

1 AMENDMENT TO SENATE BILL 173

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 173 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-306.5, 11-208.3, and 11-306 and adding  
6 Section 11-208.5 as follows:

7 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

8 Sec. 6-306.5. Failure to pay fine or penalty for  
9 standing, parking, ~~or~~ compliance, or automated traffic law  
10 violations; suspension of driving privileges.

11 (a) Upon receipt of a certified report, as prescribed by  
12 subsection (c) of this Section, from any municipality stating  
13 that the owner of a registered vehicle has: (1) failed to pay  
14 any fine or penalty due and owing as a result of 10 or more  
15 violations of a municipality's vehicular standing, parking,  
16 or compliance regulations established by ordinance pursuant  
17 to Section 11-208.3 of this Code, or (2) failed to pay any  
18 fine or penalty due and owing as a result of 5 offenses for  
19 automated traffic violations as defined in Section 11-208.5,  
20 the Secretary of State shall suspend the driving privileges  
21 of such person in accordance with the procedures set forth in  
22 this Section. The Secretary shall also suspend the driving

1 privileges of an owner of a registered vehicle upon receipt  
2 of a certified report, as prescribed by subsection (f) of  
3 this Section, from any municipality stating that such person  
4 has failed to satisfy any fines or penalties imposed by final  
5 judgments for 10 or more violations of local standing,  
6 parking, or compliance regulations after exhaustion of  
7 judicial review procedures.

8 (b) Following receipt of the certified report of the  
9 municipality as specified in this Section, the Secretary of  
10 State shall notify the person whose name appears on the  
11 certified report that the person's drivers license will be  
12 suspended at the end of a specified period of time unless the  
13 Secretary of State is presented with a notice from the  
14 municipality certifying that the fine or penalty due and  
15 owing the municipality has been paid or that inclusion of  
16 that person's name on the certified report was in error. The  
17 Secretary's notice shall state in substance the information  
18 contained in the municipality's certified report to the  
19 Secretary, and shall be effective as specified by subsection  
20 (c) of Section 6-211 of this Code.

21 (c) The report of the appropriate municipal official  
22 notifying the Secretary of State of unpaid fines or penalties  
23 pursuant to this Section shall be certified and shall contain  
24 the following:

25 (1) The name, last known address and drivers  
26 license number of the person who failed to pay the fine  
27 or penalty and the registration number of any vehicle  
28 known to be registered to such person in this State.

29 (2) The name of the municipality making the report  
30 pursuant to this Section.

31 (3) A statement that the municipality sent a notice  
32 of impending drivers license suspension as prescribed by  
33 ordinance enacted pursuant to Section 11-208.3, to the  
34 person named in the report at the address recorded with

1 the Secretary of State; the date on which such notice was  
2 sent; and the address to which such notice was sent. In a  
3 municipality with a population of 1,000,000 or more, the  
4 report shall also include a statement that the alleged  
5 violator's State vehicle registration number and vehicle  
6 make are correct as they appear on the citations.

7 (d) Any municipality making a certified report to the  
8 Secretary of State pursuant to this Section shall notify the  
9 Secretary of State, in a form prescribed by the Secretary,  
10 whenever a person named in the certified report has paid the  
11 previously reported fine or penalty or whenever the  
12 municipality determines that the original report was in  
13 error. A certified copy of such notification shall also be  
14 given upon request and at no additional charge to the person  
15 named therein. Upon receipt of the municipality's  
16 notification or presentation of a certified copy of such  
17 notification, the Secretary of State shall terminate the  
18 suspension.

19 (e) Any municipality making a certified report to the  
20 Secretary of State pursuant to this Section shall also by  
21 ordinance establish procedures for persons to challenge the  
22 accuracy of the certified report. The ordinance shall also  
23 state the grounds for such a challenge, which may be limited  
24 to (1) the person not having been the owner or lessee of the  
25 vehicle or vehicles receiving 10 or more standing, parking,  
26 or compliance violation notices or 5 or more automated  
27 traffic law violation notices on the date or dates such  
28 notices were issued; and (2) the person having already paid  
29 the fine or penalty for the 10 or more standing, parking, or  
30 compliance violations or 5 or more automated traffic law  
31 violations indicated on the certified report.

