

HB0987



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0987

Introduced 2/3/2005, by Rep. John J. Millner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7504

from Ch. 95 1/2, par. 18c-7504

Amends the Illinois Vehicle Code. Provides that a rail carrier's duty to maintain fences on both sides of its road ends when the carrier permanently ceases operations over the line.

LRB094 06993 DRH 37113 b

A BILL FOR

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 5. The Illinois Vehicle Code is amended by changing
5 Section 18c-7504 as follows:

6 (625 ILCS 5/18c-7504) (from Ch. 95 1/2, par. 18c-7504)

7 Sec. 18c-7504. Construction of Fences, Farm Crossings, and
8 Damages. (1) Fencing. Every rail carrier shall, within 6 months
9 after any part of its line is open for use, erect and, until it
10 permanently ceases operations over the line, ~~thereafter~~
11 maintain fences on both sides of its road or so much thereof as
12 is open for use, suitable and sufficient to prevent cattle,
13 horses, sheep, hogs or other livestock from getting on such
14 railroad, provided that the other 3 sides of the property are
15 enclosed, except at the crossings of public roads and highways,
16 and within such portion of cities and incorporated towns and
17 villages as are or may be hereafter laid out and platted into
18 lots and blocks, with gates at the farm crossings of such
19 railroad, which farm crossings shall be constructed by such
20 rail carrier when and where the same may become necessary, for
21 the use of the proprietors of the lands adjoining such
22 railroad; and when such fences are not made as aforesaid, or
23 when such fences are not kept in good repair, such rail carrier
24 shall be liable for all damages which may be done by the
25 agents, engines or cars of such rail carrier, to such cattle,
26 horses, sheep, hogs or other livestock thereof, and reasonable
27 attorney's fees in any court wherein suit is brought for such
28 damages, or to which the same may be appealed; but where such
29 fences have been duly made and kept in good repair, such rail
30 carrier shall not be liable for any such damages, unless
31 negligently or willfully done.

32 (2) Enforcement. If the rail carrier, after being notified,

1 shall refuse to build or repair such fence, gates, or farm
2 crossings, in accordance with the provisions of this, Section,
3 the owner or occupant of the land required to be fenced shall
4 be entitled to an order from any court of competent
5 jurisdiction requiring the rail carrier to build or repair such
6 fence, gates, or farm crossing and may recover interest at one
7 percent per month of the cost of such building or repair, from
8 the time the crossing or repair was requested, as damage in the
9 circuit court, together with costs to be taxed by the court.

10 (Source: P.A. 84-796.)