

JURISDICTION:

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General References:

This chapter summarizes Illinois State statutes related to speed. West's Smith-Hurd Illinois Compiled Statutes Annotated and Illinois Administrative Code

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle upon any highway at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. §625 ILCS 5/11-601(a)

Statutory Speed Limit:
See Other below.

65 MPH¹ (1) on Illinois toll highways and (2) on highways that are divided and have at least 4 lanes §625 ILCS 5/11-601(b) & (d)
55 MPH on all other highways, roads or streets outside an urban district §625 ILCS 5/11-601(b) & (d)
55 MPH for Second Division Vehicles weighing >8,001 lbs. §625 ILCS 5/11-601(e) A Second Division Vehicle is defined in Footnote No. 1.
30 MPH in an urban district §625 ILCS 5/11-601(b) & (c)(1)
15 MPH in an urban district alley §625 ILCS 5/11-601(b) & (c)(2)

Posted (Maximum) Speed Limit:

I. The State Toll Highway Authority, based on engineering and traffic investigations, may establish a maximum speed on toll highways under its authority that are less than 65 MPH. §625 ILCS 5/11-603
II. With certain limitations and based on engineering and traffic investigations, the State may increase or decrease the above speed limits.² §625 ILCS 5/11-602
III. Based on engineering and traffic investigations, a local government may either increase or decrease the maximum speed on highway, streets or roads within its jurisdiction. However, the following limitations apply. (1) The speed limit in an urban district cannot be less than 20 MPH. (2) A speed limit cannot be more than 55 MPH. (3) The speed limit outside of an urban district cannot be less than 35 MPH. (4) And, except as provided in (1), the speed limit in a residential district cannot be less than 25 MPH. §65 ILCS 5/11-40-1 and §§625 ILCS 5/11-208 & 5/11-604

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §625 ILCS 5/11-606(a)

Basis for a Speed Law Violation:
(continued)

Minimum Speed Limit: (continued)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 625 ILCS 5/11-701(b)

¹The 65 MPH speed limit applies either (1) to vehicles which are designed to carry not more than 10 persons (First Division vehicles) or (2) to Second Division vehicles which have a gross weight of <8,000 lbs. A Second Division Vehicle is defined as one (1) designed to carry 10 or more persons, (2) use for living quarters, (3) designed to carry or pull property, freight or cargo and (4) a registered school bus regardless of the number of students it is designed to carry. §§625 ILCS 5/1-217 & 5/11-601(d)

²The following limitations apply. (1) The State cannot establish a speed limit greater than 65 MPH on any highway. (2) The maximum speed limit is 55 MPH for Second Division vehicles weighing >8,001 lbs. and on highways that abut certain property where there is "a limited right or easement, of access, crossing, light, air, or view." §625 ILCS 5/11-602 Note: Except as noted, Illinois law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

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Posted (Minimum) Speed Limit: Base on engineering and traffic investigations, the State may establish a minimum speed limit on any part of a highway or street. §625 ILCS 5/1-606(b)

Other: I. The maximum speed limit is 55 MPH for Second Division vehicles¹ weighing ≥8,000 lbs. on any highway outside an urban district. §625 ILCS 5/11-601(b) & (e)
II. The maximum speed limit for a bus is (1) 65 MPH on a 4 lane divided highways under the State Toll Highway Authority (2) 60 MPH on other highways under the State Toll Highway Authority and (3) 55 MPH on all other highways, streets or roads. §625 ILCS 5/11-601(b) & (f)
III. The maximum speed limit is 55 MPH outside of an urban area for house cars, campers, private living coach, recreational vehicles and any vehicle that is towing another vehicle. §625 ILCS 5/11-601(b) & (g)
IV. The maximum speed limit is 20 MPH "while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school." §625 ILCS 5/11-605(a)
V. Special posted speed limits may be established for construction or maintenance zones. §625 ILCS 5/11-605(b)
VI. Based on safety investigations, the State may establish maximum speed limits for bridges or other elevated structures. §625 ILCS 5/11-608
VII. No person shall operate a vehicle at speed greater than the "maximum attainable operating speed" of such vehicle as determined by its manufacture. §625 ILCS 5/11-611
VIII. No person shall drive ≥40 MPH over the applicable maximum speed limit. §625 ILCS 5/11-601.5

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: 1st or 2nd speed law offenses are Petty Offenses. A 3rd or subsequent speed law offense (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104

Other: Driving ≥40 MPH over the speed limit, Class A misdemeanor. §625 ILCS 5/11-601.5

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions: See Miscellaneous Sanctions for penalties related to exceeding the speed limit in school and construction zones.

