

AN ACT concerning transportation

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 11-1202, 18b-105, and 18b-107 and by adding Section 12-815.2 as follows:

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

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

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

1. Any second division vehicle carrying passengers for hire;

2. Any bus that meets all of the special requirements for school buses in Sections 12-801, 12-803, and 12-805 of this Code. The driver of the bus, in addition to complying with all other applicable requirements of this subsection (a), must also turn off all noise producing accessories, including heater blowers, defroster fans, auxiliary fans, and radios, before crossing a railroad track or tracks;

3. Any other vehicle which is required by Federal or State law to be placarded when carrying as a cargo or part of a cargo hazardous material as defined in the "Illinois Hazardous Materials Transportation Act".

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

(b) This Section shall not apply:

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

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

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

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

(Source: P.A. 89-658, eff. 1-1-97.)

(625 ILCS 5/12-815.2 new)

Sec. 12-815.2. Noise suppression switch. Any school bus manufactured on or after January 1, 2006 must be equipped with a noise suppression switch capable of turning off noise producing accessories, including: heater blowers; defroster fans; auxiliary fans; and radios.

(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

Sec. 18b-105. Rules and Regulations.

(a) The Department is authorized to make and adopt reasonable rules and regulations and orders consistent with law necessary to carry out the provisions of this Chapter.

(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full:

Part 40 - Procedures For Transportation Workplace Drug and Alcohol Testing Programs;

Part 380 - Special Training Requirements;

Part 382 - Controlled Substances and Alcohol Use and

Testing;

Part 383 - Commercial Driver's License Standards, Requirements, and Penalties;

Part 385 - Safety Fitness Procedures;

Part 386 Appendix B - Penalty Schedule; Violations and Maximum Monetary Penalties;

Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers;

Part 390 - Federal Motor Carrier Safety Regulations: General;

Part 391 - Qualifications of Drivers;

Part 392 - Driving of Motor Vehicles;

Part 393 - Parts and Accessories Necessary for Safe Operation;

Part 395 - Hours of Service of Drivers, except as provided in Section 18b-106.1; ~~and~~

Part 396 - Inspection, Repair and Maintenance; and

Part 397 - Transportation of hazardous materials; Driving and Parking Rules.

(b-5) Individuals who meet the requirements set forth in the definition of "medical examiner" in Section 390.5 of Part 390 of Title 49 of the Code of Federal Regulations may act as medical examiners in accordance with Part 391 of Title 49 of the Code of Federal Regulations.

(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).

(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.

(2) Section 393.86 of Part 393 for those vehicles ~~which~~ ~~are~~ registered as farm trucks under subsection (c) of Section 3-815 of this Code.

(3) (Blank).

(4) (Blank).

(5) Paragraph (b) (1) of Section 391.11 of Part 391.

(6) All of Part 395 for all agricultural movements as

defined in Chapter 1, between the period of February 1 through November 30 each year, and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.

(7) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of Section 391.41 of part 391, but only for any driver who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to this Section and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part 391 by reason of the application of paragraphs (b)(3) and (b)(10) of Section 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 91-179, eff. 1-1-00; 92-108, eff. 1-1-02; 92-249, eff. 1-1-02; 92-651, eff. 7-11-02; 92-703, eff. 7-19-02; revised 7-30-02.)

(625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)

Sec. 18b-107. Violations - Civil penalties. Except as

provided in Section 18b-108, any person who is determined by the Department after reasonable notice and opportunity for a fair and impartial hearing to have committed an act in violation of this Chapter or any rule or regulation issued under this Chapter is liable to the State for a civil penalty. Such person is subject to a civil penalty as prescribed by Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations and Maximum Monetary Penalties ~~of not more than \$5,000 for such violation~~, except that a person committing a railroad-highway grade crossing violation is subject to a civil penalty of not more than \$10,000, and, if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Department by a written notice. In determining the amount of such penalty, the Department shall take into account the nature, circumstances, extent and gravity of the violation and, with respect to a person found to have committed such violation, the degree of culpability, history or prior offenses, ability to pay, effect on ability to continue to do business and such other matters as justice may require.

Such civil penalty is recoverable in an action brought by the State's Attorney or the Attorney General on behalf of the State in the circuit court or, prior to referral to the State's Attorney or the Attorney General, such civil penalty may be compromised by the Department. The amount of such penalty when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the State to the person charged. All civil penalties collected under this subsection shall be deposited in the Road Fund.

(Source: P.A. 92-249, eff. 1-1-02.)

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