



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 21

2 AMENDMENT NO. _____. Amend House Bill 21, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 6-306.5, 11-208, and 11-306 and adding
7 Section 11-208.5 as follows:

8 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

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

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

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

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

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

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

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

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

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

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

30 (f) Any municipality, other than a municipality
31 establishing vehicular standing, parking, and compliance
32 regulations pursuant to Section 11-208.3 or automated traffic
33 law regulations under Section 11-208.5, may also cause a
34 suspension of a person's drivers license pursuant to this

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

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

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

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

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

1 prepaid, to the address recorded with the Secretary of State.

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

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

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

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

21 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

27 1. Regulating the standing or parking of vehicles,
28 except as limited by Section 11-1306 of this Act;

29 2. Regulating traffic by means of police officers or
30 traffic control signals;

31 3. Regulating or prohibiting processions or
32 assemblages on the highways;

33 4. Designating particular highways as one-way

1 highways and requiring that all vehicles thereon be moved
2 in one specific direction;

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

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

12 7. Restricting the use of highways as authorized in
13 Chapter 15;

14 8. Regulating the operation of bicycles and requiring
15 the registration and licensing of same, including the
16 requirement of a registration fee;

17 9. Regulating or prohibiting the turning of vehicles
18 or specified types of vehicles at intersections;

19 10. Altering the speed limits as authorized in
20 Section 11-604;

21 11. Prohibiting U-turns;

22 12. Prohibiting pedestrian crossings at other than
23 designated and marked crosswalks or at intersections;

24 13. Prohibiting parking during snow removal
25 operation;

26 14. Imposing fines in accordance with Section
27 11-1301.3 as penalties for use of any parking place
28 reserved for persons with disabilities, as defined by
29 Section 1-159.1, or disabled veterans by any person using a
30 motor vehicle not bearing registration plates specified in
31 Section 11-1301.1 or a special decal or device as defined
32 in Section 11-1301.2 as evidence that the vehicle is
33 operated by or for a person with disabilities or disabled
34 veteran;

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

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

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

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

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

19 (e) No unit of local government, including a home rule
20 unit, may enact or enforce an ordinance that applies only to
21 motorcycles if the principal purpose for that ordinance is to
22 restrict the access of motorcycles to any highway or portion of
23 a highway for which federal or State funds have been used for
24 the planning, design, construction, or maintenance of that
25 highway. No unit of local government, including a home rule
26 unit, may enact an ordinance requiring motorcycle users to wear
27 protective headgear. Nothing in this subsection (e) shall
28 affect the authority of a unit of local government to regulate
29 motorcycles for traffic control purposes or in accordance with
30 Section 12-602 of this Code. No unit of local government,
31 including a home rule unit, may regulate motorcycles in a
32 manner inconsistent with this Code. This subsection (e) is a
33 limitation under subsection (i) of Section 6 of Article VII of
34 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.

2 (f) A municipality or county may enact an ordinance
3 providing for an automated traffic law enforcement system to
4 enforce violations of Section 11-306 of this Code or a similar
5 provision of a local ordinance.

6 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
7 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

8 (625 ILCS 5/11-208.5 new)

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

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

17 An automated traffic law enforcement system is a system in
18 a municipality or county operated by a governmental agency, in
19 cooperation with a law enforcement agency, that produces a
20 recorded image of a motor vehicle's violation of a provision of
21 this Code or a local ordinance and is designed to obtain a
22 clear recorded image of the vehicle and the vehicle's license
23 plate. The recorded image must also display the time, date, and
24 location of the violation.

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

28 (1) 2 or more photographs;

29 (2) 2 or more microphotographs;

30 (3) 2 or more electronic images; or

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

1 (c) For each violation of a provision of this Code or a
2 local ordinance recorded by an automatic traffic law
3 enforcement system, the local law enforcement agency having
4 jurisdiction shall issue a written citation and a notice of the
5 violation to the registered owner of the vehicle as the alleged
6 violator. The citation and notice shall be delivered to the
7 registered owner of the vehicle, by mail, within 90 days of the
8 violation.

9 The citation shall include:

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

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

14 (3) the violation charged;

15 (4) the location where the violation occurred;

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

17 (6) a copy of the recorded images;

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

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

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

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

30 (d) The citation issued to the registered owner of the
31 vehicle shall be accompanied by a written notice, the contents
32 of which is set forth in subsection (e) of this Section,
33 explaining how the registered owner of the vehicle can elect to
34 proceed by either paying the civil penalty or challenging the

1 issuance of the citation.

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

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

7 1. paying the fine; or

8 2. challenging the issuance of the citation in
9 court."

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

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

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

1 working order at the beginning and the end of the day of the
2 alleged offense.

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

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

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

12 (3) any other evidence or issues that the Court deems
13 pertinent.

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

20 (k) 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 \$500 if the motor vehicle is recorded by
24 an automated traffic law enforcement system. A violation for
25 which a civil penalty is imposed under this Section is not a
26 violation of a traffic regulation governing the movement of
27 vehicles and may not be recorded on the driving record of the
28 owner of the vehicle.

29 (l) An intersection equipped with an automated traffic
30 law enforcement system must be posted with a sign visible to
31 approaching traffic indicating that the intersection is being
32 monitored by an automated traffic law enforcement system.

33 (m) The compensation paid for an automated traffic law
34 enforcement system must be based on the value of the equipment

1 or the services provided and may not be based on the number of
2 traffic citations issued or the revenue generated by the
3 system.

4 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

5 Sec. 11-306. Traffic-control signal legend. Whenever
6 traffic is controlled by traffic-control signals exhibiting
7 different colored lights or color lighted arrows, successively
8 one at a time or in combination, only the colors green, red and
9 yellow shall be used, except for special pedestrian signals
10 carrying a word legend, and the lights shall indicate and apply
11 to drivers of vehicles and pedestrians as follows:

12 (a) Green indication.

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

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

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

33 (b) Steady yellow indication.

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

5 2. Pedestrians facing a steady circular yellow or
6 yellow arrow signal, unless otherwise directed by a
7 pedestrian-control signal as provided in Section 11-307,
8 are thereby advised that there is insufficient time to
9 cross the roadway before a red indication is shown and no
10 pedestrian shall then start to cross the roadway.

11 (c) Steady red indication.

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

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

31 3. Except when a sign is in place prohibiting a turn
32 and local authorities by ordinance or State authorities by
33 rule or regulation prohibit any such turn, vehicular
34 traffic facing any steady red signal may cautiously enter

1 the intersection to turn right, or to turn left from a
2 one-way street into a one-way street, after stopping as
3 required by paragraph 1 or paragraph 2 of this subsection.
4 After stopping, the driver shall yield the right of way to
5 any vehicle in the intersection or approaching on another
6 roadway so closely as to constitute an immediate hazard
7 during the time such driver is moving across or within the
8 intersection or junction or roadways. Such driver shall
9 yield the right of way to pedestrians within the
10 intersection or an adjacent crosswalk.

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

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

22 ~~This paragraph 5 is subject to prosecutorial~~
23 ~~discretion that is consistent with applicable law.~~

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

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

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

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

2 Section 10. The Illinois Vehicle Code is amended by

3 repealing Section 1-105.5."