



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0326

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208
625 ILCS 5/11-208.6
30 ILCS 805/8.41 new

from Ch. 95 1/2, par. 11-208

Amends the Illinois Vehicle Code. Provides that after January 1, 2018 no non-home rule unit within the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will may enact or continue to enforce an ordinance for an automated traffic law enforcement system to enforce violations of intersection traffic control signals. Provides that an automated traffic law enforcement system is a system, in a municipality or county, not including a non-home rule unit within the designated counties on or after January 1, 2018, operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of the Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. Amends the State Mandates Act to require implementation without reimbursement from the State.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 and 11-208.6 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; and certifying persons to
19 control traffic for processions or assemblages;

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

23 5. Regulating the speed of vehicles in public parks

1 subject to the limitations set forth in Section 11-604;

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

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

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

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

16 10. Altering the speed limits as authorized in Section
17 11-604;

18 11. Prohibiting U-turns;

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

21 13. Prohibiting parking during snow removal operation;

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

1 plates specified in Section 11-1301.1 or a special decal or
2 device as defined in Section 11-1301.2 as evidence that the
3 vehicle is operated by or for a person with disabilities or
4 a veteran with a disability;

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

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

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

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

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

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

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

14 (f) A municipality or county designated in Section 11-208.6
15 may enact an ordinance providing for an automated traffic law
16 enforcement system to enforce violations of this Code or a
17 similar provision of a local ordinance and imposing liability
18 on a registered owner or lessee of a vehicle used in such a
19 violation; however, on or after January 1, 2018, no non-home
20 rule unit within a county designated in subsection (m) of
21 Section 11-208.6 may enact or continue to enforce an ordinance
22 providing for an automated traffic law enforcement system to
23 enforce violations of this Code or a similar provision of a
24 local ordinance.

25 (g) A municipality or county, as provided in Section
26 11-1201.1, may enact an ordinance providing for an automated

1 traffic law enforcement system to enforce violations of Section
2 11-1201 of this Code or a similar provision of a local
3 ordinance and imposing liability on a registered owner of a
4 vehicle used in such a violation.

5 (h) A municipality designated in Section 11-208.8 may enact
6 an ordinance providing for an automated speed enforcement
7 system to enforce violations of Article VI of Chapter 11 of
8 this Code or a similar provision of a local ordinance.

9 (i) A municipality or county designated in Section 11-208.9
10 may enact an ordinance providing for an automated traffic law
11 enforcement system to enforce violations of Section 11-1414 of
12 this Code or a similar provision of a local ordinance and
13 imposing liability on a registered owner or lessee of a vehicle
14 used in such a violation.

15 (Source: P.A. 98-396, eff. 1-1-14; 98-556, eff. 1-1-14; 98-756,
16 eff. 7-16-14; 99-143, eff. 7-27-15.)

17 (625 ILCS 5/11-208.6)

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

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

1 Until January 1, 2018, an ~~An~~ automated traffic law
2 enforcement system is a system, in a municipality or county
3 operated by a governmental agency, that produces a recorded
4 image of a motor vehicle's violation of a provision of this
5 Code or a local ordinance and is designed to obtain a clear
6 recorded image of the vehicle and the vehicle's license plate.
7 On and after January 1, 2018, an automated traffic law
8 enforcement system is a system, in a municipality or county,
9 which is not a non-home rule unit within a county designated in
10 subsection (m) of this Section, operated by a governmental
11 agency, that produces a recorded image of a motor vehicle's
12 violation of a provision of this Code or a local ordinance and
13 is designed to obtain a clear recorded image of the vehicle and
14 the vehicle's license plate. The recorded image must also
15 display the time, date, and location of the violation.

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

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

21 (4) a video recording showing the motor vehicle and, on
22 at least one image or portion of the recording, clearly
23 identifying the registration plate number of the motor
24 vehicle.

25 (b-5) A municipality or county that produces a recorded
26 image of a motor vehicle's violation of a provision of this

1 Code or a local ordinance must make the recorded images of a
2 violation accessible to the alleged violator by providing the
3 alleged violator with a website address, accessible through the
4 Internet.

5 (c) Except as provided under Section 11-208.8 of this Code,
6 a county or municipality, including a home rule county or
7 municipality, may not use an automated traffic law enforcement
8 system to provide recorded images of a motor vehicle for the
9 purpose of recording its speed. Except as provided under
10 Section 11-208.8 of this Code, the regulation of the use of
11 automated traffic law enforcement systems to record vehicle
12 speeds is an exclusive power and function of the State. This
13 subsection (c) is a denial and limitation of home rule powers
14 and functions under subsection (h) of Section 6 of Article VII
15 of the Illinois Constitution.

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

1 (c-6) A county, or a municipality with less than 2,000,000
2 inhabitants, including a home rule county or municipality, may
3 not use an automated traffic law enforcement system to issue
4 violations in instances where a motorcyclist enters an
5 intersection against a red signal indication when the red
6 signal fails to change to a green signal within a reasonable
7 period of time not less than 120 seconds because of a signal
8 malfunction or because the signal has failed to detect the
9 arrival of the motorcycle due to the motorcycle's size or
10 weight.

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

21 The notice shall include:

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

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

26 (3) the violation charged;

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

1 or both, or successfully contest the civil penalty resulting
2 from that violation, the Secretary of State shall suspend the
3 driving privileges of the registered owner of the vehicle under
4 Section 6-306.5 of this Code for failing to complete a required
5 traffic education program or to pay any fine or penalty due and
6 owing, or both, as a result of a combination of 5 violations of
7 the automated traffic law enforcement system or the automated
8 speed enforcement system under Section 11-208.8 of this Code.

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 a combination
26 of 5 offenses for automated traffic law or speed enforcement

1 system violations.

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

12 Upon the provision of information by the lessor pursuant to
13 this subsection, the county or municipality may issue the
14 violation to the lessee of the vehicle in the same manner as it
15 would issue a violation to a registered owner of a vehicle
16 pursuant to this Section, and the lessee may be held liable for
17 the violation.

18 (Source: P.A. 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672,
19 eff. 7-1-12; 97-762, eff. 7-6-12; 98-463, eff. 8-16-13.)

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.41 as follows:

22 (30 ILCS 805/8.41 new)

23 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 100th General Assembly.