



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB1820

Introduced 2/9/2011, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6	
625 ILCS 5/11-1306	from Ch. 95 1/2, par. 11-1306

Amends the Illinois Vehicle Code. Provides that a lessor of a motor vehicle may not be held liable for automated traffic law violations if the lessor timely provides the name and address of the lessee. Authorizes a county or municipality to hold the lessee of a motor vehicle liable for an automated traffic law violation (rather than only holding the registered owner of a motor vehicle strictly liable). Provides that service of notice to a lessee of an automated traffic law violation may occur no later than 210 days after the violation. Provides that for both parking and automated traffic law violations, if there is any dispute as to whether the lessor of the motor vehicle timely provided the identity of the lessee to the appropriate authority, the lessor shall be afforded 30 extra days to supply the necessary information.

LRB097 05105 HEP 45148 b

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 11-208, 11-208.3, 11-208.6, and 11-1306 as follows:

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

7 Sec. 11-208. Powers of local authorities.

8 (a) The provisions of this Code shall not be deemed to  
9 prevent local authorities with respect to streets and highways  
10 under their jurisdiction and within the reasonable exercise of  
11 the police power from:

12 1. Regulating the standing or parking of vehicles,  
13 except as limited by Sections 11-1306 and 11-1307 of this  
14 Act;

15 2. Regulating traffic by means of police officers or  
16 traffic control signals;

17 3. Regulating or prohibiting processions or  
18 assemblages on the highways;

19 4. Designating particular highways as one-way highways  
20 and requiring that all vehicles thereon be moved in one  
21 specific direction;

22 5. Regulating the speed of vehicles in public parks  
23 subject to the limitations set forth in Section 11-604;

1           6. Designating any highway as a through highway, as  
2 authorized in Section 11-302, and requiring that all  
3 vehicles stop before entering or crossing the same or  
4 designating any intersection as a stop intersection or a  
5 yield right-of-way intersection and requiring all vehicles  
6 to stop or yield the right-of-way at one or more entrances  
7 to such intersections;

8           7. Restricting the use of highways as authorized in  
9 Chapter 15;

10          8. Regulating the operation of bicycles and requiring  
11 the registration and licensing of same, including the  
12 requirement of a registration fee;

13          9. Regulating or prohibiting the turning of vehicles or  
14 specified types of vehicles at intersections;

15          10. Altering the speed limits as authorized in Section  
16 11-604;

17          11. Prohibiting U-turns;

18          12. Prohibiting pedestrian crossings at other than  
19 designated and marked crosswalks or at intersections;

20          13. Prohibiting parking during snow removal operation;

21          14. Imposing fines in accordance with Section  
22 11-1301.3 as penalties for use of any parking place  
23 reserved for persons with disabilities, as defined by  
24 Section 1-159.1, or disabled veterans by any person using a  
25 motor vehicle not bearing registration plates specified in  
26 Section 11-1301.1 or a special decal or device as defined

1 in Section 11-1301.2 as evidence that the vehicle is  
2 operated by or for a person with disabilities or disabled  
3 veteran;

4 15. Adopting such other traffic regulations as are  
5 specifically authorized by this Code; or

6 16. Enforcing the provisions of subsection (f) of  
7 Section 3-413 of this Code or a similar local ordinance.

8 (b) No ordinance or regulation enacted under subsections 1,  
9 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective  
10 until signs giving reasonable notice of such local traffic  
11 regulations are posted.

12 (c) The provisions of this Code shall not prevent any  
13 municipality having a population of 500,000 or more inhabitants  
14 from prohibiting any person from driving or operating any motor  
15 vehicle upon the roadways of such municipality with headlamps  
16 on high beam or bright.

17 (d) The provisions of this Code shall not be deemed to  
18 prevent local authorities within the reasonable exercise of  
19 their police power from prohibiting, on private property, the  
20 unauthorized use of parking spaces reserved for persons with  
21 disabilities.

22 (e) No unit of local government, including a home rule  
23 unit, may enact or enforce an ordinance that applies only to  
24 motorcycles if the principal purpose for that ordinance is to  
25 restrict the access of motorcycles to any highway or portion of  
26 a highway for which federal or State funds have been used for

1 the planning, design, construction, or maintenance of that  
2 highway. No unit of local government, including a home rule  
3 unit, may enact an ordinance requiring motorcycle users to wear  
4 protective headgear. Nothing in this subsection (e) shall  
5 affect the authority of a unit of local government to regulate  
6 motorcycles for traffic control purposes or in accordance with  
7 Section 12-602 of this Code. No unit of local government,  
8 including a home rule unit, may regulate motorcycles in a  
9 manner inconsistent with this Code. This subsection (e) is a  
10 limitation under subsection (i) of Section 6 of Article VII of  
11 the Illinois Constitution on the concurrent exercise by home  
12 rule units of powers and functions exercised by the State.

