

1 AMENDMENT TO SENATE BILL 826

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 826 on page 1,  
3 line 5 by changing "6-514," to "6-506, 6-514, 6-524,  
4 11-1201,"; and

5 on page 4, by replacing lines 21 through 31 with the  
6 following:

7 "violation, while operating a commercial motor vehicle, of  
8 any of the following:

9 (1) An offense listed in subsection (j) of Section  
10 6-514 of this Code.

11 (2) Section 11-1201 of this Code.

12 (3) Section 11-1201.1 of this Code.

13 (4) Section 11-1202 of this Code.

14 (5) Section 11-1203 of this Code.

15 (6) 92 Illinois Administrative Code 392.10.

16 (7) 92 Illinois Administrative Code 392.11.

17 (8) Any local ordinance that is similar to any of  
18 items (1) through (7).

19 on page 5, by inserting after line 29 the following:

20 "(625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)  
21 Sec. 6-506. Commercial motor vehicle driver -  
22 employer/owner responsibilities.

1       (a) No employer or commercial motor vehicle owner shall  
2 knowingly allow, permit, or authorize an employee to drive a  
3 commercial motor vehicle on the highways during any period in  
4 which such employee:

5           (1) has a driver's license suspended, revoked or  
6 cancelled by any state; or

7           (2) has lost the privilege to drive a commercial motor  
8 vehicle in any state; or

9           (3) has been disqualified from driving a commercial  
10 motor vehicle; or

11           (4) has more than one driver's license, except as  
12 provided by this UCCLA; or-

13           (5) is subject to or in violation of an "out-of-service"  
14 order.

15       (b) No employer or commercial motor vehicle owner may  
16 knowingly allow, permit, authorize, or require a driver to  
17 operate a commercial motor vehicle in violation of any law or  
18 regulation pertaining to railroad-highway grade crossings.

19       (c) Any employer convicted of violating subsection (a)  
20 of this Section, whether individually or in connection with  
21 one or more other persons, or as principal agent, or  
22 accessory, shall be guilty of a Class A misdemeanor.

23 (Source: P.A. 86-845.)"; and

24 by replacing lines 28 through 34 of page 8 and lines 1  
25 through 5 of page 9 with the following:

26       "(j) (1) A driver shall be disqualified for the  
27 applicable period specified in paragraph (2) for any  
28 violation of a federal, State, or local law or regulation  
29 pertaining to one of the following offenses at a  
30 railroad-highway grade crossing while operating a commercial  
31 motor vehicle:

32           (i) For drivers who are not always required to  
33 stop, failing to slow down and check that the tracks  
34 are clear of an approaching train.

1           (ii) For drivers who are not always required  
2 to stop, failing to stop before reaching the  
3 crossing, if the tracks are not clear.

4           (iii) For drivers who are always required to  
5 stop, failing to stop before driving onto the  
6 crossing.

7           (iv) For all drivers, failing to have  
8 sufficient space to drive completely through the  
9 crossing without stopping.

10          (v) For all drivers, failing to obey a traffic  
11 control device or the directions of an enforcement  
12 official at the crossing.

13          (vi) For all drivers, failing to negotiate a  
14 crossing because of insufficient undercarriage  
15 clearance.

16 (2) The length of the disqualification shall be:

17           (i) Not less than 60 days in the case of a  
18 conviction for any of the offenses described in  
19 paragraph (1) if the person had no convictions for  
20 any of the offenses described in paragraph (1)  
21 during the 3-year period immediately preceding the  
22 conviction.

23           (ii) Not less than 120 days in the case of a  
24 conviction for any of the offenses described in  
25 paragraph (1) if the person had one conviction for  
26 any of the offenses described in paragraph (1)  
27 during the 3-year period immediately preceding the  
28 conviction.

29           (iii) Not less than one year in the case of a  
30 conviction for any of the offenses described in  
31 paragraph (1) if the person had 2 or more  
32 convictions, based on separate incidents, for any of  
33 the offenses described in paragraph (1) during the  
34 3-year period immediately preceding the

1           conviction."; and

2           on page 9, by inserting after line 6 the following:

3           "(625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

4           Sec. 6-524. Penalties.

5           (a) Every person convicted of violating any provision of  
6 this UCCLA for which another penalty is not provided shall  
7 for a first offense be guilty of a petty offense; and for a  
8 second conviction for any offense committed within 3 years of  
9 any previous offense, shall be guilty of a Class B  
10 misdemeanor.

11           (b) Any person convicted of violating subsection (b) of  
12 Section 6-506 of this Code shall be subject to a civil  
13 penalty of not more than \$10,000.

14           (Source: P.A. 86-845.)

15           (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

16           Sec. 11-1201. Obedience to signal indicating approach of  
17 train.

18           (a) Whenever any person driving a vehicle approaches a  
19 railroad grade crossing such person must exercise due care  
20 and caution as the existence of a railroad track across a  
21 highway is a warning of danger, and under any of the  
22 circumstances stated in this Section, the driver shall stop  
23 within 50 feet but not less than 15 feet from the nearest  
24 rail of the railroad and shall not proceed until he can do so  
25 safely. The foregoing requirements shall apply when:

26           1. A clearly visible electric or mechanical signal  
27 device gives warning of the immediate approach of a  
28 railroad train;

29           2. A crossing gate is lowered or a human flagman  
30 gives or continues to give a signal of the approach or  
31 passage of a railroad train;

32           3. A railroad train approaching a highway crossing

1 emits a warning signal and such railroad train, by reason  
2 of its speed or nearness to such crossing, is an  
3 immediate hazard;

4 4. An approaching railroad train is plainly visible  
5 and is in hazardous proximity to such crossing.

6 5. A railroad train is approaching so closely that  
7 an immediate hazard is created.

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

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

20 (d) At any railroad grade crossing provided with  
21 railroad crossbuck signs, without automatic, electric, or  
22 mechanical signal devices, crossing gates, or a human flagman  
23 giving a signal of the approach or passage of a train, the  
24 driver of a vehicle shall in obedience to the railroad  
25 crossbuck sign, yield the right-of-way and slow down to a  
26 speed reasonable for the existing conditions and shall stop,  
27 if required for safety, at a clearly marked stopped line, or  
28 if no stop line, within 50 feet but not less than 15 feet  
29 from the nearest rail of the railroad and shall not proceed  
30 until he or she can do so safely. If a driver is involved in  
31 a collision at a railroad crossing or interferes with the  
32 movement of a train after driving past the railroad crossbuck  
33 sign, the collision or interference is prima facie evidence  
34 of the driver's failure to yield right-of-way.

1       (d-5) No person may drive any vehicle through a railroad  
2       crossing if there is insufficient space to drive completely  
3       through the crossing without stopping.

4       (e) A violation of any part of this Section shall result  
5       in a mandatory fine of \$500 or 50 hours of community service.

6       (f) Local authorities shall impose fines as established  
7       in subsection (e) for vehicles that fail to obey signals  
8       indicating the presence, approach, passage, or departure of a  
9       train.

10      (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)".