32 (f) Any municipality, other than a municipality  
33 establishing vehicular standing, parking, and compliance  
34 regulations pursuant to Section 11-208.3 or automated traffic

1 law regulations under Section 11-208.5, may also cause a  
2 suspension of a person's drivers license pursuant to this  
3 Section. Such municipality may invoke this sanction by making  
4 a certified report to the Secretary of State upon a person's  
5 failure to satisfy any fine or penalty imposed by final  
6 judgment for 10 or more violations of local standing,  
7 parking, or compliance regulations or 5 or more automated  
8 traffic law violations after exhaustion of judicial review  
9 procedures, but only if:

10 (1) the municipality complies with the provisions  
11 of this Section in all respects except in regard to  
12 enacting an ordinance pursuant to Section 11-208.3;

13 (2) the municipality has sent a notice of impending  
14 drivers license suspension as prescribed by an ordinance  
15 enacted pursuant to subsection (g) of this Section; and

16 (3) in municipalities with a population of  
17 1,000,000 or more, the municipality has verified that the  
18 alleged violator's State vehicle registration number and  
19 vehicle make are correct as they appear on the citations.

20 (g) Any municipality, other than a municipality  
21 establishing standing, parking, and compliance regulations  
22 pursuant to Section 11-208.3 or automated traffic law  
23 regulations under Section 11-208.5, may provide by ordinance  
24 for the sending of a notice of impending drivers license  
25 suspension to the person who has failed to satisfy any fine  
26 or penalty imposed by final judgment for 10 or more  
27 violations of local standing, parking, or compliance  
28 regulations or 5 or more automated traffic law violations  
29 after exhaustion of judicial review procedures. An ordinance  
30 so providing shall specify that the notice sent to the person  
31 liable for any fine or penalty shall state that failure to  
32 pay the fine or penalty owing within 45 days of the notice's  
33 date will result in the municipality notifying the Secretary  
34 of State that the person's drivers license is eligible for

1 suspension pursuant to this Section. The notice of impending  
2 drivers license suspension shall be sent by first class  
3 United States mail, postage prepaid, to the address recorded  
4 with the Secretary of State.

5 (h) An administrative hearing to contest an impending  
6 suspension or a suspension made pursuant to this Section may  
7 be had upon filing a written request with the Secretary of  
8 State. The filing fee for this hearing shall be \$20, to be  
9 paid at the time the request is made. A municipality which  
10 files a certified report with the Secretary of State pursuant  
11 to this Section shall reimburse the Secretary for all  
12 reasonable costs incurred by the Secretary as a result of the  
13 filing of the report, including but not limited to the costs  
14 of providing the notice required pursuant to subsection (b)  
15 and the costs incurred by the Secretary in any hearing  
16 conducted with respect to the report pursuant to this  
17 subsection and any appeal from such a hearing.

18 (i) The provisions of this Section shall apply on and  
19 after January 1, 1988.

20 (j) For purposes of this Section, the term "compliance  
21 violation" is defined as in Section 11-208.3.

22 (Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98;  
23 90-481, eff. 8-17-97.)

24 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

25 Sec. 11-208.3. Administrative adjudication of violations  
26 of traffic regulations concerning the standing, parking, or  
27 condition of vehicles and automated traffic law violations.

28 (a) Any municipality may provide by ordinance for a  
29 system of administrative adjudication of vehicular standing  
30 and parking violations and vehicle compliance violations as  
31 defined in this subsection, and automated traffic law  
32 violations as defined in Section 11-208.5. The administrative  
33 system shall have as its purpose the fair and efficient

1 enforcement of municipal regulations through the  
2 administrative adjudication of violations of municipal  
3 ordinances regulating the standing and parking of vehicles,  
4 the condition and use of vehicle equipment, and the display  
5 of municipal wheel tax licenses within the municipality's  
6 borders. The administrative system shall only have authority  
7 to adjudicate civil offenses carrying fines not in excess of  
8 \$250 that occur after the effective date of the ordinance  
9 adopting such a system under this Section. For purposes of  
10 this Section, "compliance violation" means a violation of a  
11 municipal regulation governing the condition or use of  
12 equipment on a vehicle or governing the display of a  
13 municipal wheel tax license.

