



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3463

Introduced 02/23/05, by Rep. Roger Jenisch

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.5 new	
625 ILCS 5/11-306	from Ch. 95 1/2, par. 11-306
625 ILCS 5/1-105.5 rep.	

Amends the Illinois Vehicle Code. Provides that a governmental agency in a municipality or county may establish an automated traffic law enforcement system, in cooperation with a law enforcement agency, that produces a recorded image of a motor vehicle's response to a traffic control signal or images of motor vehicles traveling at a prohibited rate of speed and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. Provides that the recorded image must also display the time, date, and location of the violation. Provides that a technician employed by the municipality or county must sign a statement to the effect that the recorded images showed a violation. Provides that no citation may be issued for a red light violation if the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle. Provides that the owner of the vehicle used in the violation is liable for the violation if the violation was recorded by the system, with exceptions. In provisions concerning failure to pay fines or penalties for standing, parking, and compliance violations and administrative adjudication of those violations, adds violations recorded by the system. Provides that the compensation paid for the system must not be based on the amount of revenue generated or tickets issued by the system. Deletes language providing for creation of an automated red light enforcement system in a municipality with a population of 1,000,000 or more. Effective immediately.

LRB094 10034 DRH 40292 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-306.5, 11-208, 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 standing,  
9 parking, ~~or~~ compliance, or automated traffic law violations;  
10 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, or  
16 compliance regulations established by ordinance pursuant to  
17 Section 11-208.3 of this Code, or (2) failed to pay any fine or  
18 penalty due and owing as a result of 5 offenses for automated  
19 traffic violations as defined in Section 11-208.5, the  
20 Secretary of State shall suspend the driving privileges of such  
21 person in accordance with the procedures set forth in this  
22 Section. The Secretary shall also suspend the driving  
23 privileges of an owner of a registered vehicle upon receipt of  
24 a certified report, as prescribed by subsection (f) of this  
25 Section, from any municipality stating that such person has  
26 failed to satisfy any fines or penalties imposed by final  
27 judgments for 5 or more automated traffic law violations or 10  
28 or more violations of local standing, parking, or compliance  
29 regulations after exhaustion of judicial review procedures.

30 (b) Following receipt of the certified report of the  
31 municipality as specified in this Section, the Secretary of  
32 State shall notify the person whose name appears on the

1 certified report that the person's drivers license will be  
2 suspended at the end of a specified period of time unless the  
3 Secretary of State is presented with a notice from the  
4 municipality certifying that the fine or penalty due and owing  
5 the municipality has been paid or that inclusion of that  
6 person's name on the certified report was in error. The  
7 Secretary's notice shall state in substance the information  
8 contained in the municipality's certified report to the  
9 Secretary, and shall be effective as specified by subsection  
10 (c) of Section 6-211 of this Code.

11 (c) The report of the appropriate municipal official  
12 notifying the Secretary of State of unpaid fines or penalties  
13 pursuant to this Section shall be certified and shall contain  
14 the following:

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

19 (2) The name of the municipality making the report  
20 pursuant to this Section.

21 (3) A statement that the municipality sent a notice of  
22 impending drivers license suspension as prescribed by  
23 ordinance enacted pursuant to Section 11-208.3, to the  
24 person named in the report at the address recorded with the  
25 Secretary of State; the date on which such notice was sent;  
26 and the address to which such notice was sent. In a  
27 municipality with a population of 1,000,000 or more, the  
28 report shall also include a statement that the alleged  
29 violator's State vehicle registration number and vehicle  
30 make are correct as they appear on the citations.

31 (d) Any municipality making a certified report to the  
32 Secretary of State pursuant to this Section shall notify the  
33 Secretary of State, in a form prescribed by the Secretary,  
34 whenever a person named in the certified report has paid the  
35 previously reported fine or penalty or whenever the  
36 municipality determines that the original report was in error.

1 A certified copy of such notification shall also be given upon  
2 request and at no additional charge to the person named  
3 therein. Upon receipt of the municipality's notification or  
4 presentation of a certified copy of such notification, the  
5 Secretary of State shall terminate the suspension.