13 (f) A municipality or county designated in Section 11-208.6  
14 may enact an ordinance providing for an automated traffic law  
15 enforcement system to enforce violations of this Code or a  
16 similar provision of a local ordinance and imposing liability  
17 on a registered owner or lessor of a vehicle used in such a  
18 violation.

19 (g) A municipality or county, as provided in Section  
20 11-1201.1, may enact an ordinance providing for an automated  
21 traffic law enforcement system to enforce violations of Section  
22 11-1201 of this Code or a similar provision of a local  
23 ordinance and imposing liability on a registered owner of a  
24 vehicle used in such a violation.

25 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11.)

1 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

2 Sec. 11-208.3. Administrative adjudication of violations  
3 of traffic regulations concerning the standing, parking, or  
4 condition of vehicles and automated traffic law violations.

5 (a) Any municipality or county may provide by ordinance for  
6 a system of administrative adjudication of vehicular standing  
7 and parking violations and vehicle compliance violations as  
8 described ~~defined~~ in this subsection and automated traffic law  
9 violations as defined in Section 11-208.6 or 11-1201.1. The  
10 administrative system shall have as its purpose the fair and  
11 efficient enforcement of municipal or county regulations  
12 through the administrative adjudication of automated traffic  
13 law violations and violations of municipal or county ordinances  
14 regulating the standing and parking of vehicles, the condition  
15 and use of vehicle equipment, and the display of municipal or  
16 county wheel tax licenses within the municipality's or county's  
17 borders. The administrative system shall only have authority to  
18 adjudicate civil offenses carrying fines not in excess of \$500  
19 or requiring the completion of a traffic education program, or  
20 both, that occur after the effective date of the ordinance  
21 adopting such a system under this Section. For purposes of this  
22 Section, "compliance violation" means a violation of a  
23 municipal or county regulation governing the condition or use  
24 of equipment on a vehicle or governing the display of a  
25 municipal or county wheel tax license.

26 (b) Any ordinance establishing a system of administrative

1 adjudication under this Section shall provide for:

2 (1) A traffic compliance administrator authorized to  
3 adopt, distribute and process parking, compliance, and  
4 automated traffic law violation notices and other notices  
5 required by this Section, collect money paid as fines and  
6 penalties for violation of parking and compliance  
7 ordinances and automated traffic law violations, and  
8 operate an administrative adjudication system. The traffic  
9 compliance administrator also may make a certified report  
10 to the Secretary of State under Section 6-306.5.

11 (2) A parking, standing, compliance, or automated  
12 traffic law violation notice that shall specify the date,  
13 time, and place of violation of a parking, standing,  
14 compliance, or automated traffic law regulation; the  
15 particular regulation violated; any requirement to  
16 complete a traffic education program; the fine and any  
17 penalty that may be assessed for late payment or failure to  
18 complete a required traffic education program, or both,  
19 when so provided by ordinance; the vehicle make and state  
20 registration number; and the identification number of the  
21 person issuing the notice. With regard to automated traffic  
22 law violations, vehicle make shall be specified on the  
23 automated traffic law violation notice if the make is  
24 available and readily discernible. With regard to  
25 municipalities or counties with a population of 1 million  
26 or more, it shall be grounds for dismissal of a parking

1 violation if the state registration number or vehicle make  
2 specified is incorrect. The violation notice shall state  
3 that the completion of any required traffic education  
4 program, the payment of any indicated fine, and the payment  
5 of any applicable penalty for late payment or failure to  
6 complete a required traffic education program, or both,  
7 shall operate as a final disposition of the violation. The  
8 notice also shall contain information as to the  
9 availability of a hearing in which the violation may be  
10 contested on its merits. The violation notice shall specify  
11 the time and manner in which a hearing may be had.

12 (3) Service of the parking, standing, or compliance  
13 violation notice by affixing the original or a facsimile of  
14 the notice to an unlawfully parked vehicle or by handing  
15 the notice to the operator of a vehicle if he or she is  
16 present and service of an automated traffic law violation  
17 notice by mail to the address of the registered owner or  
18 lessee of the cited vehicle as recorded with the Secretary  
19 of State or the lessor of the motor vehicle within 30 days  
20 after the Secretary of State or the lessor of the motor  
21 vehicle notifies the municipality or county of the identity  
22 of the owner or lessee of the vehicle, but not in no event  
23 later than 90 days after the violation, except that in the  
24 case of a lessee of a motor vehicle, service of an  
25 automated traffic law violation notice may occur no later  
26 than 210 days after the violation. A person authorized by



