

# SB1496



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1496

Introduced 2/13/2019, by Sen. Thomas Cullerton

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-908

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

Amends the Illinois Vehicle Code. Increases the penalty for violating the Section regarding use of due caution in approaching or entering a highway construction or maintenance area or zone from a maximum fine of \$10,000 to a maximum fine of \$25,000. Provides that the driver of a vehicle shall avoid encroaching upon any designated highway construction or maintenance zone, and violators shall be fined no less than \$100 and no more than \$1,000.

LRB101 09850 TAE 54952 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 Section 11-908 as follows:

6 (625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

7 Sec. 11-908. Vehicle approaching or entering a highway  
8 construction or maintenance area or zone.

9 (a) The driver of a vehicle shall yield the right-of-way to  
10 any authorized vehicle or pedestrian actually engaged in work  
11 upon a highway within any highway construction or maintenance  
12 area indicated by official traffic-control devices.

13 (a-1) Upon entering a construction or maintenance zone when  
14 workers are present, a person who drives a vehicle shall:

15 (1) proceeding with due caution, make a lane change  
16 into a lane not adjacent to that of the workers present, if  
17 possible with due regard to safety and traffic conditions,  
18 if on a highway having at least 4 lanes with not less than  
19 2 lanes proceeding in the same direction as the approaching  
20 vehicle; or

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

1           (a-2) A person who violates subsection (a-1) of this  
2 Section commits a business offense punishable by a fine of not  
3 less than \$100 and not more than \$25,000 ~~\$10,000~~. It is a  
4 factor in aggravation if the person committed the offense while  
5 in violation of Section 11-501 of this Code.

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

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

16           (a-5) If a violation of subsection (a-1) of this Section  
17 results in the death of another person, in addition to any  
18 other penalty imposed, the person's driving privileges shall be  
19 suspended for 2 years.

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

23                 (1) suspend the person's driving privileges for the  
24 mandatory period; or

25                 (2) extend the period of an existing suspension by the  
26 appropriate mandatory period.

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

6           (c) The driver of a vehicle shall stop if signaled to do so  
7 by a flagger or a traffic control signal and remain in such  
8 position until signaled to proceed. If a driver of a vehicle  
9 fails to stop when signaled to do so by a flagger, the flagger  
10 is authorized to report such offense to the State's Attorney or  
11 authorized prosecutor. The penalties imposed for a violation of  
12 this subsection (c) shall be in addition to any penalties  
13 imposed for a violation of subsection (a-1).

14           (d) The driver of a vehicle shall avoid encroaching upon  
15 any designated highway construction or maintenance zone. A  
16 person who violates this subsection shall be fined no less than  
17 \$100 and no more than \$1,000.

18           (Source: P.A. 100-201, eff. 8-18-17.)