

HB3423



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3423

by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206
625 ILCS 5/11-605.1

Amends the Illinois Vehicle Code. Provides that for a second or subsequent violation of operating a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are present within one year (rather than 2 years) of the date of the first violation, the Secretary of State shall suspend the driver's license of the violator for a period of 60 days (rather than 90 days). Makes conforming changes.

LRB100 10605 AXK 20824 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 6-206 and 11-605.1 as follows:

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

6 4. Has by the unlawful operation of a motor vehicle
7 caused or contributed to an accident resulting in injury
8 requiring immediate professional treatment in a medical
9 facility or doctor's office to any person, except that any
10 suspension or revocation imposed by the Secretary of State
11 under the provisions of this subsection shall start no
12 later than 6 months after being convicted of violating a
13 law or ordinance regulating the movement of traffic, which
14 violation is related to the accident, or shall start not
15 more than one year after the date of the accident,
16 whichever date occurs later;

17 5. Has permitted an unlawful or fraudulent use of a
18 driver's license, identification card, or permit;

19 6. Has been lawfully convicted of an offense or
20 offenses in another state, including the authorization
21 contained in Section 6-203.1, which if committed within
22 this State would be grounds for suspension or revocation;

23 7. Has refused or failed to submit to an examination
24 provided for by Section 6-207 or has failed to pass the
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to
7 fraudulently use any license, identification card, or
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a
13 monitoring device driving permit, judicial driving permit
14 issued prior to January 1, 2009, probationary license to
15 drive, or a restricted driving permit issued under this
16 Code;

17 12. Has submitted to any portion of the application
18 process for another person or has obtained the services of
19 another person to submit to any portion of the application
20 process for the purpose of obtaining a license,
21 identification card, or permit for some other person;

22 13. Has operated a motor vehicle upon a highway of this
23 State when the person's driver's license or permit was
24 invalid under the provisions of Sections 6-107.1 and 6-110;

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or

1 14B of the Illinois Identification Card Act;

2 15. Has been convicted of violating Section 21-2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 relating
4 to criminal trespass to vehicles in which case, the
5 suspension shall be for one year;

6 16. Has been convicted of violating Section 11-204 of
7 this Code relating to fleeing from a peace officer;

8 17. Has refused to submit to a test, or tests, as
9 required under Section 11-501.1 of this Code and the person
10 has not sought a hearing as provided for in Section
11 11-501.1;

12 18. Has, since issuance of a driver's license or
13 permit, been adjudged to be afflicted with or suffering
14 from any mental disability or disease;

15 19. Has committed a violation of paragraph (a) or (b)
16 of Section 6-101 relating to driving without a driver's
17 license;

18 20. Has been convicted of violating Section 6-104
19 relating to classification of driver's license;

20 21. Has been convicted of violating Section 11-402 of
21 this Code relating to leaving the scene of an accident
22 resulting in damage to a vehicle in excess of \$1,000, in
23 which case the suspension shall be for one year;

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 or the Criminal Code of 2012

1 relating to unlawful use of weapons, in which case the
2 suspension shall be for one year;

3 23. Has, as a driver, been convicted of committing a
4 violation of paragraph (a) of Section 11-502 of this Code
5 for a second or subsequent time within one year of a
6 similar violation;

7 24. Has been convicted by a court-martial or punished
8 by non-judicial punishment by military authorities of the
9 United States at a military installation in Illinois or in
10 another state of or for a traffic related offense that is
11 the same as or similar to an offense specified under
12 Section 6-205 or 6-206 of this Code;

13 25. Has permitted any form of identification to be used
14 by another in the application process in order to obtain or
15 attempt to obtain a license, identification card, or
16 permit;

17 26. Has altered or attempted to alter a license or has
18 possessed an altered license, identification card, or
19 permit;

20 27. Has violated Section 6-16 of the Liquor Control Act
21 of 1934;

22 28. Has been convicted for a first time of the illegal
23 possession, while operating or in actual physical control,
24 as a driver, of a motor vehicle, of any controlled
25 substance prohibited under the Illinois Controlled
26 Substances Act, any cannabis prohibited under the Cannabis