1 ordinance to issue and serve parking, standing, and  
2 compliance violation notices shall certify as to the  
3 correctness of the facts entered on the violation notice by  
4 signing his or her name to the notice at the time of  
5 service or in the case of a notice produced by a  
6 computerized device, by signing a single certificate to be  
7 kept by the traffic compliance administrator attesting to  
8 the correctness of all notices produced by the device while  
9 it was under his or her control. In the case of an  
10 automated traffic law violation, the ordinance shall  
11 require a determination by a technician employed or  
12 contracted by the municipality or county that, based on  
13 inspection of recorded images, the motor vehicle was being  
14 operated in violation of Section 11-208.6 or 11-1201.1 or a  
15 local ordinance. If the technician determines that the  
16 vehicle entered the intersection as part of a funeral  
17 procession or in order to yield the right-of-way to an  
18 emergency vehicle, a citation shall not be issued. In  
19 municipalities with a population of less than 1,000,000  
20 inhabitants and counties with a population of less than  
21 3,000,000 inhabitants, the automated traffic law ordinance  
22 shall require that all determinations by a technician that  
23 a motor vehicle was being operated in violation of Section  
24 11-208.6 or 11-1201.1 or a local ordinance must be reviewed  
25 and approved by a law enforcement officer or retired law  
26 enforcement officer of the municipality or county issuing

1 the violation. In municipalities with a population of  
2 1,000,000 or more inhabitants and counties with a  
3 population of 3,000,000 or more inhabitants, the automated  
4 traffic law ordinance shall require that all  
5 determinations by a technician that a motor vehicle was  
6 being operated in violation of Section 11-208.6 or  
7 11-1201.1 or a local ordinance must be reviewed and  
8 approved by a law enforcement officer or retired law  
9 enforcement officer of the municipality or county issuing  
10 the violation or by an additional fully-trained reviewing  
11 technician who is not employed by the contractor who  
12 employs the technician who made the initial determination.  
13 As used in this paragraph, "fully-trained reviewing  
14 technician" means a person who has received at least 40  
15 hours of supervised training in subjects which shall  
16 include image inspection and interpretation, the elements  
17 necessary to prove a violation, license plate  
18 identification, and traffic safety and management. In all  
19 municipalities and counties, the automated traffic law  
20 ordinance shall require that no additional fee shall be  
21 charged to the alleged violator for exercising his or her  
22 right to an administrative hearing, and persons shall be  
23 given at least 25 days following an administrative hearing  
24 to pay any civil penalty imposed by a finding that Section  
25 11-208.6 or 11-1201.1 or a similar local ordinance has been  
26 violated. The original or a facsimile of the violation

1 notice or, in the case of a notice produced by a  
2 computerized device, a printed record generated by the  
3 device showing the facts entered on the notice, shall be  
4 retained by the traffic compliance administrator, and  
5 shall be a record kept in the ordinary course of business.  
6 A parking, standing, compliance, or automated traffic law  
7 violation notice issued, signed and served in accordance  
8 with this Section, a copy of the notice, or the computer  
9 generated record shall be prima facie correct and shall be  
10 prima facie evidence of the correctness of the facts shown  
11 on the notice. The notice, copy, or computer generated  
12 record shall be admissible in any subsequent  
13 administrative or legal proceedings.

14 (4) An opportunity for a hearing for the registered  
15 owner of the vehicle cited in the parking, standing,  
16 compliance, or automated traffic law violation notice in  
17 which the owner may contest the merits of the alleged  
18 violation, and during which formal or technical rules of  
19 evidence shall not apply; provided, however, that under  
20 Section 11-1306 of this Code the lessee of a vehicle cited  
21 in the violation notice likewise shall be provided an  
22 opportunity for a hearing of the same kind afforded the  
23 registered owner. The hearings shall be recorded, and the  
24 person conducting the hearing on behalf of the traffic  
25 compliance administrator shall be empowered to administer  
26 oaths and to secure by subpoena both the attendance and

1 testimony of witnesses and the production of relevant books  
2 and papers. Persons appearing at a hearing under this  
3 Section may be represented by counsel at their expense. The  
4 ordinance may also provide for internal administrative  
5 review following the decision of the hearing officer.

