

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 Sections 1-167, 1-187.001, 6-514, 11-1011, 11-1201, 11-1202,
6 and 11-1203 and by adding Section 1-167.5 as follows:

7 (625 ILCS 5/1-167) (from Ch. 95 1/2, par. 1-167)

8 Sec. 1-167. Railroad sign or signal. Any sign, signal or
9 device, other than an official traffic control signal or
10 device, erected in accordance with the laws governing same and
11 intended to give notice of the presence of railroad tracks or
12 the approach of a railroad train or railroad track equipment.

13 (Source: P.A. 83-831.)

14 (625 ILCS 5/1-167.5 new)

15 Sec. 1-167.5. Railroad track equipment. All vehicles
16 operated upon rails for the purpose of the maintenance of
17 railroads including, but not limited to, all hi-rail vehicles
18 and on-track roadway maintenance machines, as defined in 49
19 CFR, Part 214.7.

20 (625 ILCS 5/1-187.001)

21 Sec. 1-187.001. Serious traffic violation.

- 1 (a) A conviction when operating a motor vehicle for:
- 2 (1) a violation of subsection (a) of Section 11-402,
- 3 relating to a motor vehicle accident involving damage to a
- 4 vehicle;
- 5 (2) a violation of Section 11-403, relating to failure
- 6 to stop and exchange information after a motor vehicle
- 7 collision, property damage only;
- 8 (3) a violation of subsection (a) of Section 11-502,
- 9 relating to illegal transportation, possession, or
- 10 carrying of alcoholic liquor within the passenger area of
- 11 any vehicle;
- 12 (4) a violation of Section 6-101 relating to operating
- 13 a motor vehicle without a valid license or permit;
- 14 (5) a violation of Section 11-403, relating to failure
- 15 to stop and exchange information or give aid after a motor
- 16 vehicle collision involving personal injury or death;
- 17 (6) a violation relating to excessive speeding,
- 18 involving a single speeding charge of 30 miles per hour or
- 19 more above the legal speed limit;
- 20 (7) a violation relating to reckless driving;
- 21 (8) a violation of subsection (d) of Section 11-707,
- 22 relating to passing in a no-passing zone;
- 23 (9) a violation of subsection (b) of Section 11-1402,
- 24 relating to limitations on backing upon a controlled access
- 25 highway;
- 26 (10) a violation of subsection (b) of Section 11-707,

1 relating to driving on the left side of a roadway in a
2 no-passing zone;

3 (11) a violation of subsection (e) of Section 11-1002,
4 relating to failure to yield the right-of-way to a
5 pedestrian at an intersection;

6 (12) a violation of Section 11-1008, relating to
7 failure to yield to a pedestrian on a sidewalk; or

8 (13) a violation of Section 11-1201, relating to
9 failure to stop for an approaching railroad train or
10 railroad track equipment or signals; or

11 (b) Any other similar violation of a law or local ordinance
12 of any state relating to motor vehicle traffic control, other
13 than a parking violation.

14 (c) A violation of any of these defined serious traffic
15 offenses shall not preclude the defendant from being eligible
16 to receive an order of court supervision under Section 5-6-1 of
17 the Unified Code of Corrections.

18 (Source: P.A. 90-369, eff. 1-1-98.)

19 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

20 Sec. 6-514. Commercial Driver's License (CDL) -
21 Disqualifications.

22 (a) A person shall be disqualified from driving a
23 commercial motor vehicle for a period of not less than 12
24 months for the first violation of:

25 (1) Refusing to submit to or failure to complete a test

1 or tests to determine the driver's blood concentration of
2 alcohol, other drug, or both, while driving a commercial
3 motor vehicle or, if the driver is a CDL holder, while
4 driving a non-CMV; or