14 (b) Any ordinance establishing a system of  
15 administrative adjudication under this Section shall provide  
16 for:

17 (1) A traffic compliance administrator authorized  
18 to adopt, distribute and process parking, ~~and compliance,~~  
19 and automated traffic law violation notices and other  
20 notices required by this Section, collect money paid as  
21 fines and penalties for violation of parking and  
22 compliance ordinances and automated traffic law  
23 violations, and operate an administrative adjudication  
24 system. The traffic compliance administrator also may  
25 make a certified report to the Secretary of State under  
26 Section 6-306.5.

27 (2) A parking, standing, ~~or compliance,~~ or  
28 automated traffic law violation notice that shall specify  
29 the date, time, and place of violation of a parking,  
30 standing, ~~or compliance,~~ or automated traffic law  
31 regulation; the particular regulation violated; the fine  
32 and any penalty that may be assessed for late payment,  
33 when so provided by ordinance; the vehicle make and state  
34 registration number; and the identification number of the

1 person issuing the notice. With regard to municipalities  
2 with a population of 1 million or more, it shall be  
3 grounds for dismissal of a parking violation if the State  
4 registration number or vehicle make specified is  
5 incorrect. The violation notice shall state that the  
6 payment of the indicated fine, and of any applicable  
7 penalty for late payment, shall operate as a final  
8 disposition of the violation. The notice also shall  
9 contain information as to the availability of a hearing  
10 in which the violation may be contested on its merits.  
11 The violation notice shall specify the time and manner in  
12 which a hearing may be had.

13 (3) Service of the parking, standing, or compliance  
14 violation notice by affixing the original or a facsimile  
15 of the notice to an unlawfully parked vehicle or by  
16 handing the notice to the operator of a vehicle if he or  
17 she is present and service of an automated traffic law  
18 violation notice by mail to the address of the registered  
19 owner of the cited vehicle as recorded with the Secretary  
20 of State within 30 days after the violation. A person  
21 authorized by ordinance to issue and serve parking,  
22 standing, and compliance, or automated traffic law  
23 violation notices shall certify as to the correctness of  
24 the facts entered on the violation notice by signing his  
25 or her name to the notice at the time of service or in  
26 the case of a notice produced by a computerized device,  
27 by signing a single certificate to be kept by the traffic  
28 compliance administrator attesting to the correctness of  
29 all notices produced by the device while it was under his  
30 or her control. In the case of an automated traffic law  
31 violation, the ordinance shall require a signed statement  
32 by a technician employed by the municipality or county  
33 that, based on inspection of recorded images, the motor  
34 vehicle was being operated in violation Section 11-208.5.

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

15 (4) An opportunity for a hearing for the registered  
16 owner of the vehicle cited in the parking, standing, ~~er~~  
17 compliance, or automated traffic law violation notice in  
18 which the owner may contest the merits of the alleged  
19 violation, and during which formal or technical rules of  
20 evidence shall not apply; provided, however, that under  
21 Section 11-1306 of this Code the lessee of a vehicle  
22 cited in the violation notice likewise shall be provided  
23 an opportunity for a hearing of the same kind afforded  
24 the registered owner. The hearings shall be recorded,  
25 and the person conducting the hearing on behalf of the  
26 traffic compliance administrator shall be empowered to  
27 administer oaths and to secure by subpoena both the  
28 attendance and testimony of witnesses and the production  
29 of relevant books and papers. Persons appearing at a  
30 hearing under this Section may be represented by counsel  
31 at their expense. The ordinance may also provide for  
32 internal administrative review following the decision of  
33 the hearing officer.

