



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3463

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208
625 ILCS 5/11-208.6

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

Amends the Illinois Vehicle Code. Provides that a municipality or county may enact an ordinance providing for an automated traffic law enforcement system only at an intersection where, on average, 4 or more motor vehicle accidents that result in personal injury or injury to another occur each year. Provides that for each violation of the Code or a local ordinance recorded by an automated traffic law enforcement system in operation for a period of less than 30 days, the county or municipality having jurisdiction shall issue a notice of warning to the registered owner of the vehicle. Provides for the notice requirements. Provides that if a person who has never before received a notice of a violation of the Code or a local ordinance recorded by an automated traffic law enforcement system in operation for more than 30 days receives more than one notice of violation within a 21-day period for separate traffic violations, he or she may pay the fine associated with the first notice of violation in satisfaction of all of the remaining fines.

LRB100 09605 AXK 19773 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 only at an intersection where, on average, 4
17 or more motor vehicle accidents that result in personal injury
18 or injury to another occur each year, to enforce violations of
19 this Code or a similar provision of a local ordinance and
20 imposing liability on a registered owner or lessee of a vehicle
21 used in such a violation.

22 (g) A municipality or county, as provided in Section
23 11-1201.1, may enact an ordinance providing for an automated
24 traffic law enforcement system to enforce violations of Section
25 11-1201 of this Code or a similar provision of a local
26 ordinance and imposing liability on a registered owner of a

1 vehicle used in such a violation.

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

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

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

14 (625 ILCS 5/11-208.6)

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

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

23 An automated traffic law enforcement system is a system, in
24 a municipality or county operated by a governmental agency,
25 that produces a recorded image of a motor vehicle's violation

1 of a provision of this Code or a local ordinance and is
2 designed to obtain a clear recorded image of the vehicle and
3 the vehicle's license plate. The recorded image must also
4 display the time, date, and location of the violation.

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

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

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

20 (c) Except as provided under Section 11-208.8 of this Code,
21 a county or municipality, including a home rule county or
22 municipality, may not use an automated traffic law enforcement
23 system to provide recorded images of a motor vehicle for the
24 purpose of recording its speed. Except as provided under
25 Section 11-208.8 of this Code, the regulation of the use of
26 automated traffic law enforcement systems to record vehicle

1 speeds is an exclusive power and function of the State. This
2 subsection (c) is a denial and limitation of home rule powers
3 and functions under subsection (h) of Section 6 of Article VII
4 of the Illinois Constitution.

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

16 (c-6) A county, or a municipality with less than 2,000,000
17 inhabitants, including a home rule county or municipality, may
18 not use an automated traffic law enforcement system to issue
19 violations in instances where a motorcyclist enters an
20 intersection against a red signal indication when the red
21 signal fails to change to a green signal within a reasonable
22 period of time not less than 120 seconds because of a signal
23 malfunction or because the signal has failed to detect the
24 arrival of the motorcycle due to the motorcycle's size or
25 weight.

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automatic traffic law
2 enforcement system in operation for a period of more than 30
3 days, the county or municipality having jurisdiction shall
4 issue a written notice of the violation to the registered owner
5 of the vehicle as the alleged violator. The notice shall be
6 delivered to the registered owner of the vehicle, by mail,
7 within 30 days after the Secretary of State notifies the
8 municipality or county of the identity of the owner of the
9 vehicle, but in no event later than 90 days after the
10 violation.

11 The notice shall include:

12 (1) the name and address of the registered owner of the
13 vehicle;

14 (2) the registration number of the motor vehicle
15 involved in the violation;

16 (3) the violation charged;

17 (4) the location where the violation occurred;

18 (5) the date and time of the violation;

19 (6) a copy of the recorded images;

20 (7) the amount of the civil penalty imposed and the
21 requirements of any traffic education program imposed and
22 the date by which the civil penalty should be paid and the
23 traffic education program should be completed;

24 (8) a statement that recorded images are evidence of a
25 violation of a red light signal;

26 (9) a warning that failure to pay the civil penalty, to

1 complete a required traffic education program, or to
2 contest liability in a timely manner is an admission of
3 liability and may result in a suspension of the driving
4 privileges of the registered owner of the vehicle;

5 (10) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine, completing a required traffic
8 education program, or both; or

9 (B) challenging the charge in court, by mail, or by
10 administrative hearing; and

11 (11) a website address, accessible through the
12 Internet, where the person may view the recorded images of
13 the violation.