5 (2) Operating a commercial motor vehicle while the
6 alcohol concentration of the person's blood, breath or
7 urine is at least 0.04, or any amount of a drug, substance,
8 or compound in the person's blood or urine resulting from
9 the unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act, a controlled substance listed in the
11 Illinois Controlled Substances Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community
13 Protection Act as indicated by a police officer's sworn
14 report or other verified evidence; or operating a
15 non-commercial motor vehicle while the alcohol
16 concentration of the person's blood, breath, or urine was
17 above the legal limit defined in Section 11-501.1 or
18 11-501.8 or any amount of a drug, substance, or compound in
19 the person's blood or urine resulting from the unlawful use
20 or consumption of cannabis listed in the Cannabis Control
21 Act, a controlled substance listed in the Illinois
22 Controlled Substances Act, or methamphetamine as listed in
23 the Methamphetamine Control and Community Protection Act
24 as indicated by a police officer's sworn report or other
25 verified evidence while holding a commercial driver's
26 license; or

1 (3) Conviction for a first violation of:

2 (i) Driving a commercial motor vehicle or, if the
3 driver is a CDL holder, driving a non-CMV while under
4 the influence of alcohol, or any other drug, or
5 combination of drugs to a degree which renders such
6 person incapable of safely driving; or

7 (ii) Knowingly and wilfully leaving the scene of an
8 accident while operating a commercial motor vehicle
9 or, if the driver is a CDL holder, while driving a
10 non-CMV; or

11 (iii) Driving a commercial motor vehicle or, if the
12 driver is a CDL holder, driving a non-CMV while
13 committing any felony; or

14 (iv) Driving a commercial motor vehicle while the
15 person's driving privileges or driver's license or
16 permit is revoked, suspended, or cancelled or the
17 driver is disqualified from operating a commercial
18 motor vehicle; or

19 (v) Causing a fatality through the negligent
20 operation of a commercial motor vehicle, including but
21 not limited to the crimes of motor vehicle
22 manslaughter, homicide by a motor vehicle, and
23 negligent homicide.

24 As used in this subdivision (a)(3)(v), "motor
25 vehicle manslaughter" means the offense of involuntary
26 manslaughter if committed by means of a vehicle;

1 "homicide by a motor vehicle" means the offense of
2 first degree murder or second degree murder, if either
3 offense is committed by means of a vehicle; and
4 "negligent homicide" means reckless homicide under
5 Section 9-3 of the Criminal Code of 1961 and aggravated
6 driving under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds, or any
8 combination thereof under subdivision (d)(1)(F) of
9 Section 11-501 of this Code.

10 If any of the above violations or refusals occurred
11 while transporting hazardous material(s) required to be
12 placarded, the person shall be disqualified for a period of
13 not less than 3 years.

14 (b) A person is disqualified for life for a second
15 conviction of any of the offenses specified in paragraph (a),
16 or any combination of those offenses, arising from 2 or more
17 separate incidents.

18 (c) A person is disqualified from driving a commercial
19 motor vehicle for life if the person either (i) uses a
20 commercial motor vehicle in the commission of any felony
21 involving the manufacture, distribution, or dispensing of a
22 controlled substance, or possession with intent to
23 manufacture, distribute or dispense a controlled substance or
24 (ii) if the person is a CDL holder, uses a non-CMV in the
25 commission of a felony involving any of those activities.

26 (d) The Secretary of State may, when the United States

1 Secretary of Transportation so authorizes, issue regulations
2 in which a disqualification for life under paragraph (b) may be
3 reduced to a period of not less than 10 years. If a reinstated
4 driver is subsequently convicted of another disqualifying
5 offense, as specified in subsection (a) of this Section, he or
6 she shall be permanently disqualified for life and shall be
7 ineligible to again apply for a reduction of the lifetime
8 disqualification.

9 (e) A person is disqualified from driving a commercial
10 motor vehicle for a period of not less than 2 months if
11 convicted of 2 serious traffic violations, committed in a
12 commercial motor vehicle, arising from separate incidents,
13 occurring within a 3 year period. However, a person will be
14 disqualified from driving a commercial motor vehicle for a
15 period of not less than 4 months if convicted of 3 serious
16 traffic violations, committed in a commercial motor vehicle,
17 arising from separate incidents, occurring within a 3 year
18 period.