34 (5) Service of additional notices, sent by first



1 class United States mail, postage prepaid, to the address  
2 of the registered owner of the cited vehicle as recorded  
3 with the Secretary of State or, under Section 11-1306 of  
4 this Code, to the lessee of the cited vehicle at the last  
5 address known to the lessor of the cited vehicle at the  
6 time of lease. The service shall be deemed complete as  
7 of the date of deposit in the United States mail. The  
8 notices shall be in the following sequence and shall  
9 include but not be limited to the information specified  
10 herein:

11 (i) A second notice of violation. This notice  
12 shall specify the date and location of the violation  
13 cited in the parking, standing, ~~or~~ compliance, or  
14 automated traffic law violation notice, the  
15 particular regulation violated, the vehicle make and  
16 state registration number, the fine and any penalty  
17 that may be assessed for late payment when so  
18 provided by ordinance, the availability of a hearing  
19 in which the violation may be contested on its  
20 merits, and the time and manner in which the hearing  
21 may be had. The notice of violation shall also  
22 state that failure either to pay the indicated fine  
23 and any applicable penalty, or to appear at a  
24 hearing on the merits in the time and manner  
25 specified, will result in a final determination of  
26 violation liability for the cited violation in the  
27 amount of the fine or penalty indicated, and that,  
28 upon the occurrence of a final determination of  
29 violation liability for the failure, and the  
30 exhaustion of, or failure to exhaust, available  
31 administrative or judicial procedures for review,  
32 any unpaid fine or penalty will constitute a debt  
33 due and owing the municipality.

34 (ii) A notice of final determination of

1 parking, standing, or compliance, or automated  
2 traffic law violation liability. This notice shall  
3 be sent following a final determination of parking,  
4 standing, or compliance, or automated traffic law  
5 violation liability and the conclusion of judicial  
6 review procedures taken under this Section. The  
7 notice shall state that the unpaid fine or penalty  
8 is a debt due and owing the municipality. The  
9 notice shall contain warnings that failure to pay  
10 any fine or penalty due and owing the municipality  
11 within the time specified may result in the  
12 municipality's filing of a petition in the Circuit  
13 Court to have the unpaid fine or penalty rendered a  
14 judgment as provided by this Section, or may result  
15 in suspension of the person's drivers license for  
16 failure to pay fines or penalties for 10 or more  
17 parking violations under Section 6-306.5 or 5 more  
18 automated traffic law violations under Section  
19 11-208.5.

20 (6) A Notice of impending drivers license  
21 suspension. This notice shall be sent to the person  
22 liable for any fine or penalty that remains due and owing  
23 on 10 or more parking violations or 5 or more unpaid  
24 automated traffic law violations. The notice shall state  
25 that failure to pay the fine or penalty owing within 45  
26 days of the notice's date will result in the municipality  
27 notifying the Secretary of State that the person is  
28 eligible for initiation of suspension proceedings under  
29 Section 6-306.5 of this Code. The notice shall also state  
30 that the person may obtain a photostatic copy of an  
31 original ticket imposing a fine or penalty by sending a  
32 self addressed, stamped envelope to the municipality  
33 along with a request for the photostatic copy. The  
34 notice of impending drivers license suspension shall be

1 sent by first class United States mail, postage prepaid,  
2 to the address recorded with the Secretary of State.

3 (7) Final determinations of violation liability. A  
4 final determination of violation liability shall occur  
5 following failure to pay the fine or penalty after a  
6 hearing officer's determination of violation liability  
7 and the exhaustion of or failure to exhaust any  
8 administrative review procedures provided by ordinance.  
9 Where a person fails to appear at a hearing to contest  
10 the alleged violation in the time and manner specified in  
11 a prior mailed notice, the hearing officer's  
12 determination of violation liability shall become final:  
13 (A) upon denial of a timely petition to set aside that  
14 determination, or (B) upon expiration of the period for  
15 filing the petition without a filing having been made.