Imprisonment:
Term (Day, Month, Years,
Etc.): 1st or 2nd offenses-None 3rd or subsequent offense (within 1 year)-Not more than **30 days** §730 ILCS 5/5-8-3(a)(3) Driving ≥40 MPH over the speed limit-Any term **less than 1 year** §730 ILCS 5/5-8-3(1)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term: **None**

Fine:
Amount (\$ Range): 1st or 2nd offense-Not more than **\$1,000** 3rd or subsequent offense (within 1 year)-Not more than **\$1,500** §730 ILCS 5/5-9-1(a)(3) & (4) Driving ≥40 MPH over the speed limit-Not more than **\$2,500** §730 ILCS 5/5-9-1(a)(2)

Mandatory Min. Fine (\$): **None**

Other Penalties:
Traffic School: An offender, who is under 18 years old, may be required to attend a Driver

<p>Other:</p> <p>Licensing Action: Type of Licensing Action (Susp/Rev):</p> <p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>Remedial Education Course before their license is reinstated. §625 ILCS 5/6-206(c-5)</p> <p>There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a</p> <p>Suspension or Revocation based either (1) on 3 traffic offenses within a 12 month period or (2) on repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) & (3) <u>Persons Under 21 Years Old.</u> Suspension or revocation if the person has committed not less than 2 offenses against traffic regulations within a 24 month period. §625 ILCS 5/6-206(a)(34)</p> <p>Suspension-Not more than 1 year Revocation-1 year §625 ILCS 5/6-208(a) & (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation.³y</p>
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³**Point System.** A point system has been established to determine suspension length or whether to impose revocation.

I. The following points are assigned for speeding or speed related offenses: Reckless driving-55 points; squealing or screeching of tires-10 points; speeding too fast for conditions-10 points; 1 to 10 MPH above the speed limit-5 points; 11 to 14 MPH above the speed limit-15 points; 15 to 25 MPH above the speed limit-20 points; over 25 MPH above the speed limit-50 points; exceeding the maximum speed limit in a school zone-20 points; driving below the minimum speed limit-5 points; driving below the minimum speed limit on an Illinois Tollway-20 points; not driving in the right-hand lane when proceeding at less than the normal speed of traffic-20 points; and, exceeding the maximum speed limit on a bridge or elevated structure-10 points. 92 Illinois Administrative Code §1040.20(c)

II. If a person's license is suspended or revoked via §625 ILCS 5/6-206(a)(2) as a result of 3 convictions within 12 months, the following point schedule is used to determine licensing action. (1) If there has been no prior suspension or revocations within 7 years, the following licensing action is taken: 0 through 14 points-no action; 15 through 44 points-2 month suspension; 45 through 74 points-3 month suspension; 75 through 89 points-6 month suspension; 90 through 99 points-9 month suspension; 100 through 109 points-12 month suspension; and, 110 or more points-revocation (1 year). And, (2) if there has been 1 or more prior suspension or revocations within 7 years, the following licensing action is taken: 0 through 14 points-no action; 15 through 44 points-4 month suspension; 45 through 74 points-6 month suspension; 75 through 109 points-12 month suspension; and, 110 or more points-revocation (1 year). 92 Illinois Administrative Code §1040.30(b)

III. If a person's license is suspended or revoked via §625 ILCS 5/6-206(a)(3) as a result of repeated traffic violations which indicate a disrespect for the traffic laws, the following point schedule is used to determine licensing action. (1) A person's license is revoked (1 year) if