6 (5) Service of additional notices, sent by first class  
7 United States mail, postage prepaid, to the address of the  
8 registered owner of the cited vehicle as recorded with the  
9 Secretary of State or, if any notice to that address is  
10 returned as undeliverable, to the last known address  
11 recorded in a United States Post Office approved database,  
12 or, under Section 11-1306 or subsection (p) of Section  
13 11-208.6 of this Code, to the lessee of the cited vehicle  
14 at the last address known to the lessor of the cited  
15 vehicle at the time of lease or, if any notice to that  
16 address is returned as undeliverable, to the last known  
17 address recorded in a United States Post Office approved  
18 database. The service shall be deemed complete as of the  
19 date of deposit in the United States mail. The notices  
20 shall be in the following sequence and shall include but  
21 not be limited to the information specified herein:

22 (i) A second notice of parking, standing, or  
23 compliance violation. This notice shall specify the  
24 date and location of the violation cited in the  
25 parking, standing, or compliance violation notice, the  
26 particular regulation violated, the vehicle make and

1 state registration number, any requirement to complete  
2 a traffic education program, the fine and any penalty  
3 that may be assessed for late payment or failure to  
4 complete a traffic education program, or both, when so  
5 provided by ordinance, the availability of a hearing in  
6 which the violation may be contested on its merits, and  
7 the time and manner in which the hearing may be had.  
8 The notice of violation shall also state that failure  
9 to complete a required traffic education program, to  
10 pay the indicated fine and any applicable penalty, or  
11 to appear at a hearing on the merits in the time and  
12 manner specified, will result in a final determination  
13 of violation liability for the cited violation in the  
14 amount of the fine or penalty indicated, and that, upon  
15 the occurrence of a final determination of violation  
16 liability for the failure, and the exhaustion of, or  
17 failure to exhaust, available administrative or  
18 judicial procedures for review, any incomplete traffic  
19 education program or any unpaid fine or penalty, or  
20 both, will constitute a debt due and owing the  
21 municipality or county.

22 (ii) A notice of final determination of parking,  
23 standing, compliance, or automated traffic law  
24 violation liability. This notice shall be sent  
25 following a final determination of parking, standing,  
26 compliance, or automated traffic law violation

1 liability and the conclusion of judicial review  
2 procedures taken under this Section. The notice shall  
3 state that the incomplete traffic education program or  
4 the unpaid fine or penalty, or both, is a debt due and  
5 owing the municipality or county. The notice shall  
6 contain warnings that failure to complete any required  
7 traffic education program or to pay any fine or penalty  
8 due and owing the municipality or county, or both,  
9 within the time specified may result in the  
10 municipality's or county's filing of a petition in the  
11 Circuit Court to have the incomplete traffic education  
12 program or unpaid fine or penalty, or both, rendered a  
13 judgment as provided by this Section, or may result in  
14 suspension of the person's drivers license for failure  
15 to complete a traffic education program or to pay fines  
16 or penalties, or both, for 10 or more parking  
17 violations under Section 6-306.5 or 5 or more automated  
18 traffic law violations under Section 11-208.6.

19 (6) A notice of impending drivers license suspension.

20 This notice shall be sent to the person liable for failure  
21 to complete a required traffic education program or to pay  
22 any fine or penalty that remains due and owing, or both, on  
23 10 or more parking violations or 5 or more unpaid automated  
24 traffic law violations. The notice shall state that failure  
25 to complete a required traffic education program or to pay  
26 the fine or penalty owing, or both, within 45 days of the

1 notice's date will result in the municipality or county  
2 notifying the Secretary of State that the person is  
3 eligible for initiation of suspension proceedings under  
4 Section 6-306.5 of this Code. The notice shall also state  
5 that the person may obtain a photostatic copy of an  
6 original ticket imposing a fine or penalty by sending a  
7 self addressed, stamped envelope to the municipality or  
8 county along with a request for the photostatic copy. The  
9 notice of impending drivers license suspension shall be  
10 sent by first class United States mail, postage prepaid, to  
11 the address recorded with the Secretary of State or, if any  
12 notice to that address is returned as undeliverable, to the  
13 last known address recorded in a United States Post Office  
14 approved database.

15 (7) Final determinations of violation liability. A  
16 final determination of violation liability shall occur  
17 following failure to complete the required traffic  
18 education program or to pay the fine or penalty, or both,  
19 after a hearing officer's determination of violation  
20 liability and the exhaustion of or failure to exhaust any  
21 administrative review procedures provided by ordinance.  
22 Where a person fails to appear at a hearing to contest the  
23 alleged violation in the time and manner specified in a  
24 prior mailed notice, the hearing officer's determination  
25 of violation liability shall become final: (A) upon denial  
26 of a timely petition to set aside that determination, or

1 (B) upon expiration of the period for filing the petition  
2 without a filing having been made.