19 (e-1) A person is disqualified from driving a commercial
20 motor vehicle for a period of not less than 2 months if
21 convicted of 2 serious traffic violations committed in a
22 non-CMV while holding a CDL, arising from separate incidents,
23 occurring within a 3 year period, if the convictions would
24 result in the suspension or revocation of the CDL holder's
25 non-CMV privileges. A person shall be disqualified from driving
26 a commercial motor vehicle for a period of not less than 4

1 months, however, if he or she is convicted of 3 or more serious
2 traffic violations committed in a non-CMV while holding a CDL,
3 arising from separate incidents, occurring within a 3 year
4 period, if the convictions would result in the suspension or
5 revocation of the CDL holder's non-CMV privileges.

6 (f) Notwithstanding any other provision of this Code, any
7 driver disqualified from operating a commercial motor vehicle,
8 pursuant to this UCDLA, shall not be eligible for restoration
9 of commercial driving privileges during any such period of
10 disqualification.

11 (g) After suspending, revoking, or cancelling a commercial
12 driver's license, the Secretary of State must update the
13 driver's records to reflect such action within 10 days. After
14 suspending or revoking the driving privilege of any person who
15 has been issued a CDL or commercial driver instruction permit
16 from another jurisdiction, the Secretary shall originate
17 notification to such issuing jurisdiction within 10 days.

18 (h) The "disqualifications" referred to in this Section
19 shall not be imposed upon any commercial motor vehicle driver,
20 by the Secretary of State, unless the prohibited action(s)
21 occurred after March 31, 1992.

22 (i) A person is disqualified from driving a commercial
23 motor vehicle in accordance with the following:

- 24 (1) For 6 months upon a first conviction of paragraph
- 25 (2) of subsection (b) or subsection (b-3) of Section 6-507
- 26 of this Code.

1 (2) For 2 years upon a second conviction of paragraph
2 (2) of subsection (b) or subsection (b-3) or any
3 combination of paragraphs (2) or (3) of subsection (b) or
4 subsections (b-3) or (b-5) of Section 6-507 of this Code
5 within a 10-year period if the second conviction is a
6 violation of paragraph (2) of subsection (b) or subsection
7 (b-3).

8 (3) For 3 years upon a third or subsequent conviction
9 of paragraph (2) of subsection (b) or subsection (b-3) or
10 any combination of paragraphs (2) or (3) of subsection (b)
11 or subsections (b-3) or (b-5) of Section 6-507 of this Code
12 within a 10-year period if the third or subsequent
13 conviction is a violation of paragraph (2) of subsection
14 (b) or subsection (b-3).

15 (4) For one year upon a first conviction of paragraph
16 (3) of subsection (b) or subsection (b-5) of Section 6-507
17 of this Code.

18 (5) For 3 years upon a second conviction of paragraph
19 (3) of subsection (b) or subsection (b-5) or any
20 combination of paragraphs (2) or (3) of subsection (b) or
21 subsections (b-3) or (b-5) of Section 6-507 of this Code
22 within a 10-year period if the second conviction is a
23 violation of paragraph (3) of subsection (b) or (b-5).

24 (6) For 5 years upon a third or subsequent conviction
25 of paragraph (3) of subsection (b) or subsection (b-5) or
26 any combination of paragraphs (2) or (3) of subsection (b)

1 or subsections (b-3) or (b-5) of Section 6-507 of this Code
2 within a 10-year period if the third or subsequent
3 conviction is a violation of paragraph (3) of subsection
4 (b) or (b-5).

5 (j) Disqualification for railroad-highway grade crossing
6 violation.