1 Control Act, or any methamphetamine prohibited under the
2 Methamphetamine Control and Community Protection Act, in
3 which case the person's driving privileges shall be
4 suspended for one year. Any defendant found guilty of this
5 offense while operating a motor vehicle, shall have an
6 entry made in the court record by the presiding judge that
7 this offense did occur while the defendant was operating a
8 motor vehicle and order the clerk of the court to report
9 the violation to the Secretary of State;

10 29. Has been convicted of the following offenses that
11 were committed while the person was operating or in actual
12 physical control, as a driver, of a motor vehicle: criminal
13 sexual assault, predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 abuse, aggravated criminal sexual abuse, juvenile pimping,
16 soliciting for a juvenile prostitute, promoting juvenile
17 prostitution as described in subdivision (a)(1), (a)(2),
18 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
19 or the Criminal Code of 2012, and the manufacture, sale or
20 delivery of controlled substances or instruments used for
21 illegal drug use or abuse in which case the driver's
22 driving privileges shall be suspended for one year;

23 30. Has been convicted a second or subsequent time for
24 any combination of the offenses named in paragraph 29 of
25 this subsection, in which case the person's driving
26 privileges shall be suspended for 5 years;

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 of this Code or Section 5-16c of the Boat
3 Registration and Safety Act or has submitted to a test
4 resulting in an alcohol concentration of 0.08 or more or
5 any amount of a drug, substance, or compound resulting from
6 the unlawful use or consumption of cannabis as listed in
7 the Cannabis Control Act, a controlled substance as listed
8 in the Illinois Controlled Substances Act, an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act, in which case the
12 penalty shall be as prescribed in Section 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 relating
15 to the aggravated discharge of a firearm if the offender
16 was located in a motor vehicle at the time the firearm was
17 discharged, in which case the suspension shall be for 3
18 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this Code
22 or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code or a similar provision of a local ordinance;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code or a similar provision of a local ordinance;

1 36. Is under the age of 21 years at the time of arrest
2 and has been convicted of not less than 2 offenses against
3 traffic regulations governing the movement of vehicles
4 committed within any 24 month period. No revocation or
5 suspension shall be entered more than 6 months after the
6 date of last conviction;

7 37. Has committed a violation of subsection (c) of
8 Section 11-907 of this Code that resulted in damage to the
9 property of another or the death or injury of another;

10 38. Has been convicted of a violation of Section 6-20
11 of the Liquor Control Act of 1934 or a similar provision of
12 a local ordinance;

13 39. Has committed a second or subsequent violation of
14 Section 11-1201 of this Code;

15 40. Has committed a violation of subsection (a-1) of
16 Section 11-908 of this Code;

17 41. Has committed a second or subsequent violation of
18 Section 11-605.1 of this Code, a similar provision of a
19 local ordinance, or a similar violation in any other state
20 within one year ~~2 years~~ of the date of the previous
21 violation, in which case the suspension shall be for 60 ~~90~~
22 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code or a similar provision of a
25 local ordinance;

26 43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20
2 of the Liquor Control Act of 1934 or a similar provision of
3 a local ordinance, in which case the suspension shall be
4 for a period of 3 months;

5 44. Is under the age of 21 years at the time of arrest
6 and has been convicted of an offense against traffic
7 regulations governing the movement of vehicles after
8 having previously had his or her driving privileges
9 suspended or revoked pursuant to subparagraph 36 of this
10 Section;

11 45. Has, in connection with or during the course of a
12 formal hearing conducted under Section 2-118 of this Code:
13 (i) committed perjury; (ii) submitted fraudulent or
14 falsified documents; (iii) submitted documents that have
15 been materially altered; or (iv) submitted, as his or her
16 own, documents that were in fact prepared or composed for
17 another person;

18 46. Has committed a violation of subsection (j) of
19 Section 3-413 of this Code;

20 47. Has committed a violation of Section 11-502.1 of
21 this Code; or

22 48. Has submitted a falsified or altered medical
23 examiner's certificate to the Secretary of State or
24 provided false information to obtain a medical examiner's
25 certificate.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license is
3 deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license or a temporary driver's
6 license.

7 (b) If any conviction forming the basis of a suspension or
8 revocation authorized under this Section is appealed, the
9 Secretary of State may rescind or withhold the entry of the
10 order of suspension or revocation, as the case may be, provided
11 that a certified copy of a stay order of a court is filed with
12 the Secretary of State. If the conviction is affirmed on
13 appeal, the date of the conviction shall relate back to the
14 time the original judgment of conviction was entered and the 6
15 month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or
17 permit of any person as authorized in this Section, the
18 Secretary of State shall immediately notify the person in
19 writing of the revocation or suspension. The notice to be
20 deposited in the United States mail, postage prepaid, to the
21 last known address of the person.