6 (e) Any municipality making a certified report to the  
7 Secretary of State pursuant to this Section shall also by  
8 ordinance establish procedures for persons to challenge the  
9 accuracy of the certified report. The ordinance shall also  
10 state the grounds for such a challenge, which may be limited to  
11 (1) the person not having been the owner or lessee of the  
12 vehicle or vehicles receiving 10 or more standing, parking, or  
13 compliance violation notices or 5 or more automated traffic law  
14 violation notices on the date or dates such notices were  
15 issued; and (2) the person having already paid the fine or  
16 penalty for the 10 or more standing, parking, or compliance  
17 violations or 5 or more automated traffic law violations  
18 indicated on the certified report.

19 (f) Any municipality, other than a municipality  
20 establishing vehicular standing, parking, and compliance  
21 regulations pursuant to Section 11-208.3 or automated traffic  
22 law regulations under Section 11-208.5, may also cause a  
23 suspension of a person's drivers license pursuant to this  
24 Section. Such municipality may invoke this sanction by making a  
25 certified report to the Secretary of State upon a person's  
26 failure to satisfy any fine or penalty imposed by final  
27 judgment for 10 or more violations of local standing, parking,  
28 or compliance regulations or 5 or more automated traffic law  
29 violations after exhaustion of judicial review procedures, but  
30 only if:

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

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

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

5           (g) Any municipality, other than a municipality  
6           establishing standing, parking, and compliance regulations  
7           pursuant to Section 11-208.3 or automated traffic law  
8           regulations under Section 11-208.5, may provide by ordinance  
9           for the sending of a notice of impending drivers license  
10          suspension to the person who has failed to satisfy any fine or  
11          penalty imposed by final judgment for 10 or more violations of  
12          local standing, parking, or compliance regulations or 5 or more  
13          automated traffic law violations after exhaustion of judicial  
14          review procedures. An ordinance so providing shall specify that  
15          the notice sent to the person liable for any fine or penalty  
16          shall state that failure to pay the fine or penalty owing  
17          within 45 days of the notice's date will result in the  
18          municipality notifying the Secretary of State that the person's  
19          drivers license is eligible for suspension pursuant to this  
20          Section. The notice of impending drivers license suspension  
21          shall be sent by first class United States mail, postage  
22          prepaid, to the address recorded with the Secretary of State.

23          (h) An administrative hearing to contest an impending  
24          suspension or a suspension made pursuant to this Section may be  
25          had upon filing a written request with the Secretary of State.  
26          The filing fee for this hearing shall be \$20, to be paid at the  
27          time the request is made. A municipality which files a  
28          certified report with the Secretary of State pursuant to this  
29          Section shall reimburse the Secretary for all reasonable costs  
30          incurred by the Secretary as a result of the filing of the  
31          report, including but not limited to the costs of providing the  
32          notice required pursuant to subsection (b) and the costs  
33          incurred by the Secretary in any hearing conducted with respect  
34          to the report pursuant to this subsection and any appeal from  
35          such a hearing.

36          (i) The provisions of this Section shall apply on and

1 after January 1, 1988.

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

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

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 Section 11-1306 of this Act;

14 2. Regulating traffic by means of police officers or  
15 traffic control signals;

16 3. Regulating or prohibiting processions or  
17 assemblages on the highways;

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

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

23 6. Designating any highway as a through highway, as  
24 authorized in Section 11-302, and requiring that all  
25 vehicles stop before entering or crossing the same or  
26 designating any intersection as a stop intersection or a  
27 yield right-of-way intersection and requiring all vehicles  
28 to stop or yield the right-of-way at one or more entrances  
29 to such intersections;

30 7. Restricting the use of highways as authorized in  
31 Chapter 15;

32 8. Regulating the operation of bicycles and requiring  
33 the registration and licensing of same, including the  
34 requirement of a registration fee;