16 (8) A petition to set aside a determination of  
17 parking, standing, ~~or~~ compliance, or automated traffic  
18 law violation liability that may be filed by a person  
19 owing an unpaid fine or penalty. The petition shall be  
20 filed with and ruled upon by the traffic compliance  
21 administrator in the manner and within the time specified  
22 by ordinance. The grounds for the petition may be limited  
23 to: (A) the person not having been the owner or lessee  
24 of the cited vehicle on the date the violation notice was  
25 issued, (B) the person having already paid the fine or  
26 penalty for the violation in question, and (C) excusable  
27 failure to appear at or request a new date for a hearing.  
28 With regard to municipalities with a population of 1  
29 million or more, it shall be grounds for dismissal of a  
30 parking violation if the State registration number or  
31 vehicle make specified is incorrect. After the  
32 determination of parking, standing, ~~or~~ compliance, or  
33 automated traffic law violation liability has been set  
34 aside upon a showing of just cause, the registered owner

1 shall be provided with a hearing on the merits for that  
2 violation.

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

7 (10) A schedule of civil fines for violations of  
8 vehicular standing, parking, and compliance, and  
9 automated traffic law regulations enacted by ordinance  
10 pursuant to this Section, and a schedule of penalties for  
11 late payment of the fines, provided, however, that the  
12 total amount of the fine and penalty for any one  
13 violation shall not exceed \$250.

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

17 (c) Any municipality establishing vehicular standing,  
18 parking, and compliance, and 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  
22 of vehicle immobilization shall provide for immobilizing any  
23 eligible vehicle upon the public way by presence of a  
24 restraint in a manner to prevent operation of the vehicle.  
25 Any ordinance establishing a program of vehicle  
26 immobilization under this Section shall provide:

27 (1) Criteria for the designation of vehicles  
28 eligible for immobilization. A vehicle shall be eligible  
29 for immobilization when the registered owner of the  
30 vehicle has accumulated the number of unpaid final  
31 determinations of parking, standing, or compliance, or  
32 automated traffic law violation liability as determined  
33 by ordinance.

34 (2) A notice of impending vehicle immobilization

1 and a right to a hearing to challenge the validity of the  
2 notice by disproving liability for the unpaid final  
3 determinations of parking, standing, ~~or~~ compliance, or  
4 automated traffic law violation liability listed on the  
5 notice.

6 (3) The right to a prompt hearing after a vehicle  
7 has been immobilized or subsequently towed without  
8 payment of the outstanding fines and penalties on  
9 parking, standing, ~~or~~ compliance, or automated traffic  
10 law violations for which final determinations have been  
11 issued. An order issued after the hearing is a final  
12 administrative decision within the meaning of Section  
13 3-101 of the Code of Civil Procedure.

14 (4) A post immobilization and post-towing notice  
15 advising the registered owner of the vehicle of the right  
16 to a hearing to challenge the validity of the  
17 impoundment.

18 (d) Judicial review of final determinations of parking,  
19 standing, and compliance, and automated traffic law  
20 violations and final administrative decisions issued after  
21 hearings regarding vehicle immobilization and impoundment  
22 made under this Section shall be subject to the provisions of  
23 the Administrative Review Law.

24 (e) Any fine, penalty, or part of any fine or any  
25 penalty remaining unpaid after the exhaustion of, or the  
26 failure to exhaust, administrative remedies created under  
27 this Section and the conclusion of any judicial review  
28 procedures shall be a debt due and owing the municipality  
29 and, as such, may be collected in accordance with applicable  
30 law. Payment in full of any fine or penalty resulting from a  
31 standing, parking, ~~or~~ compliance, or automated traffic law  
32 violation shall constitute a final disposition of that  
33 violation.

