



Rep. Michael J. Zalewski

Filed: 3/21/2019

10100HB0245ham001

LRB101 04047 TAE 57752 a

1 AMENDMENT TO HOUSE BILL 245

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 245 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-208 and by adding Sections 1-144.01,  
6 1-144.02, and 11-1412.3 as follows:

7 (625 ILCS 5/1-144.01 new)

8 Sec. 1-144.01. Mobile carrying device.

9 (a) An electrically powered device that:

10 (1) is operated by a mobile carrying device operator on  
11 sidewalks and crosswalks and intended primarily for  
12 transporting personal property;

13 (2) weighs less than 90 pounds, excluding cargo;

14 (3) has a maximum speed of 12.5 miles per hour;

15 (4) is equipped with a technology to transport personal  
16 property with the active monitoring of a property owner;

1       and

2               (5) is primarily designed to remain within 10 feet of  
3       the personal property owner.

4       (b) A mobile carrying device is not considered a vehicle  
5       unless expressly defined by law as a vehicle.

6               (625 ILCS 5/1-144.02 new)

7       Sec. 1-144.02. Mobile carrying device operator. A person  
8       exercising control over the mobile carrying device.

9               (625 ILCS 5/11-208)     (from Ch. 95 1/2, par. 11-208)

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

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

15               1. Regulating the standing or parking of vehicles,  
16               except as limited by Sections 11-1306 and 11-1307 of this  
17               Act;

18               2. Regulating traffic by means of police officers or  
19               traffic control signals;

20               3. Regulating or prohibiting processions or  
21               assemblages on the highways; and certifying persons to  
22               control traffic for processions or assemblages;

23               4. Designating particular highways as one-way highways  
24               and requiring that all vehicles thereon be moved in one

1 specific direction;

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

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

11 7. Restricting the use of highways as authorized in  
12 Chapter 15;

13 8. Regulating the operation of mobile carrying  
14 devices, bicycles, low-speed electric bicycles, and  
15 low-speed gas bicycles, and requiring the registration and  
16 licensing of same, including the requirement of a  
17 registration fee;

18 9. Regulating or prohibiting the turning of vehicles or  
19 specified types of vehicles at intersections;

20 10. Altering the speed limits as authorized in Section  
21 11-604;

22 11. Prohibiting U-turns;

23 12. Prohibiting pedestrian crossings at other than  
24 designated and marked crosswalks or at intersections;

25 13. Prohibiting parking during snow removal operation;

26 14. Imposing fines in accordance with Section

1 11-1301.3 as penalties for use of any parking place  
2 reserved for persons with disabilities, as defined by  
3 Section 1-159.1, or veterans with disabilities by any  
4 person using a motor vehicle not bearing registration  
5 plates specified in Section 11-1301.1 or a special decal or  
6 device as defined in Section 11-1301.2 as evidence that the  
7 vehicle is operated by or for a person with disabilities or  
8 a veteran with a disability;

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

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

13 (b) No ordinance or regulation enacted under paragraph 1,  
14 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be effective  
15 until signs giving reasonable notice of such local traffic  
16 regulations are posted.

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

22 (d) The provisions of this Code shall not be deemed to  
23 prevent local authorities within the reasonable exercise of  
24 their police power from prohibiting, on private property, the  
25 unauthorized use of parking spaces reserved for persons with  
26 disabilities.

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

18           (e-5) The City of Chicago may enact an ordinance providing  
19 for a noise monitoring system upon any portion of the roadway  
20 known as Lake Shore Drive. Twelve months after the installation  
21 of the noise monitoring system, and any time after the first  
22 report as the City deems necessary, the City of Chicago shall  
23 prepare a noise monitoring report with the data collected from  
24 the system and shall, upon request, make the report available  
25 to the public. For purposes of this subsection (e-5), "noise  
26 monitoring system" means an automated noise monitor capable of

1 recording noise levels 24 hours per day and 365 days per year  
2 with computer equipment sufficient to process the data.