35 9. Regulating or prohibiting the turning of vehicles

- 1 or specified types of vehicles at intersections;
- 2 10. Altering the speed limits as authorized in  
3 Section 11-604;
- 4 11. Prohibiting U-turns;
- 5 12. Prohibiting pedestrian crossings at other than  
6 designated and marked crosswalks or at intersections;
- 7 13. Prohibiting parking during snow removal  
8 operation;
- 9 14. Imposing fines in accordance with Section  
10 11-1301.3 as penalties for use of any parking place  
11 reserved for persons with disabilities, as defined by  
12 Section 1-159.1, or disabled veterans by any person using a  
13 motor vehicle not bearing registration plates specified in  
14 Section 11-1301.1 or a special decal or device as defined  
15 in Section 11-1301.2 as evidence that the vehicle is  
16 operated by or for a person with disabilities or disabled  
17 veteran;
- 18 15. Adopting such other traffic regulations as are  
19 specifically authorized by this Code; or
- 20 16. Enforcing the provisions of subsection (f) of  
21 Section 3-413 of this Code or a similar local ordinance.
- 22 (b) No ordinance or regulation enacted under subsections  
23 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be  
24 effective until signs giving reasonable notice of such local  
25 traffic regulations are posted.
- 26 (c) The provisions of this Code shall not prevent any  
27 municipality having a population of 500,000 or more inhabitants  
28 from prohibiting any person from driving or operating any motor  
29 vehicle upon the roadways of such municipality with headlamps  
30 on high beam or bright.
- 31 (d) The provisions of this Code shall not be deemed to  
32 prevent local authorities within the reasonable exercise of  
33 their police power from prohibiting, on private property, the  
34 unauthorized use of parking spaces reserved for persons with  
35 disabilities.
- 36 (e) No unit of local government, including a home rule

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

17 (f) A municipality or county may enact an ordinance  
18 providing for an automated traffic law enforcement system to  
19 enforce violations of this Code or similar provisions of a  
20 local ordinance.

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

23 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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



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

11 (b) Any ordinance establishing a system of administrative  
12 adjudication under this Section shall provide for:

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

22 (2) A parking, standing, ~~or~~ compliance, or automated  
23 traffic law violation notice that shall specify the date,  
24 time, and place of violation of a parking, standing, ~~or~~  
25 compliance, or automated traffic law regulation; the  
26 particular regulation violated; the fine and any penalty  
27 that may be assessed for late payment, when so provided by  
28 ordinance; the vehicle make and state registration number;  
29 and the identification number of the person issuing the  
30 notice. With regard to municipalities with a population of  
31 1 million or more, it shall be grounds for dismissal of a  
32 parking violation if the State registration number or  
33 vehicle make specified is incorrect. The violation notice  
34 shall state that the payment of the indicated fine, and of  
35 any applicable penalty for late payment, shall operate as a  
36 final disposition of the violation. The notice also shall

1 contain information as to the availability of a hearing in  
2 which the violation may be contested on its merits. The  
3 violation notice shall specify the time and manner in which  
4 a hearing may be had.

5 (3) Service of the parking, standing, or compliance  
6 violation notice by affixing the original or a facsimile of  
7 the notice to an unlawfully parked vehicle or by handing  
8 the notice to the operator of a vehicle if he or she is  
9 present and service of an automated traffic law violation  
10 notice by mail to the address of the registered owner of  
11 the cited vehicle as recorded with the Secretary of State  
12 within 30 days after the violation. A person authorized by  
13 ordinance to issue and serve parking, standing, ~~and~~  
14 compliance, or automated traffic law violation notices  
15 shall certify as to the correctness of the facts entered on  
16 the violation notice by signing his or her name to the  
17 notice at the time of service or in the case of a notice  
18 produced by a computerized device, by signing a single  
19 certificate to be kept by the traffic compliance  
20 administrator attesting to the correctness of all notices  
21 produced by the device while it was under his or her  
22 control. In the case of an automated traffic law violation,  
23 the ordinance shall require a signed statement by a  
24 technician employed by the municipality or county that,  
25 based on inspection of recorded images, the motor vehicle  
26 was being operated in violation Section 11-208.5. In the  
27 case of a red light violation, if the technician determines  
28 that the vehicle entered the intersection as part of a  
29 funeral procession or in order to yield the right-of-way to  
30 an emergency vehicle, a citation may not be issued. The  
31 original or a facsimile of the violation notice or, in the  
32 case of a notice produced by a computerized device, a  
33 printed record generated by the device showing the facts  
34 entered on the notice, shall be retained by the traffic  
35 compliance administrator, and shall be a record kept in the  
36 ordinary course of business. A parking, standing, ~~or~~

1 compliance, or automated traffic law violation notice  
2 issued, signed and served in accordance with this Section,  
3 a copy of the notice, or the computer generated record  
4 shall be prima facie correct and shall be prima facie  
5 evidence of the correctness of the facts shown on the  
6 notice. The notice, copy, or computer generated record  
7 shall be admissible in any subsequent administrative or  
8 legal proceedings.