22 2. If the Secretary of State suspends the driver's license
23 of a person under subsection 2 of paragraph (a) of this
24 Section, a person's privilege to operate a vehicle as an
25 occupation shall not be suspended, provided an affidavit is
26 properly completed, the appropriate fee received, and a permit

1 issued prior to the effective date of the suspension, unless 5
2 offenses were committed, at least 2 of which occurred while
3 operating a commercial vehicle in connection with the driver's
4 regular occupation. All other driving privileges shall be
5 suspended by the Secretary of State. Any driver prior to
6 operating a vehicle for occupational purposes only must submit
7 the affidavit on forms to be provided by the Secretary of State
8 setting forth the facts of the person's occupation. The
9 affidavit shall also state the number of offenses committed
10 while operating a vehicle in connection with the driver's
11 regular occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as set
18 forth in the notice that was mailed under this Section. If an
19 affidavit is received subsequent to the effective date of this
20 suspension, a permit may be issued for the remainder of the
21 suspension period.

22 The provisions of this subparagraph shall not apply to any
23 driver required to possess a CDL for the purpose of operating a
24 commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section 6-302

1 and upon conviction thereof shall have all driving privileges
2 revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118 of
4 this Code, the Secretary of State shall either rescind or
5 continue an order of revocation or shall substitute an order of
6 suspension; or, good cause appearing therefor, rescind,
7 continue, change, or extend the order of suspension. If the
8 Secretary of State does not rescind the order, the Secretary
9 may upon application, to relieve undue hardship (as defined by
10 the rules of the Secretary of State), issue a restricted
11 driving permit granting the privilege of driving a motor
12 vehicle between the petitioner's residence and petitioner's
13 place of employment or within the scope of the petitioner's
14 employment related duties, or to allow the petitioner to
15 transport himself or herself, or a family member of the
16 petitioner's household to a medical facility, to receive
17 necessary medical care, to allow the petitioner to transport
18 himself or herself to and from alcohol or drug remedial or
19 rehabilitative activity recommended by a licensed service
20 provider, or to allow the petitioner to transport himself or
21 herself or a family member of the petitioner's household to
22 classes, as a student, at an accredited educational
23 institution, or to allow the petitioner to transport children,
24 elderly persons, or persons with disabilities who do not hold
25 driving privileges and are living in the petitioner's household
26 to and from daycare. The petitioner must demonstrate that no

1 alternative means of transportation is reasonably available
2 and that the petitioner will not endanger the public safety or
3 welfare.

4 (A) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or Section 9-3
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 where the use of alcohol or other drugs is recited as an
10 element of the offense, or a similar out-of-state offense,
11 or a combination of these offenses, arising out of separate
12 occurrences, that person, if issued a restricted driving
13 permit, may not operate a vehicle unless it has been
14 equipped with an ignition interlock device as defined in
15 Section 1-129.1.

16 (B) If a person's license or permit is revoked or
17 suspended 2 or more times due to any combination of:

18 (i) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense or Section
21 9-3 of the Criminal Code of 1961 or the Criminal Code
22 of 2012, where the use of alcohol or other drugs is
23 recited as an element of the offense, or a similar
24 out-of-state offense; or

25 (ii) a statutory summary suspension or revocation
26 under Section 11-501.1; or

1 (iii) a suspension under Section 6-203.1;
2 arising out of separate occurrences; that person, if issued
3 a restricted driving permit, may not operate a vehicle
4 unless it has been equipped with an ignition interlock
5 device as defined in Section 1-129.1.

6 (B-5) If a person's license or permit is revoked or
7 suspended due to a conviction for a violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection (d)
9 of Section 11-501 of this Code, or a similar provision of a
10 local ordinance or similar out-of-state offense, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

14 (C) The person issued a permit conditioned upon the use
15 of an ignition interlock device must pay to the Secretary
16 of State DUI Administration Fund an amount not to exceed
17 \$30 per month. The Secretary shall establish by rule the
18 amount and the procedures, terms, and conditions relating
19 to these fees.

