



Sen. Susan Garrett

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09700SB2488sam005

LRB097 12269 HEP 66999 a

1 AMENDMENT TO SENATE BILL 2488

2 AMENDMENT NO. _____. Amend Senate Bill 2488 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-605.1 and 12-610.1 as follows:

6 (625 ILCS 5/11-605.1)

7 Sec. 11-605.1. Special limit while traveling through a
8 highway construction or maintenance speed zone.

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit.

12 (b) Nothing in this Chapter prohibits the use of electronic
13 speed-detecting devices within 500 feet of signs within a
14 construction or maintenance speed zone indicating the zone, as
15 defined in this Section, nor shall evidence obtained by use of
16 those devices be inadmissible in any prosecution for speeding,

1 provided the use of the device shall apply only to the
2 enforcement of the speed limit in the construction or
3 maintenance speed zone.

4 (c) As used in this Section, a "construction or maintenance
5 speed zone" is an area in which the Department, Toll Highway
6 Authority, or local agency has posted signage advising drivers
7 that a construction or maintenance speed zone is being
8 approached, or in which the Department, Authority, or local
9 agency has posted a lower speed limit with a highway
10 construction or maintenance speed zone special speed limit sign
11 after determining ~~determined~~ that the preexisting established
12 speed limit through a highway construction or maintenance
13 project is greater than is reasonable or safe with respect to
14 the conditions expected to exist in the construction or
15 maintenance speed zone ~~and has posted a lower speed limit with~~
16 ~~a highway construction or maintenance speed zone special speed~~
17 ~~limit sign.~~

18 If it is determined that the preexisting established speed
19 limit is safe with respect to the conditions expected to exist
20 in the construction or maintenance speed zone, additional speed
21 limit signs which conform to the requirements of this
22 subsection (c) shall be posted.

23 Highway construction or maintenance speed zone special
24 speed limit signs shall be of a design approved by the
25 Department. The signs must give proper due warning that a
26 construction or maintenance speed zone is being approached and

1 must indicate the maximum speed limit in effect. The signs also
2 must state the amount of the minimum fine for a violation.

3 (d) A first violation of this Section is a petty offense
4 with a minimum fine of \$250. A second or subsequent violation
5 of this Section is a petty offense with a minimum fine of \$750.

6 (e) If a fine for a violation of this Section is \$250 or
7 greater, the person who violated this Section shall be charged
8 an additional \$125, which shall be deposited into the
9 Transportation Safety Highway Hire-back Fund in the State
10 treasury, unless (i) the violation occurred on a highway other
11 than an interstate highway and (ii) a county police officer
12 wrote the ticket for the violation, in which case the \$125
13 shall be deposited into that county's Transportation Safety
14 Highway Hire-back Fund. In the case of a second or subsequent
15 violation of this Section, if the fine is \$750 or greater, the
16 person who violated this Section shall be charged an additional
17 \$250, which shall be deposited into the Transportation Safety
18 Highway Hire-back Fund in the State treasury, unless (i) the
19 violation occurred on a highway other than an interstate
20 highway and (ii) a county police officer wrote the ticket for
21 the violation, in which case the \$250 shall be deposited into
22 that county's Transportation Safety Highway Hire-back Fund.

23 (e-5) The Department of State Police and the local county
24 police department have concurrent jurisdiction over any
25 violation of this Section that occurs on an interstate highway.

26 (f) The Transportation Safety Highway Hire-back Fund,

1 which was created by Public Act 92-619, shall continue to be a
2 special fund in the State treasury. Subject to appropriation by
3 the General Assembly and approval by the Secretary, the
4 Secretary of Transportation shall use all moneys in the
5 Transportation Safety Highway Hire-back Fund to hire off-duty
6 Department of State Police officers to monitor construction or
7 maintenance zones.

8 (f-5) Each county shall create a Transportation Safety
9 Highway Hire-back Fund. The county shall use all moneys in its
10 Transportation Safety Highway Hire-back Fund to hire off-duty
11 county police officers to monitor construction or maintenance
12 zones in that county on highways other than interstate
13 highways.

14 (g) For a second or subsequent violation of this Section
15 within 2 years of the date of the previous violation, the
16 Secretary of State shall suspend the driver's license of the
17 violator for a period of 90 days.

18 (Source: P.A. 93-955, eff. 8-19-04; 94-814, eff. 1-1-07.)".

19 (625 ILCS 5/12-610.1)

20 Sec. 12-610.1. Wireless telephones.

21 (a) As used in this Section, "wireless telephone" means a
22 device that is capable of transmitting or receiving telephonic
23 communications without a wire connecting the device to the
24 telephone network.

25 (b) A person under the age of 19 years who holds an

1 instruction permit issued under Section 6-105 or 6-107.1, or a
2 person under the age of 19 years who holds a graduated license
3 issued under Section 6-107, may not drive a vehicle on a
4 roadway while using a wireless phone.

5 (c) This Section does not apply to a person under the age
6 of 19 years using a wireless telephone for emergency purposes,
7 including, but not limited to, an emergency call to a law
8 enforcement agency, health care provider, fire department, or
9 other emergency services agency or entity.

10 (d) If a graduated driver's license holder over the age of
11 18 committed an offense against traffic regulations governing
12 the movement of vehicles or any violation of Section 6-107 or
13 Section 12-603.1 of this Code in the 6 months prior to the
14 graduated driver's license holder's 18th birthday, and was
15 subsequently convicted of the violation, the provisions of
16 paragraph (b) shall continue to apply until such time as a
17 period of 6 consecutive months has elapsed without an
18 additional violation and subsequent conviction of an offense
19 against traffic regulations governing the movement of vehicles
20 or any violation of Section 6-107 or Section 12-603.1 of this
21 Code.

22 (e) A person, regardless of age, may not use a wireless
23 telephone at any time while operating a motor vehicle on a
24 roadway in a school speed zone established under Section
25 11-605, or on a highway in a construction or maintenance speed
26 zone established under Section 11-605.1. This subsection (e)

1 does not apply to (i) a person engaged in a highway
2 construction or maintenance project for which a construction or
3 maintenance speed zone has been established under Section
4 11-605.1, (ii) a person using a wireless telephone for
5 emergency purposes, including, but not limited to, law
6 enforcement agency, health care provider, fire department, or
7 other emergency services agency or entity, (iii) a law
8 enforcement officer or operator of an emergency vehicle when
9 performing the officer's or operator's official duties, ~~or~~ (iv)
10 to a person using a wireless telephone in voice-operated mode,
11 which may include the use of a headset, or (v) to a person
12 using a wireless telephone by pressing a single button to
13 initiate or terminate a voice communication. ~~voice-activated~~
14 ~~mode.~~

15 (Source: P.A. 95-310, eff. 1-1-08; 95-338, eff. 1-1-08; 95-876,
16 eff. 8-21-08; 96-131, eff. 1-1-10.)".