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

27 (5) Service of additional notices, sent by first  
28 class United States mail, postage prepaid, to the address  
29 of the registered owner of the cited vehicle as recorded  
30 with the Secretary of State or, under Section 11-1306 of  
31 this Code, to the lessee of the cited vehicle at the last  
32 address known to the lessor of the cited vehicle at the  
33 time of lease. The service shall be deemed complete as of  
34 the date of deposit in the United States mail. The notices  
35 shall be in the following sequence and shall include but  
36 not be limited to the information specified herein:

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

23 (ii) A notice of final determination of parking,  
24 standing, ~~or~~ compliance, or automated traffic law  
25 violation liability. This notice shall be sent  
26 following a final determination of parking, standing,  
27 ~~or~~ compliance, or automated traffic law violation  
28 liability and the conclusion of judicial review  
29 procedures taken under this Section. The notice shall  
30 state that the unpaid fine or penalty is a debt due and  
31 owing the municipality. The notice shall contain  
32 warnings that failure to pay any fine or penalty due  
33 and owing the municipality within the time specified  
34 may result in the municipality's filing of a petition  
35 in the Circuit Court to have the unpaid fine or penalty  
36 rendered a judgment as provided by this Section, or may

1 result in suspension of the person's drivers license  
2 for failure to pay fines or penalties for 10 or more  
3 parking violations under Section 6-306.5 or 5 more  
4 automated traffic law violations under Section  
5 11-208.5.

6 (6) A Notice of impending drivers license suspension.  
7 This notice shall be sent to the person liable for any fine  
8 or penalty that remains due and owing on 10 or more parking  
9 violations or 5 or more unpaid automated traffic law  
10 violations. The notice shall state that failure to pay the  
11 fine or penalty owing within 45 days of the notice's date  
12 will result in the municipality notifying the Secretary of  
13 State that the person is eligible for initiation of  
14 suspension proceedings under Section 6-306.5 of this Code.  
15 The notice shall also state that the person may obtain a  
16 photostatic copy of an original ticket imposing a fine or  
17 penalty by sending a self addressed, stamped envelope to  
18 the municipality along with a request for the photostatic  
19 copy. The notice of impending drivers license suspension  
20 shall be sent by first class United States mail, postage  
21 prepaid, to the address recorded with the Secretary of  
22 State.

23 (7) Final determinations of violation liability. A  
24 final determination of violation liability shall occur  
25 following failure to pay the fine or penalty after a  
26 hearing officer's determination of violation liability and  
27 the exhaustion of or failure to exhaust any administrative  
28 review procedures provided by ordinance. Where a person  
29 fails to appear at a hearing to contest the alleged  
30 violation in the time and manner specified in a prior  
31 mailed notice, the hearing officer's determination of  
32 violation liability shall become final: (A) upon denial  
33 of a timely petition to set aside that determination, or  
34 (B) upon expiration of the period for filing the petition  
35 without a filing having been made.

36 (8) A petition to set aside a determination of

1 parking, standing, ~~or~~ compliance, or automated traffic law  
2 violation liability that may be filed by a person owing an  
3 unpaid fine or penalty. The petition shall be filed with  
4 and ruled upon by the traffic compliance administrator in  
5 the manner and within the time specified by ordinance. The  
6 grounds for the petition may be limited to: (A) the person  
7 not having been the owner or lessee of the cited vehicle on  
8 the date the violation notice was issued, (B) the person  
9 having already paid the fine or penalty for the violation  
10 in question, and (C) excusable failure to appear at or  
11 request a new date for a hearing. With regard to  
12 municipalities with a population of 1 million or more, it  
13 shall be grounds for dismissal of a parking violation if  
14 the State registration number or vehicle make specified is  
15 incorrect. After the determination of parking, standing,  
16 ~~or~~ compliance, or automated traffic law violation  
17 liability has been set aside upon a showing of just cause,  
18 the registered owner shall be provided with a hearing on  
19 the merits for that violation.

20 (9) Procedures for non-residents. Procedures by which  
21 persons who are not residents of the municipality may  
22 contest the merits of the alleged violation without  
23 attending a hearing.

