

1 AMENDMENT TO HOUSE BILL 725

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 725 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by  
5 adding Section 6-401.5 as follows:

6 (605 ILCS 5/6-401.5 new)

7 Sec. 6-401.5. Adjoining property owners; unauthorized  
8 encroachments.

9 (a) Except as provided in Section 9-118, no property  
10 owner, occupant, manager, or person in actual control of real  
11 property adjoining a road, highway, or right-of-way within  
12 the jurisdiction of the highway authority, without the  
13 written consent of the highway authority, may:

14 (1) plant or maintain any planting or growth of any  
15 kind within the right-of-way that either exceeds 12  
16 inches in height or creates any hazard or danger to the  
17 safety of those using the public road or highway;

18 (2) permit any planting or growth on or within the  
19 property adjoining the road, highway, or right-of-way to  
20 overhang or extend into the road, highway, or  
21 right-of-way so as to create any hazard or danger to  
22 those using the public road or highway; or

1           (3) construct, place, or maintain any rocks,  
2           boulders, fences, or other physical structures within the  
3           right-of-way.

4           (b) If the highway authority believes that a property  
5           owner, occupant, manager, or person in actual control of  
6           adjoining property is in violation of any of the provisions  
7           set forth in subsection (a) of this Section, the highway  
8           authority shall give the person or persons written notice  
9           specifying the nature of the violations, the corrective  
10           action that must be taken, and a reasonable time of not less  
11           than 7 days to complete the corrective action. This notice  
12           may be given by regular mail with proof of mailing,  
13           registered or certified mail, or by personal delivery.

14           (c) If corrective action is not completed with the time  
15           specified in the notice, or any agreed extensions, the  
16           highway authority may:

17           (1) with respect to the road, highway, or  
18           right-of-way, take whatever corrective action is  
19           necessary to cure any violations. The person or persons  
20           to whom notice to correct was given pursuant to  
21           subsection (b) of this Section shall be jointly and  
22           severally liable for all costs and expenses incurred by  
23           the highway authority for the corrective action, plus  
24           interest, costs, and reasonable attorney's fees; or

25           (2) seek injunctive relief compelling the person or  
26           persons to whom notice was given to take corrective  
27           action. If the highway authority is the prevailing party  
28           in any such action, the highway authority shall also be  
29           entitled to recover its costs and reasonable attorney's  
30           fees."