3 (8) A petition to set aside a determination of parking,  
4 standing, compliance, or automated traffic law violation  
5 liability that may be filed by a person owing an unpaid  
6 fine or penalty. A petition to set aside a determination of  
7 liability may also be filed by a person required to  
8 complete a traffic education program. The petition shall be  
9 filed with and ruled upon by the traffic compliance  
10 administrator in the manner and within the time specified  
11 by ordinance. The grounds for the petition may be limited  
12 to: (A) the person not having been the owner or lessee of  
13 the cited vehicle on the date the violation notice was  
14 issued, (B) the person having already completed the  
15 required traffic education program or paid the fine or  
16 penalty, or both, for the violation in question, and (C)  
17 excusable failure to appear at or request a new date for a  
18 hearing. With regard to municipalities or counties with a  
19 population of 1 million or more, it shall be grounds for  
20 dismissal of a parking violation if the state registration  
21 number, or vehicle make if specified, is incorrect. After  
22 the determination of parking, standing, compliance, or  
23 automated traffic law violation liability has been set  
24 aside upon a showing of just cause, the registered owner  
25 shall be provided with a hearing on the merits for that  
26 violation.



1           (9) Procedures for non-residents. Procedures by which  
2 persons who are not residents of the municipality or county  
3 may contest the merits of the alleged violation without  
4 attending a hearing.

5           (10) A schedule of civil fines for violations of  
6 vehicular standing, parking, compliance, or automated  
7 traffic law regulations enacted by ordinance pursuant to  
8 this Section, and a schedule of penalties for late payment  
9 of the fines or failure to complete required traffic  
10 education programs, provided, however, that the total  
11 amount of the fine and penalty for any one violation shall  
12 not exceed \$250, except as provided in subsection (c) of  
13 Section 11-1301.3 of this Code.

14           (11) Other provisions as are necessary and proper to  
15 carry into effect the powers granted and purposes stated in  
16 this Section.

17           (c) Any municipality or county establishing vehicular  
18 standing, parking, compliance, or automated traffic law  
19 regulations under this Section may also provide by ordinance  
20 for a program of vehicle immobilization for the purpose of  
21 facilitating enforcement of those regulations. The program of  
22 vehicle immobilization shall provide for immobilizing any  
23 eligible vehicle upon the public way by presence of a restraint  
24 in a manner to prevent operation of the vehicle. Any ordinance  
25 establishing a program of vehicle immobilization under this  
26 Section shall provide:

1           (1) Criteria for the designation of vehicles eligible  
2           for immobilization. A vehicle shall be eligible for  
3           immobilization when the registered owner of the vehicle has  
4           accumulated the number of incomplete traffic education  
5           programs or unpaid final determinations of parking,  
6           standing, compliance, or automated traffic law violation  
7           liability, or both, as determined by ordinance.

8           (2) A notice of impending vehicle immobilization and a  
9           right to a hearing to challenge the validity of the notice  
10          by disproving liability for the incomplete traffic  
11          education programs or unpaid final determinations of  
12          parking, standing, compliance, or automated traffic law  
13          violation liability, or both, listed on the notice.

14          (3) The right to a prompt hearing after a vehicle has  
15          been immobilized or subsequently towed without the  
16          completion of the required traffic education program or  
17          payment of the outstanding fines and penalties on parking,  
18          standing, compliance, or automated traffic law violations,  
19          or both, for which final determinations have been issued.  
20          An order issued after the hearing is a final administrative  
21          decision within the meaning of Section 3-101 of the Code of  
22          Civil Procedure.

23          (4) A post immobilization and post-towing notice  
24          advising the registered owner of the vehicle of the right  
25          to a hearing to challenge the validity of the impoundment.

26          (d) Judicial review of final determinations of parking,

1 standing, compliance, or automated traffic law violations and  
2 final administrative decisions issued after hearings regarding  
3 vehicle immobilization and impoundment made under this Section  
4 shall be subject to the provisions of the Administrative Review  
5 Law.

6 (e) Any fine, penalty, incomplete traffic education  
7 program, or part of any fine or any penalty remaining unpaid  
8 after the exhaustion of, or the failure to exhaust,  
9 administrative remedies created under this Section and the  
10 conclusion of any judicial review procedures shall be a debt  
11 due and owing the municipality or county and, as such, may be  
12 collected in accordance with applicable law. Completion of any  
13 required traffic education program and payment in full of any  
14 fine or penalty resulting from a standing, parking, compliance,  
15 or automated traffic law violation shall constitute a final  
16 disposition of that violation.

17 (f) After the expiration of the period within which  
18 judicial review may be sought for a final determination of  
19 parking, standing, compliance, or automated traffic law  
20 violation, the municipality or county may commence a proceeding  
21 in the Circuit Court for purposes of obtaining a judgment on  
22 the final determination of violation. Nothing in this Section  
23 shall prevent a municipality or county from consolidating  
24 multiple final determinations of parking, standing,  
25 compliance, or automated traffic law violations against a  
26 person in a proceeding. Upon commencement of the action, the