20 (D) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against
22 operating a motor vehicle that is not equipped with an
23 ignition interlock device does not apply to the operation
24 of an occupational vehicle owned or leased by that person's
25 employer when used solely for employment purposes. For any
26 person who, within a 5-year period, is convicted of a

1 second or subsequent offense under Section 11-501 of this
2 Code, or a similar provision of a local ordinance or
3 similar out-of-state offense, this employment exemption
4 does not apply until either a one-year period has elapsed
5 during which that person had his or her driving privileges
6 revoked or a one-year period has elapsed during which that
7 person had a restricted driving permit which required the
8 use of an ignition interlock device on every motor vehicle
9 owned or operated by that person.

10 (E) In each case the Secretary may issue a restricted
11 driving permit for a period deemed appropriate, except that
12 all permits shall expire within one year from the date of
13 issuance. A restricted driving permit issued under this
14 Section shall be subject to cancellation, revocation, and
15 suspension by the Secretary of State in like manner and for
16 like cause as a driver's license issued under this Code may
17 be cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation, suspension, or
21 cancellation of a restricted driving permit. The Secretary
22 of State may, as a condition to the issuance of a
23 restricted driving permit, require the applicant to
24 participate in a designated driver remedial or
25 rehabilitative program. The Secretary of State is
26 authorized to cancel a restricted driving permit if the

1 permit holder does not successfully complete the program.

2 (F) A person subject to the provisions of paragraph 4
3 of subsection (b) of Section 6-208 of this Code may make
4 application for a restricted driving permit at a hearing
5 conducted under Section 2-118 of this Code after the
6 expiration of 5 years from the effective date of the most
7 recent revocation or after 5 years from the date of release
8 from a period of imprisonment resulting from a conviction
9 of the most recent offense, whichever is later, provided
10 the person, in addition to all other requirements of the
11 Secretary, shows by clear and convincing evidence:

12 (i) a minimum of 3 years of uninterrupted
13 abstinence from alcohol and the unlawful use or
14 consumption of cannabis under the Cannabis Control
15 Act, a controlled substance under the Illinois
16 Controlled Substances Act, an intoxicating compound
17 under the Use of Intoxicating Compounds Act, or
18 methamphetamine under the Methamphetamine Control and
19 Community Protection Act; and

20 (ii) the successful completion of any
21 rehabilitative treatment and involvement in any
22 ongoing rehabilitative activity that may be
23 recommended by a properly licensed service provider
24 according to an assessment of the person's alcohol or
25 drug use under Section 11-501.01 of this Code.

26 In determining whether an applicant is eligible for a

1 restricted driving permit under this subparagraph (F), the
2 Secretary may consider any relevant evidence, including,
3 but not limited to, testimony, affidavits, records, and the
4 results of regular alcohol or drug tests. Persons subject
5 to the provisions of paragraph 4 of subsection (b) of
6 Section 6-208 of this Code and who have been convicted of
7 more than one violation of paragraph (3), paragraph (4), or
8 paragraph (5) of subsection (a) of Section 11-501 of this
9 Code shall not be eligible to apply for a restricted
10 driving permit under this subparagraph (F).

11 A restricted driving permit issued under this
12 subparagraph (F) shall provide that the holder may only
13 operate motor vehicles equipped with an ignition interlock
14 device as required under paragraph (2) of subsection (c) of
15 Section 6-205 of this Code and subparagraph (A) of
16 paragraph 3 of subsection (c) of this Section. The
17 Secretary may revoke a restricted driving permit or amend
18 the conditions of a restricted driving permit issued under
19 this subparagraph (F) if the holder operates a vehicle that
20 is not equipped with an ignition interlock device, or for
21 any other reason authorized under this Code.

22 A restricted driving permit issued under this
23 subparagraph (F) shall be revoked, and the holder barred
24 from applying for or being issued a restricted driving
25 permit in the future, if the holder is convicted of a
26 violation of Section 11-501 of this Code, a similar

1 provision of a local ordinance, or a similar offense in
2 another state.

3 (c-3) In the case of a suspension under paragraph 43 of
4 subsection (a), reports received by the Secretary of State
5 under this Section shall, except during the actual time the
6 suspension is in effect, be privileged information and for use
7 only by the courts, police officers, prosecuting authorities,
8 the driver licensing administrator of any other state, the
9 Secretary of State, or the parent or legal guardian of a driver
10 under the age of 18. However, beginning January 1, 2008, if the
11 person is a CDL holder, the suspension shall also be made
12 available to the driver licensing administrator of any other
13 state, the U.S. Department of Transportation, and the affected
14 driver or motor carrier or prospective motor carrier upon
15 request.

