



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3966

Introduced 2/26/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208

from Ch. 95 1/2, par. 11-208

625 ILCS 5/16-104e new

Amends the Illinois Vehicle Code. Provides that a municipality may enact an ordinance that requires a person who commits the offense of speeding to pay, in addition to any other penalty imposed by the court, a \$10 surcharge. Provides that the surcharge is to be distributed to the municipality that issued the citation or made the arrest for the purpose of defraying the fuel costs of law enforcement agencies within the jurisdiction of the municipality. Effective immediately.

LRB096 11626 AJT 22160 b

FISCAL NOTE ACT
MAY APPLY

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 10. The Illinois Vehicle Code is amended by
5 changing Section 11-208 and by adding Section 16-104e as
6 follows:

7 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

8 Sec. 11-208. Powers of local authorities.

9 (a) The provisions of this Code shall not be deemed to
10 prevent local authorities with respect to streets and highways
11 under their jurisdiction and within the reasonable exercise of
12 the police power from:

13 1. Regulating the standing or parking of vehicles,
14 except as limited by Section 11-1306 of this Act;

15 2. Regulating traffic by means of police officers or
16 traffic control signals;

17 3. Regulating or prohibiting processions or
18 assemblages on the highways;

19 4. Designating particular highways as one-way highways
20 and requiring that all vehicles thereon be moved in one
21 specific direction;

22 5. Regulating the speed of vehicles in public parks
23 subject to the limitations set forth in Section 11-604;

1 6. Designating any highway as a through highway, as
2 authorized in Section 11-302, and requiring that all
3 vehicles stop before entering or crossing the same or
4 designating any intersection as a stop intersection or a
5 yield right-of-way intersection and requiring all vehicles
6 to stop or yield the right-of-way at one or more entrances
7 to such intersections;

8 7. Restricting the use of highways as authorized in
9 Chapter 15;

10 8. Regulating the operation of bicycles and requiring
11 the registration and licensing of same, including the
12 requirement of a registration fee;

13 9. Regulating or prohibiting the turning of vehicles or
14 specified types of vehicles at intersections;

15 10. Altering the speed limits as authorized in Section
16 11-604;

17 11. Prohibiting U-turns;

18 12. Prohibiting pedestrian crossings at other than
19 designated and marked crosswalks or at intersections;

20 13. Prohibiting parking during snow removal operation;

21 14. Imposing fines in accordance with Section
22 11-1301.3 as penalties for use of any parking place
23 reserved for persons with disabilities, as defined by
24 Section 1-159.1, or disabled veterans by any person using a
25 motor vehicle not bearing registration plates specified in
26 Section 11-1301.1 or a special decal or device as defined

1 in Section 11-1301.2 as evidence that the vehicle is
2 operated by or for a person with disabilities or disabled
3 veteran;

4 15. Adopting such other traffic regulations as are
5 specifically authorized by this Code; or

6 16. Enforcing the provisions of subsection (f) of
7 Section 3-413 of this Code or a similar local ordinance.

8 (b) No ordinance or regulation enacted under subsections 1,
9 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
10 until signs giving reasonable notice of such local traffic
11 regulations are posted.

12 (c) The provisions of this Code shall not prevent any
13 municipality having a population of 500,000 or more inhabitants
14 from prohibiting any person from driving or operating any motor
15 vehicle upon the roadways of such municipality with headlamps
16 on high beam or bright.

17 (d) The provisions of this Code shall not be deemed to
18 prevent local authorities within the reasonable exercise of
19 their police power from prohibiting, on private property, the
20 unauthorized use of parking spaces reserved for persons with
21 disabilities.

22 (e) No unit of local government, including a home rule
23 unit, may enact or enforce an ordinance that applies only to
24 motorcycles if the principal purpose for that ordinance is to
25 restrict the access of motorcycles to any highway or portion of
26 a highway for which federal or State funds have been used for

1 the planning, design, construction, or maintenance of that
2 highway. No unit of local government, including a home rule
3 unit, may enact an ordinance requiring motorcycle users to wear
4 protective headgear. Nothing in this subsection (e) shall
5 affect the authority of a unit of local government to regulate
6 motorcycles for traffic control purposes or in accordance with
7 Section 12-602 of this Code. No unit of local government,
8 including a home rule unit, may regulate motorcycles in a
9 manner inconsistent with this Code. This subsection (e) is a
10 limitation under subsection (i) of Section 6 of Article VII of
11 the Illinois Constitution on the concurrent exercise by home
12 rule units of powers and functions exercised by the State.

13 (f) A municipality or county designated in Section 11-208.6
14 may enact an ordinance providing for an automated traffic law
15 enforcement system to enforce violations of this Code or a
16 similar provision of a local ordinance and imposing liability
17 on a registered owner of a vehicle used in such a violation.

18 (g) A municipality may enact an ordinance providing for a
19 \$10 surcharge on any violation of Section 11-601 of this Code
20 or similar local ordinance to be distributed to the
21 municipality pursuant to Section 16-104e of this Code for the
22 purpose of defraying the fuel costs of law enforcement agencies
23 within the jurisdiction of the municipality.

24 (Source: P.A. 94-795, eff. 5-22-06.)

25 (625 ILCS 5/16-104e new)

1 Sec. 16-104e. Speeding; surcharge. A person who violates
2 Section 11-601 of this Code or similar local ordinance, in
3 addition to any other penalty imposed by the court, shall pay a
4 \$10 surcharge if the municipality has enacted an ordinance
5 imposing the surcharge pursuant to Section 11-208. The circuit
6 clerk shall distribute the surcharge imposed on any person who
7 is found guilty of Section 11-601 or similar local ordinance,
8 including any person placed on court supervision for the
9 violation, to the municipality that issued the citation or made
10 the arrest.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.