



Sen. Thomas Cullerton

Filed: 3/15/2019

10100SB1496sam001

LRB101 09850 TAE 57909 a

1 AMENDMENT TO SENATE BILL 1496

2 AMENDMENT NO. _____. Amend Senate Bill 1496 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-305 and 11-908 as follows:

6 (625 ILCS 5/11-305) (from Ch. 95 1/2, par. 11-305)

7 Sec. 11-305. Obedience to and required traffic-control
8 devices. (a) The driver of any vehicle shall obey the
9 instructions of any official traffic-control device applicable
10 thereto placed or held in accordance with the provisions of
11 this Act, unless otherwise directed by a police officer,
12 subject to the exceptions granted the driver of an authorized
13 emergency vehicle in this Act.

14 (b) It is unlawful for any person to leave the roadway and
15 travel across private property to avoid an official traffic
16 control device.

1 (c) No provision of this Act for which official
2 traffic-control devices are required shall be enforced against
3 an alleged violator if at the time and place of the alleged
4 violation an official device is not in proper position and
5 sufficiently legible to be seen by an ordinarily observant
6 person. Whenever a particular section does not state that
7 official traffic-control devices are required, such section
8 shall be effective even though no devices are erected or in
9 place.

10 (d) Whenever any official traffic-control device is placed
11 or held in position approximately conforming to the
12 requirements of this Act and purports to conform to the lawful
13 requirements pertaining to such device, such device shall be
14 presumed to have been so placed or held by the official act or
15 direction of lawful authority, and comply with the requirements
16 of this Act, unless the contrary shall be established by
17 competent evidence.

18 (e) The driver of a vehicle approaching a traffic control
19 signal on which no signal light facing such vehicle is
20 illuminated shall stop before entering the intersection in
21 accordance with rules applicable in making a stop at a stop
22 sign.

23 (f) Any violation of subsection (a) that occurs within a
24 designated highway construction zone or maintenance zone shall
25 result in a fine of no less than \$100 and no more than \$1,000.

26 (Source: P.A. 84-873.)

1 (625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

2 Sec. 11-908. Vehicle approaching or entering a highway
3 construction or maintenance area or zone.

4 (a) The driver of a vehicle shall yield the right-of-way to
5 any authorized vehicle or pedestrian actually engaged in work
6 upon a highway within any highway construction or maintenance
7 area indicated by official traffic-control devices.

8 (a-1) Upon entering a construction or maintenance zone when
9 workers are present, a person who drives a vehicle shall:

10 (1) proceeding with due caution, make a lane change
11 into a lane not adjacent to that of the workers present, if
12 possible with due regard to safety and traffic conditions,
13 if on a highway having at least 4 lanes with not less than
14 2 lanes proceeding in the same direction as the approaching
15 vehicle; or

16 (2) proceeding with due caution, reduce the speed of
17 the vehicle, maintaining a safe speed for road conditions,
18 if changing lanes would be impossible or unsafe.

19 (a-2) A person who violates subsection (a-1) of this
20 Section commits a business offense punishable by a fine of not
21 less than \$100 and not more than \$25,000 ~~\$10,000~~. It is a
22 factor in aggravation if the person committed the offense while
23 in violation of Section 11-501 of this Code.

24 (a-3) If a violation of subsection (a-1) of this Section
25 results in damage to the property of another person, in

1 addition to any other penalty imposed, the person's driving
2 privileges shall be suspended for a fixed period of not less
3 than 90 days and not more than one year.

4 (a-4) If a violation of subsection (a-1) of this Section
5 results in injury to another person, in addition to any other
6 penalty imposed, the person's driving privileges shall be
7 suspended for a fixed period of not less than 180 days and not
8 more than 2 years.

9 (a-5) If a violation of subsection (a-1) of this Section
10 results in the death of another person, in addition to any
11 other penalty imposed, the person's driving privileges shall be
12 suspended for 2 years.

13 (a-6) The Secretary of State shall, upon receiving a record
14 of a judgment entered against a person under subsection (a-1)
15 of this Section:

16 (1) suspend the person's driving privileges for the
17 mandatory period; or

18 (2) extend the period of an existing suspension by the
19 appropriate mandatory period.

20 (b) The driver of a vehicle shall yield the right-of-way to
21 any authorized vehicle obviously and actually engaged in work
22 upon a highway whenever the vehicle engaged in construction or
23 maintenance work displays flashing lights as provided in
24 Section 12-215 of this Act.

25 (c) The driver of a vehicle shall stop if signaled to do so
26 by a flagger or a traffic control signal and remain in such

1 position until signaled to proceed. If a driver of a vehicle
2 fails to stop when signaled to do so by a flagger, the flagger
3 is authorized to report such offense to the State's Attorney or
4 authorized prosecutor. The penalties imposed for a violation of
5 this subsection (c) shall be in addition to any penalties
6 imposed for a violation of subsection (a-1).
7 (Source: P.A. 100-201, eff. 8-18-17.)".