

SB3377



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB3377

Introduced 4/29/2004, by Sen. Larry K. Bomke

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1414

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

Amends the Illinois Vehicle Code. Provides that a person is guilty of a Class 3 felony if he or she is convicted of failing to stop and follow proper procedures upon approaching a school bus stopped for the purpose of receiving or discharging pupils and the violation caused the death of, or great bodily harm to, any person.

LRB093 21771 DRH 49617 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 11-1414 as follows:

6 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

7 Sec. 11-1414. Approaching, overtaking, and passing school
8 bus.

9 (a) The driver of a vehicle shall stop such vehicle before
10 meeting or overtaking, from either direction, any school bus
11 stopped at any location for the purpose of receiving or
12 discharging pupils. Such stop is required before reaching the
13 school bus when there is in operation on the school bus the
14 visual signals as specified in Sections 12-803 and 12-805 of
15 this Code. The driver of the vehicle shall not proceed until
16 the school bus resumes motion or the driver of the vehicle is
17 signaled by the school bus driver to proceed or the visual
18 signals are no longer actuated.

19 A person convicted of violating this subsection (a) is
20 guilty of a Class 3 felony if the violation caused the death
21 of, or great bodily harm to, any person.

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

28 (c) The alternately flashing red signal lamps of an 8-lamp
29 flashing signal system required by Section 12-805 of this Code
30 shall be actuated after the school bus has come to a complete
31 stop for the purpose of loading or discharging pupils and shall
32 be turned off before the school bus is placed in motion again.

1 The red signal lamps shall not be actuated at any other time
2 except as provided in paragraph (d) of this Section.

3 (d) The alternately flashing amber signal lamps of an
4 8-lamp flashing signal system required by Section 12-805 of
5 this Code shall be actuated continuously during not less than
6 the last 100 feet traveled by the school bus before stopping
7 for the purpose of loading or discharging pupils within an
8 urban area and during not less than the last 200 feet traveled
9 by the school bus outside an urban area. The amber signal lamps
10 shall remain actuated until the school bus is stopped. The
11 amber signal lamps shall not be actuated at any other time.

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

16 (e) The driver of a vehicle upon a highway having 4 or more
17 lanes which permits at least 2 lanes of traffic to travel in
18 opposite directions need not stop such vehicle upon meeting a
19 school bus which is stopped in the opposing roadway; and need
20 not stop such vehicle when driving upon a controlled access
21 highway when passing a school bus traveling in either direction
22 that is stopped in a loading zone adjacent to the surfaced or
23 improved part of the controlled access highway where
24 pedestrians are not permitted to cross.

25 (f) Beginning with the effective date of this amendatory
26 Act of 1985, the Secretary of State shall suspend for a period
27 of 3 months the driving privileges of any person convicted of a
28 violation of subsection (a) of this Section or a similar
29 provision of a local ordinance; the Secretary shall suspend for
30 a period of one year the driving privileges of any person
31 convicted of a second or subsequent violation of subsection (a)
32 of this Section or a similar provision of a local ordinance if
33 the second or subsequent violation occurs within 5 years of a
34 prior conviction for the same offense. In addition to the
35 suspensions authorized by this Section, any person convicted of
36 violating this Section or a similar provision of a local

1 ordinance shall be subject to a mandatory fine of \$150 or, upon
2 a second or subsequent violation, \$500. The Secretary may also
3 grant, for the duration of any suspension issued under this
4 subsection, a restricted driving permit granting the privilege
5 of driving a motor vehicle between the driver's residence and
6 place of employment or within other proper limits that the
7 Secretary of State shall find necessary to avoid any undue
8 hardship. A restricted driving permit issued hereunder shall be
9 subject to cancellation, revocation and suspension by the
10 Secretary of State in like manner and for like cause as a
11 driver's license may be cancelled, revoked or suspended; except
12 that a conviction upon one or more offenses against laws or
13 ordinances regulating the movement of traffic shall be deemed
14 sufficient cause for the revocation, suspension or
15 cancellation of the restricted driving permit. The Secretary of
16 State may, as a condition to the issuance of a restricted
17 driving permit, require the applicant to participate in a
18 designated driver remedial or rehabilitative program. Any
19 conviction for a violation of this subsection shall be included
20 as an offense for the purposes of determining suspension action
21 under any other provision of this Code, provided however, that
22 the penalties provided under this subsection shall be imposed
23 unless those penalties imposed under other applicable
24 provisions are greater.

25 The owner of any vehicle alleged to have violated paragraph
26 (a) of this Section shall, upon appropriate demand by the
27 State's Attorney or other authorized prosecutor acting in
28 response to a signed complaint, provide a written statement or
29 deposition identifying the operator of the vehicle if such
30 operator was not the owner at the time of the alleged
31 violation. Failure to supply such information shall be
32 construed to be the same as a violation of paragraph (a) and
33 shall be subject to the same penalties herein provided. In the
34 event the owner has assigned control for the use of the vehicle
35 to another, the person to whom control was assigned shall
36 comply with the provisions of this paragraph and be subject to

1 the same penalties as herein provided.

2 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;

3 revised 8-12-03.)