7 (1) General rule. A driver who is convicted of a
8 violation of a federal, State, or local law or regulation
9 pertaining to one of the following 6 offenses at a
10 railroad-highway grade crossing must be disqualified from
11 operating a commercial motor vehicle for the period of time
12 specified in paragraph (2) of this subsection (j) if the
13 offense was committed while operating a commercial motor
14 vehicle:

15 (i) For drivers who are not required to always
16 stop, failing to slow down and check that the tracks
17 are clear of an approaching train or railroad track
18 equipment, as described in subsection (a-5) of Section
19 11-1201 of this Code;

20 (ii) For drivers who are not required to always
21 stop, failing to stop before reaching the crossing, if
22 the tracks are not clear, as described in subsection
23 (a) of Section 11-1201 of this Code;

24 (iii) For drivers who are always required to stop,
25 failing to stop before driving onto the crossing, as
26 described in Section 11-1202 of this Code;

1 (iv) For all drivers, failing to have sufficient
2 space to drive completely through the crossing without
3 stopping, as described in subsection (b) of Section
4 11-1425 of this Code;

5 (v) For all drivers, failing to obey a traffic
6 control device or the directions of an enforcement
7 official at the crossing, as described in subdivision
8 (a)2 of Section 11-1201 of this Code;

9 (vi) For all drivers, failing to negotiate a
10 crossing because of insufficient undercarriage
11 clearance, as described in subsection (d-1) of Section
12 11-1201 of this Code.

13 (2) Duration of disqualification for railroad-highway
14 grade crossing violation.

15 (i) First violation. A driver must be disqualified
16 from operating a commercial motor vehicle for not less
17 than 60 days if the driver is convicted of a violation
18 described in paragraph (1) of this subsection (j) and,
19 in the three-year period preceding the conviction, the
20 driver had no convictions for a violation described in
21 paragraph (1) of this subsection (j).

22 (ii) Second violation. A driver must be
23 disqualified from operating a commercial motor vehicle
24 for not less than 120 days if the driver is convicted
25 of a violation described in paragraph (1) of this
26 subsection (j) and, in the three-year period preceding

1 the conviction, the driver had one other conviction for
2 a violation described in paragraph (1) of this
3 subsection (j) that was committed in a separate
4 incident.

5 (iii) Third or subsequent violation. A driver must
6 be disqualified from operating a commercial motor
7 vehicle for not less than one year if the driver is
8 convicted of a violation described in paragraph (1) of
9 this subsection (j) and, in the three-year period
10 preceding the conviction, the driver had 2 or more
11 other convictions for violations described in
12 paragraph (1) of this subsection (j) that were
13 committed in separate incidents.

14 (k) Upon notification of a disqualification of a driver's
15 commercial motor vehicle privileges imposed by the U.S.
16 Department of Transportation, Federal Motor Carrier Safety
17 Administration, in accordance with 49 C.F.R. 383.52, the
18 Secretary of State shall immediately record to the driving
19 record the notice of disqualification and confirm to the driver
20 the action that has been taken.

21 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

22 (625 ILCS 5/11-1011) (from Ch. 95 1/2, par. 11-1011)
23 Sec. 11-1011. Bridge and railroad signals.

24 (a) No pedestrian shall enter or remain upon any bridge or
25 approach thereto beyond the bridge signal, gate, or barrier

1 after a bridge operation signal indication has been given.

2 (b) No pedestrian shall pass through, around, over, or
3 under any crossing gate or barrier at a railroad grade crossing
4 or bridge while such gate or barrier is closed or is being
5 opened or closed.

6 (c) No pedestrian shall enter, remain upon or traverse over
7 a railroad grade crossing or pedestrian walkway crossing a
8 railroad track when an audible bell or clearly visible electric
9 or mechanical signal device is operational giving warning of
10 the presence, approach, passage, or departure of a railroad
11 train or railroad track equipment.

12 (d) A violation of any part of this Section is a petty
13 offense for which a \$250 fine shall be imposed for a first
14 violation, and a \$500 fine shall be imposed for a second or
15 subsequent violation. The court may impose 25 hours of
16 community service in place of the \$250 fine for a first
17 violation.

18 (e) Local authorities shall impose fines as established in
19 subsection (d) for pedestrians who fail to obey signals
20 indicating the presence, approach, passage, or departure of a
21 train or railroad track equipment.

