

SB3793



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3793

Introduced 1/21/2022, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-605
625 ILCS 5/11-1414

from Ch. 95 1/2, par. 11-605
from Ch. 95 1/2, par. 11-1414

Amends the Illinois Vehicle Code. Adds community service as a penalty for failing to stop before meeting or overtaking a school bus that is stopped for the purpose of receiving or discharging pupils and has displayed visual signals. Adds community service as a penalty for driving a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare where children pass going to and from school during a school day.

LRB102 22529 RAM 31670 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
5 changing Sections 11-605 and 11-1414 as follows:

6 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

7 Sec. 11-605. Special speed limit while passing schools.

8 (a) For the purpose of this Section, "school" means the
9 following entities:

10 (1) A public or private primary or secondary school.

11 (2) A primary or secondary school operated by a
12 religious institution.

13 (3) A public, private, or religious nursery school.

14 On a school day when school children are present and so
15 close thereto that a potential hazard exists because of the
16 close proximity of the motorized traffic, no person shall
17 drive a motor vehicle at a speed in excess of 20 miles per hour
18 while passing a school zone or while traveling on a roadway on
19 public school property or upon any public thoroughfare where
20 children pass going to and from school.

21 For the purpose of this Section, a school day begins at
22 6:30 a.m. and concludes at 4 p.m.

23 This Section shall not be applicable unless appropriate

1 signs are posted upon streets and highways under their
2 respective jurisdiction and maintained by the Department,
3 township, county, park district, city, village or incorporated
4 town wherein the school zone is located. With regard to the
5 special speed limit while passing schools, such signs shall
6 give proper due warning that a school zone is being approached
7 and shall indicate the school zone and the maximum speed limit
8 in effect during school days when school children are present.

9 (b) (Blank).

10 (c) Nothing in this Chapter shall prohibit the use of
11 electronic speed-detecting devices within 500 feet of signs
12 within a special school speed zone indicating such zone, as
13 defined in this Section, nor shall evidence obtained thereby
14 be inadmissible in any prosecution for speeding provided the
15 use of such device shall apply only to the enforcement of the
16 speed limit in such special school speed zone.

17 (d) (Blank).

18 (e) Except as provided in subsection (e-5), a person who
19 violates this Section is guilty of a petty offense. Violations
20 of this Section are punishable with a minimum fine of \$150 for
21 the first violation, ~~and~~ a minimum fine of \$300 for the second
22 or subsequent violation, and community service in an amount
23 determined by the court.

24 (e-5) A person committing a violation of this Section is
25 guilty of aggravated special speed limit while passing schools
26 when he or she drives a motor vehicle at a speed that is:

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

5 (2) 35 miles per hour or more in excess of the
6 applicable special speed limit established under this
7 Section or a similar provision of a local ordinance and is
8 guilty of a Class A misdemeanor.

9 (f) (Blank).

10 (g) (Blank).

11 (h) (Blank).

12 (Source: P.A. 102-58, eff. 7-9-21.)

13 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

14 Sec. 11-1414. Approaching, overtaking, and passing school
15 bus.

16 (a) The driver of a vehicle shall stop such vehicle before
17 meeting or overtaking, from either direction, any school bus
18 stopped on a highway, roadway, private road, parking lot,
19 school property, or at any other location, including, without
20 limitation, a location that is not a highway or roadway for the
21 purpose of receiving or discharging pupils. Such stop is
22 required before reaching the school bus when there is in
23 operation on the school bus the visual signals as specified in
24 Sections 12-803 and 12-805 of this Code. The driver of the
25 vehicle shall not proceed until the school bus resumes motion

1 or the driver of the vehicle is signaled by the school bus
2 driver to proceed or the visual signals are no longer
3 actuated.

4 (b) The stop signal arm required by Section 12-803 of this
5 Code shall be extended after the school bus has come to a
6 complete stop for the purpose of loading or discharging pupils
7 and shall be closed before the school bus is placed in motion
8 again. The stop signal arm shall not be extended at any other
9 time.

