



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5884

Introduced 5/22/2018, by Rep. Jerry Lee Long

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1414

from Ch. 95 1/2, par. 11-1414

Amends the Illinois Vehicle Code. Provides that the Act may be referred to as the Gina Nuske Act. Provides that the Secretary of State shall suspend the driving privileges for 6 months (rather than 3 months) for a first offense and for 2 years (rather than one year) for a second or subsequent conviction for approaching, overtaking, or passing a school bus while the school bus is stopped for the purpose or receiving or discharging pupils or the visual signals are still in operation. Provides that any person convicted of such a violation shall be fined \$500 (rather than \$150) for the first violation and \$1,000 (rather than \$500) for a second or subsequent violation. Effective immediately.

LRB100 22052 LNS 40229 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 1. References to Act. This Act may be referred to
5 as the Gina Nuske Act.

6 Section 5. The Illinois Vehicle Code is amended by changing
7 Section 11-1414 as follows:

8 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

9 Sec. 11-1414. Approaching, overtaking, and passing school
10 bus.

11 (a) The driver of a vehicle shall stop such vehicle before
12 meeting or overtaking, from either direction, any school bus
13 stopped on a highway, roadway, private road, parking lot,
14 school property, or at any other location, including, without
15 limitation, a location that is not a highway or roadway for the
16 purpose of receiving or discharging pupils. Such stop is
17 required before reaching the school bus when there is in
18 operation on the school bus the visual signals as specified in
19 Sections 12-803 and 12-805 of this Code. The driver of the
20 vehicle shall not proceed until the school bus resumes motion
21 or the driver of the vehicle is signaled by the school bus
22 driver to proceed or the visual signals are no longer actuated.

1 (b) The stop signal arm required by Section 12-803 of this
2 Code shall be extended after the school bus has come to a
3 complete stop for the purpose of loading or discharging pupils
4 and shall be closed before the school bus is placed in motion
5 again. The stop signal arm shall not be extended at any other
6 time.

7 (c) The alternately flashing red signal lamps of an 8-lamp
8 flashing signal system required by Section 12-805 of this Code
9 shall be actuated after the school bus has come to a complete
10 stop for the purpose of loading or discharging pupils and shall
11 be turned off before the school bus is placed in motion again.
12 The red signal lamps shall not be actuated at any other time
13 except as provided in paragraph (d) of this Section.

14 (d) The alternately flashing amber signal lamps of an
15 8-lamp flashing signal system required by Section 12-805 of
16 this Code shall be actuated continuously during not less than
17 the last 100 feet traveled by the school bus before stopping
18 for the purpose of loading or discharging pupils within an
19 urban area and during not less than the last 200 feet traveled
20 by the school bus outside an urban area. The amber signal lamps
21 shall remain actuated until the school bus is stopped. The
22 amber signal lamps shall not be actuated at any other time.

23 (d-5) The alternately flashing head lamps permitted by
24 Section 12-805 of this Code may be operated while the
25 alternately flashing red or amber signal lamps required by that
26 Section are actuated.

1 (e) The driver of a vehicle upon a highway having 4 or more
2 lanes which permits at least 2 lanes of traffic to travel in
3 opposite directions need not stop such vehicle upon meeting a
4 school bus which is stopped in the opposing roadway; and need
5 not stop such vehicle when driving upon a controlled access
6 highway when passing a school bus traveling in either direction
7 that is stopped in a loading zone adjacent to the surfaced or
8 improved part of the controlled access highway where
9 pedestrians are not permitted to cross.

10 (f) Beginning with the effective date of this amendatory
11 Act of 1985, the Secretary of State shall suspend for a period
12 of 6 ~~3~~ months the driving privileges of any person convicted of
13 a violation of subsection (a) of this Section or a similar
14 provision of a local ordinance; the Secretary shall suspend for
15 a period of 2 years ~~one year~~ the driving privileges of any
16 person convicted of a second or subsequent violation of
17 subsection (a) of this Section or a similar provision of a
18 local ordinance if the second or subsequent violation occurs
19 within 5 years of a prior conviction for the same offense. In
20 addition to the suspensions authorized by this Section, any
21 person convicted of violating this Section or a similar
22 provision of a local ordinance shall be subject to a mandatory
23 fine of \$500 ~~\$150~~ or, upon a second or subsequent violation,
24 \$1,000 ~~\$500~~. The Secretary may also grant, for the duration of
25 any suspension issued under this subsection, a restricted
26 driving permit granting the privilege of driving a motor

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

21 The owner of any vehicle alleged to have violated paragraph
22 (a) of this Section shall, upon appropriate demand by the
23 State's Attorney or other designated person acting in response
24 to a signed complaint, provide a written statement or
25 deposition identifying the operator of the vehicle if such
26 operator was not the owner at the time of the alleged

1 violation. Failure to supply such information shall result in
2 the suspension of the vehicle registration of the vehicle for a
3 period of 3 months. In the event the owner has assigned control
4 for the use of the vehicle to another, the person to whom
5 control was assigned shall comply with the provisions of this
6 paragraph and be subject to the same penalties as herein
7 provided.

8 (Source: P.A. 99-740, eff. 1-1-17.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.