1 municipality or county shall file a certified copy or record of  
2 the final determination of parking, standing, compliance, or  
3 automated traffic law violation, which shall be accompanied by  
4 a certification that recites facts sufficient to show that the  
5 final determination of violation was issued in accordance with  
6 this Section and the applicable municipal or county ordinance.  
7 Service of the summons and a copy of the petition may be by any  
8 method provided by Section 2-203 of the Code of Civil Procedure  
9 or by certified mail, return receipt requested, provided that  
10 the total amount of fines and penalties for final  
11 determinations of parking, standing, compliance, or automated  
12 traffic law violations does not exceed \$2500. If the court is  
13 satisfied that the final determination of parking, standing,  
14 compliance, or automated traffic law violation was entered in  
15 accordance with the requirements of this Section and the  
16 applicable municipal or county ordinance, and that the  
17 registered owner or the lessee, as the case may be, had an  
18 opportunity for an administrative hearing and for judicial  
19 review as provided in this Section, the court shall render  
20 judgment in favor of the municipality or county and against the  
21 registered owner or the lessee for the amount indicated in the  
22 final determination of parking, standing, compliance, or  
23 automated traffic law violation, plus costs. The judgment shall  
24 have the same effect and may be enforced in the same manner as  
25 other judgments for the recovery of money.

26 (g) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

2 A low-income individual required to complete a traffic  
3 education program under this Section who provides proof of  
4 eligibility for the federal earned income tax credit under  
5 Section 32 of the Internal Revenue Code or the Illinois earned  
6 income tax credit under Section 212 of the Illinois Income Tax  
7 Act shall not be required to pay any fee for participating in a  
8 required traffic education program.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;  
10 96-478, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1016, eff.  
11 1-1-11; 96-1386, eff. 7-29-10; revised 9-16-10.)

12 (625 ILCS 5/11-208.6)

13 Sec. 11-208.6. Automated traffic law enforcement system.

14 (a) As used in this Section, "automated traffic law  
15 enforcement system" means a device with one or more motor  
16 vehicle sensors working in conjunction with a red light signal  
17 to produce recorded images of motor vehicles entering an  
18 intersection against a red signal indication in violation of  
19 Section 11-306 of this Code or a similar provision of a local  
20 ordinance.

21 An automated traffic law enforcement system is a system, in  
22 a municipality or county operated by a governmental agency,  
23 that produces a recorded image of a motor vehicle's violation  
24 of a provision of this Code or a local ordinance and is  
25 designed to obtain a clear recorded image of the vehicle and

1 the vehicle's license plate. The recorded image must also  
2 display the time, date, and location of the violation.

3 (b) As used in this Section, "recorded images" means images  
4 recorded by an automated traffic law enforcement system on:

5 (1) 2 or more photographs;

6 (2) 2 or more microphotographs;

7 (3) 2 or more electronic images; or

8 (4) a video recording showing the motor vehicle and, on  
9 at least one image or portion of the recording, clearly  
10 identifying the registration plate number of the motor  
11 vehicle.

12 (b-5) A municipality or county that produces a recorded  
13 image of a motor vehicle's violation of a provision of this  
14 Code or a local ordinance must make the recorded images of a  
15 violation accessible to the alleged violator by providing the  
16 alleged violator with a website address, accessible through the  
17 Internet.

18 (c) A county or municipality, including a home rule county  
19 or municipality, may not use an automated traffic law  
20 enforcement system to provide recorded images of a motor  
21 vehicle for the purpose of recording its speed. The regulation  
22 of the use of automated traffic law enforcement systems to  
23 record vehicle speeds is an exclusive power and function of the  
24 State. This subsection (c) is a denial and limitation of home  
25 rule powers and functions under subsection (h) of Section 6 of  
26 Article VII of the Illinois Constitution.

1           (c-5) A county or municipality, including a home rule  
2 county or municipality, may not use an automated traffic law  
3 enforcement system to issue violations in instances where the  
4 motor vehicle comes to a complete stop and does not enter the  
5 intersection, as defined by Section 1-132 of this Code, during  
6 the cycle of the red signal indication unless one or more  
7 pedestrians or bicyclists are present, even if the motor  
8 vehicle stops at a point past a stop line or crosswalk where a  
9 driver is required to stop, as specified in subsection (c) of  
10 Section 11-306 of this Code or a similar provision of a local  
11 ordinance.

12           (d) For each violation of a provision of this Code or a  
13 local ordinance recorded by an automatic traffic law  
14 enforcement system, the county or municipality having  
15 jurisdiction shall issue a written notice of the violation to  
16 the registered owner of the vehicle as the alleged violator.  
17 The notice shall be delivered to the registered owner of the  
18 vehicle, by mail, within 30 days after the Secretary of State  
19 notifies the municipality or county of the identity of the  
20 owner of the vehicle, but in no event later than 90 days after  
21 the violation.

