



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB6716

by Rep. JoAnn D. Osmond

#### SYNOPSIS AS INTRODUCED:

605 ILCS 5/7-203.3 new

Amends the Illinois Highway Code. Provides that a municipality that is located partially or wholly in a county with a population greater than 500,000 but less than 3,000,000 under specified conditions may expend Motor Fuel Tax street or road funds (except Federal-aid funds) on streets or highways or sections of highways without prior review or approval of the Department of Transportation for routine maintenance activities as determined by the Department, including without limitation snow plowing, street cleaning, crack-sealing, and road patching; and routine and periodic roadway resurfacing activities (including grinding off the surface course of roads, but not involving expansions or reconstruction of more than 20% of the affected road bed). Effective immediately.

LRB095 22337 RLC 52663 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning the use of motor fuel tax funds.

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

4 Section 5. The Illinois Highway Code is amended by adding  
5 Section 7-203.3 as follows:

6 (605 ILCS 5/7-203.3 new)

7 Sec. 7-203.3. Alternative procedures for routine  
8 maintenance activities.

9 (a) For any municipality qualifying to participate under  
10 subsection (b) of this Section, such municipality may expend  
11 Motor Fuel Tax street or road funds (except Federal-aid funds)  
12 on streets or highways or sections of highways without prior  
13 review or approval of the Department for: (1) any routine  
14 maintenance activities as determined by the Department,  
15 including without limitation snow plowing, street cleaning,  
16 crack-sealing, and road patching; and (2) routine and periodic  
17 roadway resurfacing activities (including grinding off the  
18 surface course of roads, but not involving expansions or  
19 reconstruction of more than 20% of the affected road bed).  
20 Bidding for projects qualifying under clauses (1) and (2) of  
21 this subsection (a) shall comply with the requirements of the  
22 Illinois Municipal Code.

23 (b) A municipality is qualified to act under this Section

1 if it meets all of the following requirements:

2 (1) it is located partially or wholly in a county with  
3 a population greater than 500,000 but less than 3,000,000;

4 (2) the municipality adopts an ordinance or resolution  
5 electing to proceed under this Section 7-203.3 and delivers  
6 such ordinance or resolution to the Department Secretary;

7 (3) the mayor or president of the municipality annually  
8 certifies to the Department that:

9 (A) the municipality has complied with Section  
10 7-301;

11 (B) the municipality has appointed a full-time  
12 engineer or has retained a licensed professional  
13 engineer or professional engineering firm charged with  
14 overseeing the municipality's street, road, or highway  
15 construction and maintenance programs; and

16 (C) the municipality has expended Motor Fuel Tax  
17 funds only on activities authorized by this Article;

18 (4) the municipal engineer or engineering firm (as  
19 described in clause (3)(B) of this subsection (b) annually  
20 certifies to the Department that the municipality's  
21 activities undertaken with Motor Fuel Tax funds satisfied  
22 the requirements of clauses (1) and (2) of subsection (a)  
23 of this Section and otherwise comported with applicable  
24 specifications of the Department relating to such  
25 activities; and

26 (5) the municipality annually submits a certified

1       audit of its motor fuel tax fund to the Department  
2       establishing that the municipality has properly used its  
3       Motor Fuel Tax funds.

4       Any municipality that fails to comply with the requirements  
5       of this Section or whose audit is not found acceptable to the  
6       Department shall be barred from utilizing this Section for a  
7       period of 5 years, unless the Department approves the  
8       municipality's earlier participation under this Section.

9       (c) For activities not within the scope of subsection (a)  
10      of this Section, a municipality must comply with the general  
11      provisions of this Division 2 regarding the Department's review  
12      and approval of expenditure of Motor Fuel Tax funds.

13           Section 99. Effective date. This Act takes effect upon  
14      becoming law.