34 (f) After the expiration of the period within which

1 judicial review may be sought for a final determination of  
2 parking, standing, ~~or~~ compliance, or automated traffic law  
3 violation, the municipality may commence a proceeding in the  
4 Circuit Court for purposes of obtaining a judgment on the  
5 final determination of violation. Nothing in this Section  
6 shall prevent a municipality from consolidating multiple  
7 final determinations of parking, standing, ~~or~~ compliance, or  
8 automated traffic law violations ~~violation~~ against a person  
9 in a proceeding. Upon commencement of the action, the  
10 municipality shall file a certified copy of the final  
11 determination of parking, standing, ~~or~~ compliance, or  
12 automated traffic law violation, which shall be accompanied  
13 by a certification that recites facts sufficient to show that  
14 the final determination of violation was issued in accordance  
15 with this Section and the applicable municipal ordinance.  
16 Service of the summons and a copy of the petition may be by  
17 any method provided by Section 2-203 of the Code of Civil  
18 Procedure or by certified mail, return receipt requested,  
19 provided that the total amount of fines and penalties for  
20 final determinations of parking, standing, ~~or~~ compliance, or  
21 automated traffic law violations does not exceed \$2500. If  
22 the court is satisfied that the final determination of  
23 parking, standing, ~~or~~ compliance, or automated traffic law  
24 violation was entered in accordance with the requirements of  
25 this Section and the applicable municipal ordinance, and that  
26 the registered owner or the lessee, as the case may be, had  
27 an opportunity for an administrative hearing and for judicial  
28 review as provided in this Section, the court shall render  
29 judgment in favor of the municipality and against the  
30 registered owner or the lessee for the amount indicated in  
31 the final determination of parking, standing, ~~or~~ compliance,  
32 or automated traffic law violation, plus costs. The judgment  
33 shall have the same effect and may be enforced in the same  
34 manner as other judgments for the recovery of money.

1 (Source: P.A. 92-695, eff. 1-1-03.)

2 (625 ILCS 5/11-208.5 new)

3 Sec. 11-208.5. Automated traffic law enforcement system.

4 (a) As used in this Section, "automated traffic law  
5 enforcement system" means a device with one or more motor  
6 vehicle sensors working in conjunction with:

7 (1) a red light signal to produce recorded images  
8 of motor vehicles entering an intersection against a red  
9 signal indication;

10 (2) a speed measuring device to produce recorded  
11 images of motor vehicles traveling at a prohibited rate  
12 of speed; or

13 (3) any other traffic control device designed to  
14 enhance highway safety.

15 An automated traffic law enforcement system is a system  
16 in a municipality or county operated by a governmental  
17 agency, in cooperation with a law enforcement agency, that  
18 produces a recorded image of a motor vehicle's response to a  
19 traffic control signal or images of motor vehicles traveling  
20 at a prohibited rate of speed and is designed to obtain a  
21 clear recorded image of the vehicle and the vehicle's license  
22 plate. The recorded image must also display the time, date,  
23 and location of the violation.

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

27 (1) 2 or more photographs;

28 (2) 2 or more microphotographs;

29 (3) 2 or more electronic images; or

30 (4) a videotape showing the motor vehicle and, on  
31 at least one image or portion of tape, clearly  
32 identifying the registration plate number of the motor  
33 vehicle.

1       (c) For each violation of this Section recorded by an  
2 automatic traffic law enforcement system, the local law  
3 enforcement agency having jurisdiction shall issue a written  
4 citation and a notice of the violation to the registered  
5 owner of the vehicle as the alleged violator. The citation  
6 and notice shall be delivered to the registered owner of the  
7 vehicle, by mail, within 30 days of the violation.

8       The citation shall include:

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

11           (2) the registration number of the motor vehicle  
12 involved in the violation;

13           (3) the violation charged;

14           (4) the location where the violation occurred;

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

16           (6) a copy of the recorded images;

17           (7) the amount of the civil penalty imposed and the  
18 date by which the civil penalty should be paid;

19           (8) a signed statement by a technician employed by  
20 the agency that, based on inspection of recorded images,  
21 the motor vehicle was being operated in violation of a  
22 automated traffic law enforcement system;

23           (9) a statement that recorded images are evidence  
24 of a violation of a traffic control device or posted rate  
25 of speed; and

26           (10) warning that failure to pay the civil penalty  
27 or to contest liability in a timely manner is an  
28 admission of liability and may result in a suspension of  
29 the driving privileges of the registered owner of the  
30 vehicle.

31       (d) The citation issued to the registered owner of the  
32 vehicle shall be accompanied by a written notice, the  
33 contents of which is set forth in subsection (e) of this  
34 Section, explaining how the registered owner of the vehicle



1 can elect to proceed by either paying the civil penalty or  
2 challenging the issuance of the citation.