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the licensing agency receives notice after the state of the 12 month suspension in II above that the person has accumulated 90 additional points above that needed to determine the suspension and these additional points were accumulated during the same period of time as those used to determine the suspension. (2) If there has been 1 or more prior suspension or revocations within 7 years under §625 ILCS 5/6-206(a)(3), the following licensing action is taken: 0 through 14 points-no action; 15 or more points-revocation (1 year) And, (3) if there has been 2 or more prior suspension or revocations within 7 years not related to §625 ILCS 5/6-206(a)(3), the following licensing action is taken: 0 through 14 points-no action; 15 through 109 points-12 month suspension; 110 or more points-revocation (1 year) 92 Illinois Administrative Code §1040.40(c)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term of Withdrawal:	None Licensing action by the State is discretionary. §625 ILCS 5/6-206
Miscellaneous Sanctions Not Included Elsewhere:	Exceeding the Posted Speed Limit in School or Construction Zones is a Petty Offense with a fine of \$150 to \$1,000 . The minimum fine of \$150 appears to be mandatory. There is an additional fine of \$50 which is use for school safety purposes. §§625 ILCS 5/11-605(e) & (f) and 730 ILCS 5/5-9-1(a)(4)

Other Criminal Actions Related to Speeding:

<u>Drag Racing on the Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:	Class C Misdemeanor §625 ILCS 5/11-504 Not more than 30 days §730 ILCS 5/5-8-3(a)(3) None Not more than \$1,500 §730 ILCS 5/5-9-1(a)(3) None
Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal: Mandatory Action--Minimum Length of License Withdrawal:	Revocation §625 ILCS 5/6-205(a)(8) 1 year §625 ILCS 5/6-208(b)(1) None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
<u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	Class A Misdemeanor §625 ILCS 5/11-503(a) & (b) Any term less than 1 year §730 ILCS 5/5-8-3(a)(1) None Not more than \$2,500 §730 ILCS 5/5-9-1(a)(2)
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	Suspension or Revocation via a Point System ³ Revocation upon 3 convictions within 12 months §625 ILCS 5/6-205(a)(6)

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u> (continued) Length of Term of License Withdrawal Action: Mandatory Term of License	1 year §625 ILCS 5/6-208(b)(1)
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Withdrawal Action:	None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
<u>Aggravated Reckless Driving:</u>	Class 4 Felony §625 ILCS 5/11-503(a) & (c)
Sanction:	
Criminal:	
Imprisonment (Term):	1 to 3 years §730 ILCS 5/5-8-1(a)(7)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$25,000 §730 ILCS 5/5-9-1(a)(1)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation upon 3 convictions within 12 months §625 ILCS 5/6-205(a)(6)Length of Term of License
Withdrawal Action:	Not more than 1 year §730 ILCS 5/5-8-3(a)(1)
Mandatory Term of License	
Withdrawal Action:	None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
<u>Squealing or Screeching of Tires:</u>	<u>1st or 2nd offenses</u> are Petty Offenses. A <u>3rd offense</u> (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st or 2nd offenses-None</u> <u>3rd offense</u> (within 1 year)-Not more than 30 days §730 ILCS 5/5-8-3(a)(3)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st or 2nd offenses</u> -Not more than \$1,000 <u>3rd offense</u> (within 1 year)-Not more than \$1,500 §730 ILCS 5/5-9-1(a)(3) & (4)
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Speeding:
(continued)

<u>Squealing or Screeching of Tires:</u> (continued)	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation based either (1) on 3 traffic offenses within a 12 month period or (2) on repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) & (3)

⁴Aggravated reckless driving is reckless driving that results in either "great bodily harm or permanent disability or disfigurement to another." §625 ILCS 5/11-503(c)

Length of Term of License
 Withdrawal Action: **Suspension**-Not more than **1 year** **Revocation**-**1 year** §625 ILCS 5/6-208(a) & (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation.³

Mandatory Term of License
 Withdrawal Action: **None** Licensing action by the State is discretionary. §625 ILCS 5/6-206

Other: There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Commercial Motor Vehicle (CMV) Operators:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §625 ILCS 5/6-514(e)

Period of Disqualification: 2 serious violations (within 3 years)-Not less than **2 months** 3 serious violations (within 3 years)-Not less than **4 months** §625 ILCS 5/6-514(e)

Period of Mandatory Disqualification: 2 serious violations (within 3 years)-**2 months** 3 serious violations (within 3 years)-**4 months** §625 ILCS 5/6-514(e)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §625 ILCS 5/6-500

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §625 ILCS 5/6-500