



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4338

Introduced 02/02/04, by Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-605

from Ch. 95 1/2, par. 11-605

Amends the Illinois Vehicle Code. Provides that a local agency may delegate to its superintendent of highways the authority to set reduced speed limits within construction or maintenance zones. Provides that if a superintendent of highways sets a reduced speed limit for a construction or maintenance zone under the new provision, the local agency must maintain a record of the location of the construction or maintenance zone, the reduced speed limit set and posted for the zone, and the dates during which the reduced speed limit was in effect.

LRB093 16608 DRH 42258 b

1 AN ACT concerning vehicles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-605 as follows:

6 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

7 Sec. 11-605. Special speed limit while passing schools or
8 while traveling through highway construction or maintenance
9 zones.

10 (a) For the purpose of this Section, "school" means the
11 following entities:

12 (1) A public or private primary or secondary school.

13 (2) A primary or secondary school operated by a
14 religious institution.

15 (3) A public, private, or religious nursery school.

16 On a school day when school children are present and so
17 close thereto that a potential hazard exists because of the
18 close proximity of the motorized traffic, no person shall drive
19 a motor vehicle at a speed in excess of 20 miles per hour while
20 passing a school zone or while traveling on a roadway on public
21 school property or upon any public thoroughfare where children
22 pass going to and from school.

23 For the purpose of this Section a school day shall begin at
24 seven ante meridian and shall conclude at four post meridian.

25 This Section shall not be applicable unless appropriate
26 signs are posted upon streets and highways under their
27 respective jurisdiction and maintained by the Department,
28 township, county, park district, city, village or incorporated
29 town wherein the school zone is located. With regard to the
30 special speed limit while passing schools, such signs shall
31 give proper due warning that a school zone is being approached
32 and shall indicate the school zone and the maximum speed limit

1 in effect during school days when school children are present.

2 (b) No person shall operate a motor vehicle in a
3 construction or maintenance zone at a speed in excess of the
4 posted speed limit when workers are present and so close to the
5 moving traffic that a potential hazard exists because of the
6 motorized traffic.

7 (c) Nothing in this Chapter shall prohibit the use of
8 electronic speed-detecting devices within 500 feet of signs
9 within a special school speed zone or a construction or
10 maintenance zone indicating such zone, as defined in this
11 Section, nor shall evidence obtained thereby be inadmissible in
12 any prosecution for speeding provided the use of such device
13 shall apply only to the enforcement of the speed limit in such
14 special school speed zone or a construction or maintenance
15 zone.

16 (d) For the purpose of this Section, a construction or
17 maintenance zone is an area in which the Department, Toll
18 Highway Authority, or local agency has determined that the
19 preexisting established speed limit through a highway
20 construction or maintenance project is greater than is
21 reasonable or safe with respect to the conditions expected to
22 exist in the construction or maintenance zone and has posted a
23 lower speed limit with a highway construction or maintenance
24 zone special speed limit sign.

25 Highway construction or maintenance zone special speed
26 limit signs shall be of a design approved by the Department.
27 The signs shall give proper due warning that a construction or
28 maintenance zone is being approached and shall indicate the
29 maximum speed limit in effect. The signs shall also state the
30 amount of the minimum fine for a violation when workers are
31 present.

32 (d-1) A local agency may delegate to its superintendent of
33 highways the authority to set and post a reduced speed limit
34 for a construction or maintenance zone under subsection (b). If
35 a superintendent of highways sets a reduced speed limit for a
36 construction or maintenance zone in accordance with this

1 subsection (d-1), the local agency must maintain a record that
2 indicates (i) the location of the construction or maintenance
3 zone, (ii) the reduced speed limit set and posted for the
4 construction or maintenance zone, and (iii) the dates during
5 which the reduced speed limit was in effect.

6 (e) A first violation of this Section is a petty offense
7 with a minimum fine of \$150. A second or subsequent violation
8 of this Section is a petty offense with a minimum fine of \$300.

9 (f) When a fine for a violation of subsection (a) is \$150
10 or greater, the person who violates subsection (a) shall be
11 charged an additional \$50 to be paid to the unit school
12 district where the violation occurred for school safety
13 purposes. If the violation occurred in a dual school district,
14 \$25 of the surcharge shall be paid to the elementary school
15 district for school safety purposes and \$25 of the surcharge
16 shall be paid to the high school district for school safety
17 purposes. Notwithstanding any other provision of law, the
18 entire \$50 surcharge shall be paid to the appropriate school
19 district or districts.

20 For purposes of this subsection (f), "school safety
21 purposes" includes the costs associated with school zone safety
22 education and the purchase, installation, and maintenance of
23 caution lights which are mounted on school speed zone signs.

24 (g) When a fine for a violation of subsection (b) is \$150
25 or greater, the person who violates subsection (b) shall be
26 charged an additional \$50. The \$50 surcharge shall be deposited
27 into the Transportation Safety Highway Hire-back Fund.

28 (h) The Transportation Safety Highway Hire-back Fund is
29 created as a special fund in the State treasury. Subject to
30 appropriation by the General Assembly and approval by the
31 Secretary, the Secretary of Transportation shall use all moneys
32 in the Transportation Safety Highway Hire-back Fund to hire
33 off-duty Department of State Police officers to monitor
34 construction or maintenance zones.

35 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619,
36 eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)