22           The notice shall include:

23                 (1) the name and address of the registered owner of the  
24 vehicle;

25                 (2) the registration number of the motor vehicle  
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the  
6 requirements of any traffic education program imposed and  
7 the date by which the civil penalty should be paid and the  
8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a  
10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty, to  
12 complete a required traffic education program, or to  
13 contest liability in a timely manner is an admission of  
14 liability and may result in a suspension of the driving  
15 privileges of the registered owner of the vehicle;
- 16 (10) a statement that the person may elect to proceed  
17 by:
- 18 (A) paying the fine, completing a required traffic  
19 education program, or both; or
- 20 (B) challenging the charge in court, by mail, or by  
21 administrative hearing; and
- 22 (11) a website address, accessible through the  
23 Internet, where the person may view the recorded images of  
24 the violation.
- 25 (e) If a person charged with a traffic violation, as a  
26 result of an automated traffic law enforcement system, does not



1 pay the fine or complete a required traffic education program,  
2 or both, or successfully contest the civil penalty resulting  
3 from that violation, the Secretary of State shall suspend the  
4 driving privileges of the registered owner of the vehicle under  
5 Section 6-306.5 of this Code for failing to complete a required  
6 traffic education program or to pay any fine or penalty due and  
7 owing, or both, as a result of 5 violations of the automated  
8 traffic law enforcement system.

9 (f) Based on inspection of recorded images produced by an  
10 automated traffic law enforcement system, a notice alleging  
11 that the violation occurred shall be evidence of the facts  
12 contained in the notice and admissible in any proceeding  
13 alleging a violation under this Section.

14 (g) Recorded images made by an automatic traffic law  
15 enforcement system are confidential and shall be made available  
16 only to the alleged violator and governmental and law  
17 enforcement agencies for purposes of adjudicating a violation  
18 of this Section, for statistical purposes, or for other  
19 governmental purposes. Any recorded image evidencing a  
20 violation of this Section, however, may be admissible in any  
21 proceeding resulting from the issuance of the citation.

22 (h) The court or hearing officer may consider in defense of  
23 a violation:

24 (1) that the motor vehicle or registration plates of  
25 the motor vehicle were stolen before the violation occurred  
26 and not under the control of or in the possession of the

1 owner at the time of the violation;

2 (2) that the driver of the vehicle passed through the  
3 intersection when the light was red either (i) in order to  
4 yield the right-of-way to an emergency vehicle or (ii) as  
5 part of a funeral procession; and

6 (3) any other evidence or issues provided by municipal  
7 or county ordinance.

8 (i) To demonstrate that the motor vehicle or the  
9 registration plates were stolen before the violation occurred  
10 and were not under the control or possession of the owner at  
11 the time of the violation, the owner must submit proof that a  
12 report concerning the stolen motor vehicle or registration  
13 plates was filed with a law enforcement agency in a timely  
14 manner.

15 (j) Unless the driver of the motor vehicle received a  
16 Uniform Traffic Citation from a police officer at the time of  
17 the violation, the motor vehicle owner is subject to a civil  
18 penalty not exceeding \$100 or the completion of a traffic  
19 education program, or both, plus an additional penalty of not  
20 more than \$100 for failure to pay the original penalty or to  
21 complete a required traffic education program, or both, in a  
22 timely manner, if the motor vehicle is recorded by an automated  
23 traffic law enforcement system. A violation for which a civil  
24 penalty is imposed under this Section is not a violation of a  
25 traffic regulation governing the movement of vehicles and may  
26 not be recorded on the driving record of the owner of the

1 vehicle.

2 (j-3) A registered owner who is a holder of a valid  
3 commercial driver's license is not required to complete a  
4 traffic education program.

5 (j-5) For purposes of the required traffic education  
6 program only, a registered owner may submit an affidavit to the  
7 court or hearing officer swearing that at the time of the  
8 alleged violation, the vehicle was in the custody and control  
9 of another person. The affidavit must identify the person in  
10 custody and control of the vehicle, including the person's name  
11 and current address. The person in custody and control of the  
12 vehicle at the time of the violation is required to complete  
13 the required traffic education program. If the person in  
14 custody and control of the vehicle at the time of the violation  
15 completes the required traffic education program, the  
16 registered owner of the vehicle is not required to complete a  
17 traffic education program.

18 (k) An intersection equipped with an automated traffic law  
19 enforcement system must be posted with a sign visible to  
20 approaching traffic indicating that the intersection is being  
21 monitored by an automated traffic law enforcement system.

22 (k-3) A municipality or county that has one or more  
23 intersections equipped with an automated traffic law  
24 enforcement system must provide notice to drivers by posting  
25 the locations of automated traffic law systems on the  
26 municipality or county website.

