



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2194

Introduced 1/11/2006, by Sen. Dale E. Risinger

SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-103.1 new

Amends the Illinois Highway Code. Provides that any person involved in a dispute or controversy regarding the amount due and owing on a highway construction contract awarded by the Department of Transportation may have the dispute or controversy settled by arbitration administered by the American Arbitration Association's Construction Industry Arbitration Rules. Provides that all parties to the settlement are bound by the terms of the arbitration settlement. Provides that any settlement shall allow the claimant to receive costs associated with filing and pursuing the claim and shall be paid within 30 days. Provides that any contractor awarded a highway construction contract by the Department may seek relief in the Illinois Court of Claims with regard to any monetary dispute with the Department, regardless of any contractual language to the contrary.

LRB094 15998 DRH 51231 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Highway Code is amended by adding
5 Section 4-103.1 as follows:

6 (605 ILCS 5/4-103.1 new)

7 Sec. 4-103.1. Highway construction contract disputes;
8 contractors' remedies.

9 (a) Any case against the Illinois Department of
10 Transportation, as defendant, arising from a contract duly
11 awarded by the Department and involving a dispute or
12 controversy concerning amounts due and owing shall, upon
13 written request by any party involved in the dispute or
14 controversy, be settled by arbitration administered by the
15 American Arbitration Association's Construction Industry
16 Arbitration Rules and in accordance with rules adopted to
17 administer this Act. All parties to the settlement shall be
18 bound by the terms of the arbitration settlement.

19 (b) Any settlement reached under the terms of arbitration
20 shall allow the claimant to receive costs associated with
21 filing and pursuing the claims and shall be paid within 30
22 days.

23 (c) Any contractor awarded a contract by the Illinois
24 Department of Transportation may seek relief in the Illinois
25 Court of Claims with regard to any monetary dispute with the
26 Department. Notwithstanding any contractual language to the
27 contrary, the Department may not require the contractor to
28 waive the right to seek relief in the Court of Claims.