22 (Source: P.A. 92-814, eff. 1-1-03.)

23 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

24 Sec. 11-1201. Obedience to signal indicating approach of
25 train or railroad track equipment.

1 (a) Whenever any person driving a vehicle approaches a
2 railroad grade crossing where the driver is not always required
3 to stop, the person must exercise due care and caution as the
4 existence of a railroad track across a highway is a warning of
5 danger, and under any of the circumstances stated in this
6 Section, the driver shall stop within 50 feet but not less than
7 15 feet from the nearest rail of the railroad and shall not
8 proceed until the tracks are clear and he or she can do so
9 safely. The foregoing requirements shall apply when:

10 1. A clearly visible electric or mechanical signal
11 device gives warning of the immediate approach of a
12 railroad train or railroad track equipment;

13 2. A crossing gate is lowered or a human flagman gives
14 or continues to give a signal of the approach or passage of
15 a railroad train or railroad track equipment;

16 3. A railroad train or railroad track equipment
17 approaching a highway crossing emits a warning signal and
18 such railroad train or railroad track equipment, by reason
19 of its speed or nearness to such crossing, is an immediate
20 hazard;

21 4. An approaching railroad train or railroad track
22 equipment is plainly visible and is in hazardous proximity
23 to such crossing;

24 5. A railroad train or railroad track equipment is
25 approaching so closely that an immediate hazard is created.

26 (a-5) Whenever a person driving a vehicle approaches a

1 railroad grade crossing where the driver is not always required
2 to stop but must slow down, the person must exercise due care
3 and caution as the existence of a railroad track across a
4 highway is a warning of danger, and under any of the
5 circumstances stated in this Section, the driver shall slow
6 down within 50 feet but not less than 15 feet from the nearest
7 rail of the railroad and shall not proceed until he or she
8 checks that the tracks are clear of an approaching train or
9 railroad track equipment.

10 (b) No person shall drive any vehicle through, around or
11 under any crossing gate or barrier at a railroad crossing while
12 such gate or barrier is closed or is being opened or closed.

13 (c) The Department, and local authorities with the approval
14 of the Department, are hereby authorized to designate
15 particularly dangerous highway grade crossings of railroads
16 and to erect stop signs thereat. When such stop signs are
17 erected the driver of any vehicle shall stop within 50 feet but
18 not less than 15 feet from the nearest rail of such railroad
19 and shall proceed only upon exercising due care.

20 (d) At any railroad grade crossing provided with railroad
21 crossbuck signs, without automatic, electric, or mechanical
22 signal devices, crossing gates, or a human flagman giving a
23 signal of the approach or passage of a train or railroad track
24 equipment, the driver of a vehicle shall in obedience to the
25 railroad crossbuck sign, yield the right-of-way and slow down
26 to a speed reasonable for the existing conditions and shall

1 stop, if required for safety, at a clearly marked stopped line,
2 or if no stop line, within 50 feet but not less than 15 feet
3 from the nearest rail of the railroad and shall not proceed
4 until he or she can do so safely. If a driver is involved in a
5 collision at a railroad crossing or interferes with the
6 movement of a train or railroad track equipment after driving
7 past the railroad crossbuck sign, the collision or interference
8 is prima facie evidence of the driver's failure to yield
9 right-of-way.

10 (d-1) No person shall, while driving a commercial motor
11 vehicle, fail to negotiate a railroad-highway grade railroad
12 crossing because of insufficient undercarriage clearance.

13 (d-5) (Blank).

14 (e) It is unlawful to violate any part of this Section.

15 (1) A violation of this Section is a petty offense for
16 which a fine of \$250 shall be imposed for a first
17 violation, and a fine of \$500 shall be imposed for a second
18 or subsequent violation. The court may impose 25 hours of
19 community service in place of the \$250 fine for the first
20 violation.

21 (2) For a second or subsequent violation, the Secretary
22 of State may suspend the driving privileges of the offender
23 for a minimum of 6 months.