14 If a person who has never before received a notice of
15 violation under subsection (d) of this Section receives more
16 than one notice of violation within a 21-day period for
17 separate traffic violations as a result of an automated traffic
18 law enforcement system, he or she may pay the fine associated
19 with the first notice of violation in satisfaction of all of
20 the remaining fines

21 (d-5) For each violation of a provision of this Code or a
22 local ordinance recorded by an automated traffic law
23 enforcement system in operation for a period of less than 30
24 days, the county or municipality having jurisdiction shall
25 issue a written notice of warning to the registered owner of
26 the vehicle. The notice shall be delivered to the registered

1 owner of the vehicle, by mail, within 30 days after the
2 Secretary of State notifies the municipality or county of the
3 identity of the owner of the vehicle, but in no event 90 days
4 after the violation. The notice shall include:

5 (1) the name and address of the registered owner of the
6 vehicle;

7 (2) the registration number of the motor vehicle
8 involved in the violation;

9 (3) the location where the violation occurred;

10 (4) the date and time of the violation;

11 (5) a copy of the recorded image;

12 (6) a website address, accessible through the
13 Internet, where the person may view the recorded images of
14 the violation; and

15 (7) a warning that the motor vehicle owner may be
16 subject to a civil penalty, completion of a required
17 traffic education program, or both, for any future traffic
18 violation under this Code or a local ordinance recorded by
19 the automated traffic law enforcement system at that
20 intersection.

21 (d-7) If a person who has never before received a notice of
22 violation under subsection (d) of this Section receives more
23 than one notice of violation within a 21-day period for
24 separate traffic violations as a result of an automated traffic
25 law enforcement system, he or she may pay the fine associated
26 with the first notice of violation in satisfaction of all of

1 the remaining fines.

2 (e) If a person charged with a traffic violation, as a
3 result of an automated traffic law enforcement system, does not
4 pay the fine or complete a required traffic education program,
5 or both, or successfully contest the civil penalty resulting
6 from that violation, the Secretary of State shall suspend the
7 driving privileges of the registered owner of the vehicle under
8 Section 6-306.5 of this Code for failing to complete a required
9 traffic education program or to pay any fine or penalty due and
10 owing, or both, as a result of a combination of 5 violations of
11 the automated traffic law enforcement system or the automated
12 speed enforcement system under Section 11-208.8 of this Code.

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

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

26 (h) The court or hearing officer may consider in defense of

1 a violation:

2 (1) that the motor vehicle or registration plates of
3 the motor vehicle were stolen before the violation occurred
4 and not under the control of or in the possession of the
5 owner at the time of the violation;

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

10 (3) any other evidence or issues provided by municipal
11 or county ordinance.

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

19 (j) Unless the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time of
21 the violation, the motor vehicle owner is subject to a civil
22 penalty not exceeding \$100 or the completion of a traffic
23 education program, or both, plus an additional penalty of not
24 more than \$100 for failure to pay the original penalty or to
25 complete a required traffic education program, or both, in a
26 timely manner, if the motor vehicle is recorded by an automated

1 traffic law enforcement system. A violation for which a civil
2 penalty is imposed under this Section is not a violation of a
3 traffic regulation governing the movement of vehicles and may
4 not be recorded on the driving record of the owner of the
5 vehicle.

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

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

22 (k) An intersection equipped with an automated traffic law
23 enforcement system must be posted with a sign visible to
24 approaching traffic indicating that the intersection is being
25 monitored by an automated traffic law enforcement system.

26 (k-3) A municipality or county that has one or more

1 intersections equipped with an automated traffic law
2 enforcement system must provide notice to drivers by posting
3 the locations of automated traffic law systems on the
4 municipality or county website.

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

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

1 county. If the statistical analysis for the 36 month period
2 following installation of the system indicates that there has
3 been an increase in the rate of accidents at the approach to
4 the intersection monitored by the system, the municipality or
5 county shall undertake additional studies to determine the
6 cause and severity of the accidents, and may take any action
7 that it determines is necessary or appropriate to reduce the
8 number or severity of the accidents at that intersection.

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

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

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

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

26 (o) A municipality or county shall make a certified report

1 to the Secretary of State pursuant to Section 6-306.5 of this
2 Code whenever a registered owner of a vehicle has failed to pay
3 any fine or penalty due and owing as a result of a combination
4 of 5 offenses for automated traffic law or speed enforcement
5 system violations.

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

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

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