3 (e) The written notice explaining the alleged violator's  
4 rights and obligations must include the following text:

5 "You have been served with the accompanying citation and  
6 cited with having violated Section 11-208.5 of the  
7 Illinois Vehicle Code. You can elect to proceed by:

8 1. paying the fine; or

9 2. challenging the issuance of the Citation in  
10 court."

11 (f) If a person charged with a traffic violation, as a  
12 result of automated traffic law enforcement system, does not  
13 pay or successfully contest the civil penalty resulting from  
14 that violation, the Secretary of State shall suspend the  
15 driving privileges of the registered owner of the vehicle  
16 under Section 6-306.5 of this Code for failing to pay any  
17 fine or penalty due and owing as a result of 5 violations of  
18 the automated traffic law enforcement system.

19 (g) Based on inspection of recorded images produced by  
20 an automated traffic law enforcement system, a citation or a  
21 copy of a citation alleging that the violation occurred and  
22 signed by a duly authorized agent of the agency shall be  
23 evidence of the facts contained in the citation or copy and  
24 admissible in any proceeding alleging a violation under this  
25 Section.

26 (h) Recorded images made by an automatic traffic law  
27 enforcement system are confidential and shall be made  
28 available only to the alleged violator and governmental and  
29 law enforcement agencies for purposes of adjudicating a  
30 violation of this Section. Any recorded image evidencing a  
31 violation of this Section, however, is admissible in any  
32 proceeding resulting from the issuance of the citation when  
33 there is reasonable and sufficient proof of the accuracy of  
34 the camera or electronic instrument recording the image.

1 There is a rebuttable presumption that the recorded image is  
2 accurate if the camera or electronic recording instrument was  
3 in good working order at the beginning and the end of the day  
4 of the alleged offense.

5 (i) The court may consider in defense of a violation:

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

10 (2) with respect to an alleged automated red light  
11 violation, that the driver of the vehicle passed through  
12 the intersection when the light was red either (i) in  
13 order to yield the right-of-way to an emergency vehicle  
14 or (ii) as part of a funeral procession; and

15 (3) any other evidence or issues that the Court  
16 deems pertinent.

17 (j) To demonstrate that the motor vehicle or the  
18 registration plates were stolen before the violation occurred  
19 and were not under the control or possession of the owner at  
20 the time of the violation, the owner must submit proof that a  
21 police report concerning the stolen motor vehicle or  
22 registration plates was filed in a timely manner.

23 (k) Unless the driver of the motor vehicle received a  
24 Uniform Traffic Citation from a police officer at the time of  
25 the violation, the motor vehicle owner is subject to a civil  
26 penalty not exceeding \$500 if the motor vehicle is recorded  
27 by an automated traffic law enforcement system. A violation  
28 for which a civil penalty is imposed under this Section is  
29 not a violation of a traffic regulation governing the  
30 movement of vehicles and may not be recorded on the driving  
31 record of the owner of the vehicle.

32 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

33 Sec. 11-306. Traffic-control signal legend. Whenever

1 traffic is controlled by traffic-control signals exhibiting  
2 different colored lights or color lighted arrows,  
3 successively one at a time or in combination, only the colors  
4 green, red and yellow shall be used, except for special  
5 pedestrian signals carrying a word legend, and the lights  
6 shall indicate and apply to drivers of vehicles and  
7 pedestrians as follows:

8 (a) Green indication.

9 1. Vehicular traffic facing a circular green signal  
10 may proceed straight through or turn right or left unless  
11 a sign at such place prohibits either such turn.  
12 Vehicular traffic, including vehicles turning right or  
13 left, shall yield the right of way to other vehicles and  
14 to pedestrians lawfully within the intersection or an  
15 adjacent crosswalk at the time such signal is exhibited.

16 2. Vehicular traffic facing a green arrow signal,  
17 shown alone or in combination with another indication,  
18 may cautiously enter the intersection only to make the  
19 movement indicated by such arrow, or such other movement  
20 as is permitted by other indications shown at the same  
21 time. Such vehicular traffic shall yield the right of  
22 way to pedestrians lawfully within an adjacent crosswalk  
23 and to other traffic lawfully using the intersection.

