



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0322

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208
625 ILCS 5/11-208.6
30 ILCS 805/8.43 new

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

Amends the Illinois Vehicle Code. Provides that, after January 1, 2020, 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. Makes corresponding changes. Amends the State Mandates Act to require implementation without reimbursement from the State.

LRB101 04019 TAE 49027 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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, low-speed
12 electric bicycles, and low-speed gas bicycles, and
13 requiring the registration and licensing of same,
14 including the requirement of a registration fee;

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

17 10. Altering the speed limits as authorized in Section
18 11-604;

19 11. Prohibiting U-turns;

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

22 13. Prohibiting parking during snow removal operation;

23 14. Imposing fines in accordance with Section
24 11-1301.3 as penalties for use of any parking place
25 reserved for persons with disabilities, as defined by
26 Section 1-159.1, or veterans with disabilities by any

1 person using a motor vehicle not bearing registration
2 plates specified in Section 11-1301.1 or a special decal or
3 device as defined in Section 11-1301.2 as evidence that the
4 vehicle is operated by or for a person with disabilities or
5 a veteran with a disability;

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

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

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

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

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

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

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

15 (e-5) The City of Chicago may enact an ordinance providing
16 for a noise monitoring system upon any portion of the roadway
17 known as Lake Shore Drive. Twelve months after the installation
18 of the noise monitoring system, and any time after the first
19 report as the City deems necessary, the City of Chicago shall
20 prepare a noise monitoring report with the data collected from
21 the system and shall, upon request, make the report available
22 to the public. For purposes of this subsection (e-5), "noise
23 monitoring system" means an automated noise monitor capable of
24 recording noise levels 24 hours per day and 365 days per year
25 with computer equipment sufficient to process the data.

26 (e-10) A unit of local government, including a home rule

1 unit, may not enact an ordinance prohibiting the use of
2 Automated Driving System equipped vehicles on its roadways.
3 Nothing in this subsection (e-10) shall affect the authority of
4 a unit of local government to regulate Automated Driving System
5 equipped vehicles for traffic control purposes. No unit of
6 local government, including a home rule unit, may regulate
7 Automated Driving System equipped vehicles in a manner
8 inconsistent with this Code. For purposes of this subsection
9 (e-10), "Automated Driving System equipped vehicle" means any
10 vehicle equipped with an Automated Driving System of hardware
11 and software that are collectively capable of performing the
12 entire dynamic driving task on a sustained basis, regardless of
13 whether it is limited to a specific operational domain. This
14 subsection (e-10) is a limitation under subsection (i) of
15 Section 6 of Article VII of the Illinois Constitution on the
16 concurrent exercise by home rule units of powers and functions
17 exercised by the State.

18 (f) A municipality or county designated in Section 11-208.6
19 may enact an ordinance providing for an automated traffic law
20 enforcement system to enforce violations of this Code or a
21 similar provision of a local ordinance and imposing liability
22 on a registered owner or lessee of a vehicle used in such a
23 violation; however, on or after January 1, 2020, no non-home
24 rule unit within a county designated in subsection (m) of
25 Section 11-208.6 may enact or continue to enforce an ordinance
26 providing for an automated traffic law enforcement system to

1 enforce violations of this Code or a similar provision of a
2 local ordinance.

3 (g) A municipality or county, as provided in Section
4 11-1201.1, may enact an ordinance providing for an automated
5 traffic law enforcement system to enforce violations of Section
6 11-1201 of this Code or a similar provision of a local
7 ordinance and imposing liability on a registered owner of a
8 vehicle used in such a violation.

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

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

19 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;
20 100-257, eff. 8-22-17; 100-352, eff. 6-1-18; 100-863, eff.
21 8-14-18.)

22 (625 ILCS 5/11-208.6)

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

24 (a) As used in this Section, "automated traffic law
25 enforcement system" means a device with one or more motor

1 vehicle sensors working in conjunction with a red light signal
2 to produce recorded images of motor vehicles entering an
3 intersection against a red signal indication in violation of
4 Section 11-306 of this Code or a similar provision of a local
5 ordinance.

6 Until January 1, 2020, an ~~An~~ automated traffic law
7 enforcement system is a system, in a municipality or county
8 operated by a governmental agency, that produces a recorded
9 image of a motor vehicle's violation of a provision of this
10 Code or a local ordinance and is designed to obtain a clear
11 recorded image of the vehicle and the vehicle's license plate.
12 On and after January 1, 2020, an automated traffic law
13 enforcement system is a system, in a municipality that is a
14 home rule unit within a county designated in subsection (m) of
15 this Section, operated by a governmental agency, that produces
16 a recorded image of a motor vehicle's violation of a provision
17 of this Code or a local ordinance and is designed to obtain a
18 clear recorded image of the vehicle and the vehicle's license
19 plate. The recorded image must also display the time, date, and
20 location of the violation.

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

- 23 (1) 2 or more photographs;
24 (2) 2 or more microphotographs;
25 (3) 2 or more electronic images; or
26 (4) a video recording showing the motor vehicle and, on

1 at least one image or portion of the recording, clearly
2 identifying the registration plate number of the motor
3 vehicle.

4 (b-5) A municipality or county that produces a recorded
5 image of a motor vehicle's violation of a provision of this
6 Code or a local ordinance must make the recorded images of a
7 violation accessible to the alleged violator by providing the
8 alleged violator with a website address, accessible through the
9 Internet.

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

21 (c-5) A county or municipality, including a home rule
22 county or municipality, may not use an automated traffic law
23 enforcement system to issue violations in instances where the
24 motor vehicle comes to a complete stop and does not enter the
25 intersection, as defined by Section 1-132 of this Code, during
26 the cycle of the red signal indication unless one or more

1 pedestrians or bicyclists are present, even if the motor
2 vehicle stops at a point past a stop line or crosswalk where a
3 driver is required to stop, as specified in subsection (c) of
4 Section 11-306 of this Code or a similar provision of a local
5 ordinance.

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

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

26 The notice shall include:

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

3 (2) the registration number of the motor vehicle
4 involved in the violation;

5 (3) the violation charged;

6 (4) the location where the violation occurred;

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

8 (6) a copy of the recorded images;

9 (7) the amount of the civil penalty imposed and the
10 requirements of any traffic education program imposed and
11 the date by which the civil penalty should be paid and the
12 traffic education program should be completed;

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

15 (9) a warning that failure to pay the civil penalty, to
16 complete a required traffic education program, or to
17 contest liability in a timely manner is an admission of
18 liability and may result in a suspension of the driving
19 privileges of the registered owner of the vehicle;

20 (10) a statement that the person may elect to proceed
21 by:

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

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

26 (11) a website address, accessible through the

1 Internet, where the person may view the recorded images of
2 the violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.43 as follows:

2 (30 ILCS 805/8.43 new)

3 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 101st General Assembly.