16 (c-4) In the case of a suspension under paragraph 43 of
17 subsection (a), the Secretary of State shall notify the person
18 by mail that his or her driving privileges and driver's license
19 will be suspended one month after the date of the mailing of
20 the notice.

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 21 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

4 (e) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been suspended or revoked under any
7 provisions of this Code.

8 (f) In accordance with 49 C.F.R. 384, the Secretary of
9 State may not issue a restricted driving permit for the
10 operation of a commercial motor vehicle to a person holding a
11 CDL whose driving privileges have been suspended, revoked,
12 cancelled, or disqualified under any provisions of this Code.

13 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
14 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
15 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
16 99-607, eff. 7-22-16; 99-642, eff. 7-28-16.)

17 (625 ILCS 5/11-605.1)

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

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

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

1 (b) Nothing in this Chapter prohibits the use of electronic
2 speed-detecting devices within 500 feet of signs within a
3 construction or maintenance speed zone indicating the zone, as
4 defined in this Section, nor shall evidence obtained by use of
5 those devices be inadmissible in any prosecution for speeding,
6 provided the use of the device shall apply only to the
7 enforcement of the speed limit in the construction or
8 maintenance speed zone.

9 (c) As used in this Section, a "construction or maintenance
10 speed zone" is an area in which the Department, Toll Highway
11 Authority, or local agency has posted signage advising drivers
12 that a construction or maintenance speed zone is being
13 approached, or in which the Department, Authority, or local
14 agency has posted a lower speed limit with a highway
15 construction or maintenance speed zone special speed limit sign
16 after determining that the preexisting established speed limit
17 through a highway construction or maintenance project is
18 greater than is reasonable or safe with respect to the
19 conditions expected to exist in the construction or maintenance
20 speed zone.

21 If it is determined that the preexisting established speed
22 limit is safe with respect to the conditions expected to exist
23 in the construction or maintenance speed zone, additional speed
24 limit signs which conform to the requirements of this
25 subsection (c) shall be posted.

26 Highway construction or maintenance speed zone special

1 speed limit signs shall be of a design approved by the
2 Department. The signs must give proper due warning that a
3 construction or maintenance speed zone is being approached and
4 must indicate the maximum speed limit in effect. The signs also
5 must state the amount of the minimum fine for a violation.

6 (d) Except as provided under subsection (d-5), a person who
7 violates this Section is guilty of a petty offense. Violations
8 of this Section are punishable with a minimum fine of \$250 for
9 the first violation and a minimum fine of \$750 for the second
10 or subsequent violation.

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

15 (1) 26 miles per hour or more but less than 35 miles
16 per hour in excess of the applicable special speed limit
17 established under this Section or a similar provision of a
18 local ordinance and is guilty of a Class B misdemeanor; or

19 (2) 35 miles per hour or more in excess of the
20 applicable special speed limit established under this
21 Section or a similar provision of a local ordinance and is
22 guilty of a Class A misdemeanor.

23 (e) If a fine for a violation of this Section is \$250 or
24 greater, the person who violated this Section shall be charged
25 an additional \$125, which shall be deposited into the
26 Transportation Safety Highway Hire-back Fund in the State

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

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

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

25 (f-5) Each county shall create a Transportation Safety
26 Highway Hire-back Fund. The county shall use the moneys in its

1 Transportation Safety Highway Hire-back Fund to hire off-duty
2 county police officers to monitor construction or maintenance
3 zones in that county on highways other than interstate
4 highways. The county, in its discretion, may also use a portion
5 of the moneys in its Transportation Safety Highway Hire-back
6 Fund to purchase equipment for county law enforcement and fund
7 the production of materials to educate drivers on construction
8 zone safe driving habits.

9 (g) For a second or subsequent violation of this Section
10 within one year ~~2 years~~ of the date of the previous violation,
11 the Secretary of State shall suspend the driver's license of
12 the violator for a period of 60 ~~90~~ days. This suspension shall
13 only be imposed if the current violation of this Section and at
14 least one prior violation of this Section occurred during a
15 period when workers were present in the construction or
16 maintenance zone.

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