1           (k-5) An intersection equipped with an automated traffic  
2 law enforcement system must have a yellow change interval that  
3 conforms with the Illinois Manual on Uniform Traffic Control  
4 Devices (IMUTCD) published by the Illinois Department of  
5 Transportation.

6           (k-7) A municipality or county operating an automated  
7 traffic law enforcement system shall conduct a statistical  
8 analysis to assess the safety impact of each automated traffic  
9 law enforcement system at an intersection following  
10 installation of the system. The statistical analysis shall be  
11 based upon the best available crash, traffic, and other data,  
12 and shall cover a period of time before and after installation  
13 of the system sufficient to provide a statistically valid  
14 comparison of safety impact. The statistical analysis shall be  
15 consistent with professional judgment and acceptable industry  
16 practice. The statistical analysis also shall be consistent  
17 with the data required for valid comparisons of before and  
18 after conditions and shall be conducted within a reasonable  
19 period following the installation of the automated traffic law  
20 enforcement system. The statistical analysis required by this  
21 subsection (k-7) shall be made available to the public and  
22 shall be published on the website of the municipality or  
23 county. If the statistical analysis for the 36 month period  
24 following installation of the system indicates that there has  
25 been an increase in the rate of accidents at the approach to  
26 the intersection monitored by the system, the municipality or

1 county shall undertake additional studies to determine the  
2 cause and severity of the accidents, and may take any action  
3 that it determines is necessary or appropriate to reduce the  
4 number or severity of the accidents at that intersection.

5 (l) The compensation paid for an automated traffic law  
6 enforcement system must be based on the value of the equipment  
7 or the services provided and may not be based on the number of  
8 traffic citations issued or the revenue generated by the  
9 system.

10 (m) This Section applies only to the counties of Cook,  
11 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
12 to municipalities located within those counties.

13 (n) The fee for participating in a traffic education  
14 program under this Section shall not exceed \$25.

15 A low-income individual required to complete a traffic  
16 education program under this Section who provides proof of  
17 eligibility for the federal earned income tax credit under  
18 Section 32 of the Internal Revenue Code or the Illinois earned  
19 income tax credit under Section 212 of the Illinois Income Tax  
20 Act shall not be required to pay any fee for participating in a  
21 required traffic education program.

22 (o) A municipality or county shall make a certified report  
23 to the Secretary of State pursuant to Section 6-306.5 of this  
24 Code whenever a registered owner of a vehicle has failed to pay  
25 any fine or penalty due and owing as a result of 5 offenses for  
26 automated traffic law violations.

1       (p) No person who is the lessor of a motor vehicle pursuant  
2 to a written lease agreement shall be liable for an automated  
3 traffic law enforcement system violation involving such motor  
4 vehicle during the period of the lease; provided that upon the  
5 request of the appropriate authority received within 90 days  
6 after the violation occurred, the lessor provides within 60  
7 days after such receipt the name and address of the lessee. The  
8 drivers license number of a lessee may be subsequently  
9 individually requested by the appropriate authority if needed  
10 for enforcement of this Section.

11       In any dispute as to whether a lessee's name and address  
12 were timely provided pursuant to this subsection, the lessor  
13 shall be allowed to cure any such defect by providing the name  
14 and address of the lessee within 30 days of receipt of the  
15 written notice of the dispute. The lessor's potential liability  
16 for the violation shall terminate upon the provision of the  
17 information by the lessor.

18       Upon the provision of information by the lessor pursuant to  
19 this subsection, the county or municipality may issue the  
20 violation to the lessee of the vehicle in the same manner as it  
21 would issue a violation to a registered owner of a vehicle  
22 pursuant to this Section, and the lessee may be held liable for  
23 the violation.

24       (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11.)

25       (625 ILCS 5/11-1306) (from Ch. 95 1/2, par. 11-1306)

1           Sec. 11-1306. Parking liability of lessor.

2           (a) No person who is the lessor of a vehicle pursuant to a  
3 written lease agreement shall be liable for the violation of  
4 any parking or standing regulation of this Code Act, or of a  
5 local authority, involving such vehicle during the period of  
6 the lease; provided that upon the request of the appropriate  
7 authority received within 120 days after the violation  
8 occurred, the lessor provides within 60 days after such receipt  
9 the name and address of the lessee. The drivers license number  
10 of a lessee may be subsequently individually requested by the  
11 appropriate authority if needed for enforcement of the Code  
12 Act.

13           (b) In any dispute as to whether a lessee's name and  
14 address were timely provided pursuant to subsection (a) of this  
15 Section, the lessor shall be allowed to cure any such defect by  
16 providing the name and address of the lessee within 30 days of  
17 receipt of the written notice of the dispute. The lessor's  
18 potential liability for the violation shall terminate upon the  
19 provision of the information by the lessor.

20           (Source: P.A. 84-354.)