

SB0042



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0042

Introduced 1/26/2005, by Sen. John O. Jones

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208

from Ch. 95 1/2, par. 11-208

Amends the Illinois Vehicle Code. Provides that a unit of local government, including a home rule unit, that enforces against any person an ordinance that (i) applies only to motorcycles and restricts their access to certain highways, (ii) requires motorcycle riders to wear protective headgear, or (iii) regulates motorcycles in a manner inconsistent with the Code, in addition to being liable to that person for the actual damages sustained, is liable to that person for punitive damages in an amount not less than \$10,000 and not greater than \$25,000 and for reasonable attorney's fees. Effective immediately.

LRB094 05060 DRH 35096 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 11-208 as follows:

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

7 Sec. 11-208. Powers of local authorities.

8 (a) The provisions of this Code shall not be deemed to
9 prevent local authorities with respect to streets and highways
10 under their jurisdiction and within the reasonable exercise of
11 the police power from:

12 1. Regulating the standing or parking of vehicles,
13 except as limited by Section 11-1306 of this Act;

14 2. Regulating traffic by means of police officers or
15 traffic control signals;

16 3. Regulating or prohibiting processions or
17 assemblages on the highways;

18 4. Designating particular highways as one-way highways
19 and requiring that all vehicles thereon be moved in one
20 specific direction;

21 5. Regulating the speed of vehicles in public parks
22 subject to the limitations set forth in Section 11-604;

23 6. Designating any highway as a through highway, as
24 authorized in Section 11-302, and requiring that all
25 vehicles stop before entering or crossing the same or
26 designating any intersection as a stop intersection or a
27 yield right-of-way intersection and requiring all vehicles
28 to stop or yield the right-of-way at one or more entrances
29 to such intersections;

30 7. Restricting the use of highways as authorized in
31 Chapter 15;

32 8. Regulating the operation of bicycles and requiring

1 the registration and licensing of same, including the
2 requirement of a registration fee;

3 9. Regulating or prohibiting the turning of vehicles or
4 specified types of vehicles at intersections;

5 10. Altering the speed limits as authorized in Section
6 11-604;

7 11. Prohibiting U-turns;

8 12. Prohibiting pedestrian crossings at other than
9 designated and marked crosswalks or at intersections;

10 13. Prohibiting parking during snow removal operation;

11 14. Imposing fines in accordance with Section
12 11-1301.3 as penalties for use of any parking place
13 reserved for persons with disabilities, as defined by
14 Section 1-159.1, or disabled veterans by any person using a
15 motor vehicle not bearing registration plates specified in
16 Section 11-1301.1 or a special decal or device as defined
17 in Section 11-1301.2 as evidence that the vehicle is
18 operated by or for a person with disabilities or disabled
19 veteran;

20 15. Adopting such other traffic regulations as are
21 specifically authorized by this Code; or

22 16. Enforcing the provisions of subsection (f) of
23 Section 3-413 of this Code or a similar local ordinance.

24 (b) No ordinance or regulation enacted under subsections 1,
25 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
26 until signs giving reasonable notice of such local traffic
27 regulations are posted.

28 (c) The provisions of this Code shall not prevent any
29 municipality having a population of 500,000 or more inhabitants
30 from prohibiting any person from driving or operating any motor
31 vehicle upon the roadways of such municipality with headlamps
32 on high beam or bright.

33 (d) The provisions of this Code shall not be deemed to
34 prevent local authorities within the reasonable exercise of
35 their police power from prohibiting, on private property, the
36 unauthorized use of parking spaces reserved for persons with

1 disabilities.

2 (e) No unit of local government, including a home rule
3 unit, may enact or enforce an ordinance that applies only to
4 motorcycles if the principal purpose for that ordinance is to
5 restrict the access of motorcycles to any highway or portion of
6 a highway for which federal or State funds have been used for
7 the planning, design, construction, or maintenance of that
8 highway. No unit of local government, including a home rule
9 unit, may enact an ordinance requiring motorcycle users to wear
10 protective headgear. Nothing in this subsection (e) shall
11 affect the authority of a unit of local government to regulate
12 motorcycles for traffic control purposes or in accordance with
13 Section 12-602 of this Code. No unit of local government,
14 including a home rule unit, may regulate motorcycles in a
15 manner inconsistent with this Code. This subsection (e) is a
16 limitation under subsection (i) of Section 6 of Article VII of
17 the Illinois Constitution on the concurrent exercise by home
18 rule units of powers and functions exercised by the State.

19 (f) A unit of local government, including a home rule unit,
20 that enforces against any person an ordinance that violates
21 subsection (e) of this Section, in addition to being liable to
22 that person for the actual damages sustained, is liable to that
23 person for punitive damages in an amount not less than \$10,000
24 and not greater than \$25,000 and for reasonable attorney's
25 fees.

26 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
27 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.