24 3. Unless otherwise directed by a  
25 pedestrian-control signal, as provided in Section 11-307,  
26 pedestrians facing any green signal, except when the sole  
27 green signal is a turn arrow, may proceed across the  
28 roadway within any marked or unmarked crosswalk.

29 (b) Steady yellow indication.

30 1. Vehicular traffic facing a steady circular  
31 yellow or yellow arrow signal is thereby warned that the  
32 related green movement is being terminated or that a red  
33 indication will be exhibited immediately thereafter.

34 2. Pedestrians facing a steady circular yellow or

1 yellow arrow signal, unless otherwise directed by a  
2 pedestrian-control signal as provided in Section 11-307,  
3 are thereby advised that there is insufficient time to  
4 cross the roadway before a red indication is shown and no  
5 pedestrian shall then start to cross the roadway.

6 (c) Steady red indication.

7 1. Except as provided in paragraph 3 of this  
8 subsection (c), vehicular traffic facing a steady  
9 circular red signal alone shall stop at a clearly marked  
10 stop line, but if there is no such stop line, before  
11 entering the crosswalk on the near side of the  
12 intersection, or if there is no such crosswalk, then  
13 before entering the intersection, and shall remain  
14 standing until an indication to proceed is shown.

15 2. Except as provided in paragraph 3 of this  
16 subsection (c), vehicular traffic facing a steady red  
17 arrow signal shall not enter the intersection to make the  
18 movement indicated by the arrow and, unless entering the  
19 intersection to make a movement permitted by another  
20 signal, shall stop at a clearly marked stop line, but if  
21 there is no such stop line, before entering the crosswalk  
22 on the near side of the intersection, or if there is no  
23 such crosswalk, then before entering the intersection,  
24 and shall remain standing until an indication permitting  
25 the movement indicated by such red arrow is shown.

26 3. Except when a sign is in place prohibiting a  
27 turn and local authorities by ordinance or State  
28 authorities by rule or regulation prohibit any such turn,  
29 vehicular traffic facing any steady red signal may  
30 cautiously enter the intersection to turn right, or to  
31 turn left from a one-way street into a one-way street,  
32 after stopping as required by paragraph 1 or paragraph 2  
33 of this subsection. After stopping, the driver shall  
34 yield the right of way to any vehicle in the intersection

1 or approaching on another roadway so closely as to  
 2 constitute an immediate hazard during the time such  
 3 driver is moving across or within the intersection or  
 4 junction or roadways. Such driver shall yield the right  
 5 of way to pedestrians within the intersection or an  
 6 adjacent crosswalk.

7 4. Unless otherwise directed by a  
 8 pedestrian-control signal as provided in Section 11-307,  
 9 pedestrians facing a steady circular red or red arrow  
 10 signal alone shall not enter the roadway.

11 ~~5.---A-municipality-with-a-population-of-1,000,000-or~~  
 12 ~~more--may-enact-an-ordinance-that-provides-for-the-use-of~~  
 13 ~~an--automated--red--light--enforcement--system-to-enforce~~  
 14 ~~violations-of-this--subsection--(c)--that--result--in--or~~  
 15 ~~involve--a-motor-vehicle-accident,-leaving-the-scene-of-a~~  
 16 ~~motor-vehicle-accident,-or-reckless-driving-that--results~~  
 17 ~~in-bodily-injury.~~

18 ~~This---paragraph---5---is---subject---to---prosecutorial~~  
 19 ~~discretion-that-is-consistent-with-applicable-law.~~

20 (d) In the event an official traffic control signal is  
 21 erected and maintained at a place other than an intersection,  
 22 the provisions of this Section shall be applicable except as  
 23 to provisions which by their nature can have no application.  
 24 Any stop required shall be at a traffic sign or a marking on  
 25 the pavement indicating where the stop shall be made or, in  
 26 the absence of such sign or marking, the stop shall be made  
 27 at the signal.

28 (e) The motorman of any streetcar shall obey the above  
 29 signals as applicable to vehicles.

30 (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

31 (625 ILCS 5/1-105.5 rep.)

32 Section 10. The Illinois Vehicle Code is amended by  
 33 repealing Section 1-105.5.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".