24 (f) Corporate authorities of municipal corporations
25 regulating operators of vehicles that fail to obey signals
26 indicating the presence, approach, passage, or departure of a

1 train or railroad track equipment shall impose fines as
2 established in subsection (e) of this Section.

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (625 ILCS 5/11-1202) (from Ch. 95 1/2, par. 11-1202)

5 Sec. 11-1202. Certain vehicles must stop at all railroad
6 grade crossings.

7 (a) The driver of any of the following vehicles shall,
8 before crossing a railroad track or tracks at grade, stop such
9 vehicle within 50 feet but not less than 15 feet from the
10 nearest rail and, while so stopped, shall listen and look for
11 the approach of a train or railroad track equipment and shall
12 not proceed until such movement can be made with safety:

13 1. Any second division vehicle carrying passengers for
14 hire;

15 2. Any bus that meets all of the special requirements
16 for school buses in Sections 12-801, 12-803, and 12-805 of
17 this Code. The driver of the bus, in addition to complying
18 with all other applicable requirements of this subsection
19 (a), must also (i) turn off all noise producing
20 accessories, including heater blowers, defroster fans,
21 auxiliary fans, and radios, and (ii) open the service door
22 and driver's window, before crossing a railroad track or
23 tracks;

24 3. Any other vehicle which is required by Federal or
25 State law to be placarded when carrying as a cargo or part

1 of a cargo hazardous material as defined in the "Illinois
2 Hazardous Materials Transportation Act".

3 After stopping as required in this Section, the driver
4 shall proceed only in a gear not requiring a change of gears
5 during the crossing, and the driver shall not shift gears while
6 crossing the track or tracks.

7 (b) This Section shall not apply:

8 1. At any railroad grade crossing where traffic is
9 controlled by a police officer or flagperson;

10 2. At any railroad grade crossing controlled by a
11 functioning traffic-control signal transmitting a green
12 indication which, under law, permits the vehicle to proceed
13 across the railroad tracks without slowing or stopping,
14 except that subsection (a) shall apply to any school bus;

15 3. At any streetcar grade crossing within a business or
16 residence district; or

17 4. At any abandoned, industrial or spur track railroad
18 grade crossing designated as exempt by the Illinois
19 Commerce Commission and marked with an official sign as
20 authorized in the State Manual on Uniform Traffic Control
21 Devices for Streets and Highways.

22 (Source: P.A. 94-519, eff. 8-10-05; 95-756, eff. 1-1-09.)

23 (625 ILCS 5/11-1203) (from Ch. 95 1/2, par. 11-1203)

24 Sec. 11-1203. Moving heavy equipment at railroad grade
25 crossing.

1 (a) No person shall operate or move any crawler-type
2 tractor, power shovel, derrick, roller, or any equipment or
3 structure having a normal operating speed of 10 or less miles
4 per hour, or, for such equipment with 18 feet or less distance
5 between two adjacent axles, having a vertical body or load
6 clearance of less than 9 inches above a level surface, or, for
7 such equipment with more than 18 feet between two adjacent
8 axles, having a vertical body or load clearance of less than
9 1/2 inch per foot of distance between such adjacent axles above
10 a level surface upon or across any tracks at a railroad grade
11 crossing without first complying with this Section.

12 (b) Notice of any such intended crossing shall be given to
13 a superintendent of such railroad and a reasonable time be
14 given to such railroad to provide proper protection at such
15 crossing.

16 (c) Before making any such crossing the person operating or
17 moving any such vehicle or equipment shall first stop the same
18 not less than 15 feet nor more than 50 feet from the nearest
19 rail of such railway and while so stopped shall listen and look
20 in both directions along such track for any approaching train
21 or railroad track equipment and for signals indicating the
22 approach of a train or railroad track equipment, and shall not
23 proceed until the crossing can be made safely.

24 (d) No such crossing shall be made when warning is given by
25 automatic signal or crossing gates or a flagman or otherwise of
26 the immediate approach of a railroad train, railroad track

1 equipment, or car.

2 (Source: P.A. 76-2172.)