

August 26, 2011

To the Honorable Members of the  
Illinois House of Representatives,  
97<sup>th</sup> General Assembly:

I hereby return House Bill 2860 with specific recommendations for change.

I commend the sponsors for their hard work on this bill.

This bill amends the Illinois Vehicle Code and provides that, in municipalities with less than 2,000,000 inhabitants, the driver of a motorcycle or bicycle, facing a steady red signal which fails to change to a green signal within a “reasonable period of time” because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle due to the vehicle’s size or weight, shall have the right to proceed, after yielding the right of way to oncoming traffic.

As Governor, it is my duty to ensure the public safety of individuals traveling the streets and highways of this State. This legislation endangers our motorists and its interpretation could vary from individual to individual and county to county. The “reasonable period of time” language contained in House Bill 2860 is too subjective and will result in confusion amongst law enforcement, the judiciary, and motorcycle operators. By establishing a specific period of time, motorcycle operators will know definitively how long they must be stopped before proceeding through an intersection. Similar laws enacted in other states established a specified time.

Additionally, allowing motorcycle operators the authority to proceed through intersections on a red traffic signal, where signs prohibit such turning, is unsafe. Local highway authorities have determined that turning on red at these intersections is prohibited due to low visibility or because the speed of approaching traffic far exceeds the speed of a vehicle starting from a stopped position. I believe when signs are posted prohibiting turning either right or left on a red signal, it is poor public policy to allow motorcycles the authority to proceed straight at such intersections.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2860, entitled “AN ACT concerning transportation.”, with the following specific recommendations for change:

on page 3, by replacing lines 8 through 16 with the following:

“(c-6) Outside municipalities with 2,000,000 inhabitants, in any county or municipality, including a home rule county or municipality, and when no other vehicles are present on the same roadway, it shall be an affirmative defense to subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance that the signal failed to detect the arrival of a motorcycle or bicycle due to that vehicle’s size or weight and the operator of a motorcycle or bicycle:

- (i) waited at least 120 seconds before proceeding; and
- (ii) yielded the right of way to oncoming traffic facing a green signal, subject to the rules applicable after making a stop at a stop sign as required by Section 11-1204 of this Code.

Nothing in this subsection (c-6) shall be construed to allow a vehicle to proceed past a red traffic signal at intersections where official traffic control devices prohibit turning on red.”;  
and

on page 11, by replacing line 23 with the following:

“1. Except as provided in paragraph 3”; and

on page 12, by replacing line 5 with the following:

“2. Except as provided in paragraph 3”; and

On page 13, by replacing lines 4 through 15 with the following:

“3.5. Outside municipalities with 2,000,000 inhabitants and when no other vehicles are present on the same roadway, it shall be an affirmative defense to this subsection (c) that the signal failed to detect the arrival of a motorcycle or bicycle due to that vehicle’s size or weight and the operator of a motorcycle or bicycle:

- (iii) waited at least 120 seconds before proceeding; and
- (iv) yielded the right of way to oncoming traffic facing a green signal, subject to the rules applicable after making a stop at a stop sign as required by Section 11-1204 of this Code.

Nothing in this paragraph 3.5 shall be construed to allow a vehicle to proceed past a red traffic signal at intersections where official traffic control devices prohibit turning on red.”.

With these changes, House Bill 2860 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN  
Governor