



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0896

Introduced 2/7/2007, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1425

from Ch. 95 1/2, par. 11-1425

Amends the Illinois Vehicle Code. Provides that a person who enters a railroad grade crossing and obstructs the passage of other vehicles or pedestrians or of a train or railroad equipment shall have his or her driver's license suspended for a period of one month, in addition to the imposition of a mandatory \$500 fine or 50 hours of community service. Provides that a person who receives a disposition of court supervision for this violation is also subject to a mandatory fine of \$500 or 50 hours of community service. Provides that upon a second violation, the person shall have his or her driving privileges suspended for a period of 3 months, in addition to the imposition of a fine of \$500 and 50 hours of community service. Provides that, in imposing the suspension, the court may grant the person a restricted driving permit for the duration of the suspension, subject to stated conditions.

LRB095 08186 DRH 28352 b

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 11-1425 as follows:

6 (625 ILCS 5/11-1425) (from Ch. 95 1/2, par. 11-1425)

7 Sec. 11-1425. Stop when traffic obstructed.

8 (a) No driver shall enter an intersection or a marked  
9 crosswalk or drive onto any railroad grade crossing unless  
10 there is sufficient space on the other side of the  
11 intersection, crosswalk or railroad grade crossing to  
12 accommodate the vehicle he is operating without obstructing the  
13 passage of other vehicles, pedestrians or railroad trains  
14 notwithstanding any traffic-control signal indication to  
15 proceed.

16 (b) No driver shall enter a highway rail grade crossing  
17 unless there is sufficient space on the other side of the  
18 highway rail grade crossing to accommodate the vehicle being  
19 operated without obstructing the passage of a train or other  
20 railroad equipment using the rails, notwithstanding any  
21 traffic-control signal indication to proceed. ~~Any person found~~  
22 ~~in violation of subsection (b) shall be subject to a mandatory~~  
23 ~~fine of \$500 or 50 hours of community service.~~

1           (c) (Blank). ~~Local authorities shall impose fines as~~  
2 ~~established in subsection (b) for persons found in violation of~~  
3 ~~this Section or any similar local ordinance.~~

4           (d) Beginning with the effective date of this amendatory  
5 Act of the 95th General Assembly, the Secretary of State shall  
6 suspend for a period of one month the driving privileges of any  
7 person convicted of a violation of this Section or a similar  
8 provision of a local ordinance; the Secretary shall suspend for  
9 a period of 3 months the driving privileges of any person  
10 convicted of a second or subsequent violation of this Section  
11 or a similar provision of a local ordinance if the second or  
12 subsequent violation occurs within 5 years of a prior  
13 conviction for the same offense. In addition to the suspensions  
14 authorized by this Section, any person convicted of violating  
15 this Section or a similar provision of a local ordinance shall  
16 be subject to a mandatory fine of \$500 or 50 hours of community  
17 service. Any person given a disposition of court supervision  
18 for violating this Section or a similar provision of a local  
19 ordinance shall also be subject to a mandatory fine of \$500 or  
20 50 hours of community service. Upon a second or subsequent  
21 violation, in addition to the suspensions authorized by this  
22 Section, the person shall be subject to a mandatory fine of  
23 \$500 and 50 hours community service. The Secretary may also  
24 grant, for the duration of any suspension issued under this  
25 subsection, a restricted driving permit granting the privilege  
26 of driving a motor vehicle between the driver's residence and

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

20 The owner of any vehicle alleged to have violated this  
21 Section shall, upon appropriate demand by the State's Attorney  
22 or other authorized prosecutor acting in response to a signed  
23 complaint, provide a written statement or deposition  
24 identifying the operator of the vehicle if such operator was  
25 not the owner at the time of the alleged violation. Failure to  
26 supply such information shall be construed to be the same as a

1 violation of this Section and shall be subject to the same  
2 penalties herein provided. In the event the owner has assigned  
3 control for the use of the vehicle to another, the person to  
4 whom control was assigned shall comply with the provisions of  
5 this paragraph and be subject to the same penalties as herein  
6 provided.

7 (Source: P.A. 91-532, eff. 1-1-00.)