



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5237

Introduced 2/8/2012, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

610 ILCS 95/5 new

Amends the Railroad Obstruction Act. Provides that a person commits the offense of parking a motor vehicle on tracks, a Class 4 felony, when he or she knowingly leaves a motor vehicle on any portion of a railroad track for a period of one hour or more. Provides that a person commits the offense of aggravated parking a motor vehicle on tracks, a Class 2 felony, when he or she commits the offense of parking a motor vehicle on tracks and the violation is a proximate cause of death or great bodily harm to another person. Provides that the new provisions do not apply if a motor vehicle is left on a railroad track because of a mechanical failure, provided that the person in control of the vehicle at the time of the mechanical failure immediately makes a reasonable effort to have the vehicle removed from the track or to notify law enforcement of the location of the vehicle.

LRB097 19466 HEP 64719 b

CORRECTIONAL
BUDGET AND
IMPACT 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 5. The Railroad Obstruction Act is amended by
5 adding Section 5 as follows:

6 (610 ILCS 95/5 new)

7 Sec. 5. Parking a motor vehicle on tracks; aggravated
8 parking a motor vehicle on tracks.

9 (a) A person commits parking a motor vehicle on tracks when
10 he or she knowingly leaves a motor vehicle on any portion of a
11 railroad track for a period of one hour or more. Parking a
12 motor vehicle on tracks is a Class 4 felony.

13 (b) A person commits aggravated parking a motor vehicle on
14 tracks when he or she violates subsection (a), and the
15 violation is a proximate cause of death or great bodily harm to
16 another person. Aggravated parking a motor vehicle on tracks is
17 a Class 2 felony.

18 (c) This Section does not apply if a motor vehicle is left
19 on a railroad track because of a mechanical failure, provided
20 that the person in control of the vehicle at the time of the
21 mechanical failure immediately makes a reasonable effort to
22 have the vehicle removed from the track or to notify law
23 enforcement of the location of the vehicle.