10 (c) The alternately flashing red signal lamps of an 8-lamp
11 flashing signal system required by Section 12-805 of this Code
12 shall be actuated after the school bus has come to a complete
13 stop for the purpose of loading or discharging pupils and
14 shall be turned off before the school bus is placed in motion
15 again. The red signal lamps shall not be actuated at any other
16 time except as provided in paragraph (d) of this Section.

17 (d) The alternately flashing amber signal lamps of an
18 8-lamp flashing signal system required by Section 12-805 of
19 this Code shall be actuated continuously during not less than
20 the last 100 feet traveled by the school bus before stopping
21 for the purpose of loading or discharging pupils within an
22 urban area and during not less than the last 200 feet traveled
23 by the school bus outside an urban area. The amber signal lamps
24 shall remain actuated until the school bus is stopped. The
25 amber signal lamps shall not be actuated at any other time.

26 (d-5) The alternately flashing head lamps permitted by

1 Section 12-805 of this Code may be operated while the
2 alternately flashing red or amber signal lamps required by
3 that Section are actuated.

4 (e) The driver of a vehicle upon a highway having 4 or more
5 lanes which permits at least 2 lanes of traffic to travel in
6 opposite directions need not stop such vehicle upon meeting a
7 school bus which is stopped in the opposing roadway; and need
8 not stop such vehicle when driving upon a controlled access
9 highway when passing a school bus traveling in either
10 direction that is stopped in a loading zone adjacent to the
11 surfaced or improved part of the controlled access highway
12 where pedestrians are not permitted to cross.

13 (f) Beginning with the effective date of this amendatory
14 Act of 1985, the Secretary of State shall suspend for a period
15 of 3 months the driving privileges of any person convicted of a
16 violation of subsection (a) of this Section or a similar
17 provision of a local ordinance; the Secretary shall suspend
18 for a period of one year the driving privileges of any person
19 convicted of a second or subsequent violation of subsection
20 (a) of this Section or a similar provision of a local ordinance
21 if the second or subsequent violation occurs within 5 years of
22 a prior conviction for the same offense. In addition to the
23 suspensions authorized by this Section, any person convicted
24 of violating this Section or a similar provision of a local
25 ordinance shall be subject to a mandatory fine of \$300 or, upon
26 a second or subsequent violation, \$1,000, and community

1 service in an amount set by the court. The Secretary may also
2 grant, for the duration of any suspension issued under this
3 subsection, a restricted driving permit granting the privilege
4 of driving a motor vehicle between the driver's residence and
5 place of employment or within other proper limits that the
6 Secretary of State shall find necessary to avoid any undue
7 hardship. A restricted driving permit issued hereunder shall
8 be subject to cancellation, revocation and suspension by the
9 Secretary of State in like manner and for like cause as a
10 driver's license may be cancelled, revoked or suspended;
11 except that a conviction upon one or more offenses against
12 laws or ordinances regulating the movement of traffic shall be
13 deemed sufficient cause for the revocation, suspension or
14 cancellation of the restricted driving permit. The Secretary
15 of State may, as a condition to the issuance of a restricted
16 driving permit, require the applicant to participate in a
17 designated driver remedial or rehabilitative program. Any
18 conviction for a violation of this subsection shall be
19 included as an offense for the purposes of determining
20 suspension action under any other provision of this Code,
21 provided however, that the penalties provided under this
22 subsection shall be imposed unless those penalties imposed
23 under other applicable provisions are greater.

24 The owner of any vehicle alleged to have violated
25 paragraph (a) of this Section shall, upon appropriate demand
26 by the State's Attorney or other designated person acting in

1 response to a signed complaint, provide a written statement or
2 deposition identifying the operator of the vehicle if such
3 operator was not the owner at the time of the alleged
4 violation. Failure to supply such information shall result in
5 the suspension of the vehicle registration of the vehicle for
6 a period of 3 months. In the event the owner has assigned
7 control for the use of the vehicle to another, the person to
8 whom control was assigned shall comply with the provisions of
9 this paragraph and be subject to the same penalties as herein
10 provided.

11 (Source: P.A. 101-55, eff. 1-1-20.)