3 (e-10) A unit of local government, including a home rule  
4 unit, may not enact an ordinance prohibiting the use of  
5 Automated Driving System equipped vehicles on its roadways.  
6 Nothing in this subsection (e-10) shall affect the authority of  
7 a unit of local government to regulate Automated Driving System  
8 equipped vehicles for traffic control purposes. No unit of  
9 local government, including a home rule unit, may regulate  
10 Automated Driving System equipped vehicles in a manner  
11 inconsistent with this Code. For purposes of this subsection  
12 (e-10), "Automated Driving System equipped vehicle" means any  
13 vehicle equipped with an Automated Driving System of hardware  
14 and software that are collectively capable of performing the  
15 entire dynamic driving task on a sustained basis, regardless of  
16 whether it is limited to a specific operational domain. This  
17 subsection (e-10) is a limitation under subsection (i) of  
18 Section 6 of Article VII of the Illinois Constitution on the  
19 concurrent exercise by home rule units of powers and functions  
20 exercised by the State.

21 (f) A municipality or county designated in Section 11-208.6  
22 may enact an ordinance providing for an automated traffic law  
23 enforcement system to enforce violations of this Code or a  
24 similar provision of a local ordinance and imposing liability  
25 on a registered owner or lessee of a vehicle used in such a  
26 violation.

1 (g) A municipality or county, as provided in Section  
2 11-1201.1, may enact an ordinance providing for an automated  
3 traffic law enforcement system to enforce violations of Section  
4 11-1201 of this Code or a similar provision of a local  
5 ordinance and imposing liability on a registered owner of a  
6 vehicle used in such a violation.

7 (h) A municipality designated in Section 11-208.8 may enact  
8 an ordinance providing for an automated speed enforcement  
9 system to enforce violations of Article VI of Chapter 11 of  
10 this Code or a similar provision of a local ordinance.

11 (i) A municipality or county designated in Section 11-208.9  
12 may enact an ordinance providing for an automated traffic law  
13 enforcement system to enforce violations of Section 11-1414 of  
14 this Code or a similar provision of a local ordinance and  
15 imposing liability on a registered owner or lessee of a vehicle  
16 used in such a violation.

17 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;  
18 100-257, eff. 8-22-17; 100-352, eff. 6-1-18; 100-863, eff.  
19 8-14-18.)

20 (625 ILCS 5/11-1412.3 new)

21 Sec. 11-1412.3. Ownership and operation of a mobile  
22 carrying device.

23 (a) A mobile carrying device may be operated on a sidewalk  
24 or crosswalk so long as all of the following requirements are  
25 met:

1           (1) the mobile carrying device is operated in  
2           accordance with the local ordinances, if any, established  
3           by the local authority governing where the mobile carrying  
4           device is operated;

5           (2) a personal property owner is actively monitoring  
6           the operation and navigation of the mobile carrying device;  
7           and

8           (3) the mobile carrying device is equipped with a  
9           braking system that enables the mobile carrying device to  
10           perform a controlled stop.

11           (b) A mobile carrying device operator may not do any of the  
12           following:

13           (1) fail to comply with traffic or pedestrian control  
14           devices and signals;

15           (2) unreasonably interfere with pedestrians or  
16           traffic;

17           (3) transport a person; or

18           (4) operate on a street or highway, except when  
19           crossing the street or highway within a crosswalk.

20           (c) A mobile carrying device operator has the rights and  
21           obligations applicable to a pedestrian under the same  
22           circumstances, and shall ensure that a mobile carrying device  
23           shall yield the right-of-way to a pedestrian on a sidewalk or  
24           within a crosswalk.

25           (d) A personal property owner may not utilize a mobile  
26           carrying device to transport hazardous materials.



1       (e) A personal property owner may not utilize a mobile  
2 carrying device unless the person complies with this Section.

3       (f) A mobile carrying device operator who is not a natural  
4 person shall register with the Secretary of State.

5       (g) No contract seeking to exempt a mobile carrying device  
6 operator from liability for injury, loss, or death caused by a  
7 mobile carrying device shall be valid, and contractual  
8 provisions limiting the choice of venue or forum, shortening  
9 the statute of limitations, shifting the risk to the user,  
10 limiting the availability of class actions, or obtaining  
11 judicial remedies shall be invalid and unenforceable.

12       (h) A violation of this Section is a petty offense.

13       Section 99. Effective date. This Act takes effect upon  
14 becoming law.".