated
2 ~~automatic~~ traffic control system are confidential and shall be
3 made available only to those persons provided for under
4 subsection (d) of Section 25 of this Act ~~the defendant and to~~
5 ~~governmental or law enforcement agencies within the~~
6 ~~jurisdiction~~ for the purposes of adjudicating a ~~driving~~
7 violation.

8 (Source: P.A. 93-947, eff. 8-19-04.)

9 (625 ILCS 7/45 rep.)

10 Section 25. The Automated Traffic Control Systems in
11 Highway Construction or Maintenance Zones Act is amended by
12 repealing Section 45.

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act."