24 (10) A schedule of civil fines for violations of  
25 vehicular standing, parking, ~~and~~ compliance, and automated  
26 traffic law regulations enacted by ordinance pursuant to  
27 this Section, and a schedule of penalties for late payment  
28 of the fines, provided, however, that the total amount of  
29 the fine and penalty for any one violation shall not exceed  
30 \$250.

31 (11) Other provisions as are necessary and proper to  
32 carry into effect the powers granted and purposes stated in  
33 this Section.

34 (c) Any municipality establishing vehicular standing,  
35 parking, ~~and~~ compliance, and automated traffic law regulations  
36 under this Section may also provide by ordinance for a program

1 of vehicle immobilization for the purpose of facilitating  
2 enforcement of those regulations. The program of vehicle  
3 immobilization shall provide for immobilizing any eligible  
4 vehicle upon the public way by presence of a restraint in a  
5 manner to prevent operation of the vehicle. Any ordinance  
6 establishing a program of vehicle immobilization under this  
7 Section shall provide:

8 (1) Criteria for the designation of vehicles eligible  
9 for immobilization. A vehicle shall be eligible for  
10 immobilization when the registered owner of the vehicle has  
11 accumulated the number of unpaid final determinations of  
12 parking, standing, ~~or~~ compliance, or automated traffic law  
13 violation liability as determined by ordinance.

14 (2) A notice of impending vehicle immobilization and  
15 a right to a hearing to challenge the validity of the  
16 notice by disproving liability for the unpaid final  
17 determinations of parking, standing, ~~or~~ or  
18 automated traffic law violation liability listed on the  
19 notice.

20 (3) The right to a prompt hearing after a vehicle has  
21 been immobilized or subsequently towed without payment of  
22 the outstanding fines and penalties on parking, standing,  
23 ~~or~~ or automated traffic law violations for  
24 which final determinations have been issued. An order  
25 issued after the hearing is a final administrative decision  
26 within the meaning of Section 3-101 of the Code of Civil  
27 Procedure.

28 (4) A post immobilization and post-towing notice  
29 advising the registered owner of the vehicle of the right  
30 to a hearing to challenge the validity of the impoundment.

31 (d) Judicial review of final determinations of parking,  
32 standing, ~~and~~ and automated traffic law violations  
33 and final administrative decisions issued after hearings  
34 regarding vehicle immobilization and impoundment made under  
35 this Section shall be subject to the provisions of the  
36 Administrative Review Law.

1 (e) Any fine, penalty, or part of any fine or any penalty  
2 remaining unpaid after the exhaustion of, or the failure to  
3 exhaust, administrative remedies created under this Section  
4 and the conclusion of any judicial review procedures shall be a  
5 debt due and owing the municipality and, as such, may be  
6 collected in accordance with applicable law. Payment in full of  
7 any fine or penalty resulting from a standing, parking, ~~or~~  
8 compliance, or automated traffic law violation shall  
9 constitute a final disposition of that violation.

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



1 and for judicial review as provided in this Section, the court  
2 shall render judgment in favor of the municipality and against  
3 the registered owner or the lessee for the amount indicated in  
4 the final determination of parking, standing, ~~or~~ compliance, or  
5 automated traffic law violation, plus costs. The judgment shall  
6 have the same effect and may be enforced in the same manner as  
7 other judgments for the recovery of money.

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

9 (625 ILCS 5/11-208.5 new)

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

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

14 (1) a red light signal to produce recorded images of  
15 motor vehicles entering an intersection against a red  
16 signal indication in violation of Section 11-306 of this  
17 Code or a similar provision of a local ordinance;

18 (2) a speed measuring device to produce recorded  
19 images of motor vehicles traveling at a prohibited rate of  
20 speed; or

21 (3) any other traffic control device designed to  
22 enhance highway safety.

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

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

34 (1) 2 or more photographs;

35 (2) 2 or more microphotographs;

1           (3) 2 or more electronic images; or

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

5           (c) For each violation of a provision of this Code or a  
6           local ordinance recorded by an automatic traffic law  
7           enforcement system, the local law enforcement agency having  
8           jurisdiction shall issue a written citation and a notice of the  
9           violation to the registered owner of the vehicle as the alleged  
10           violator. The citation and notice shall be delivered to the  
11           registered owner of the vehicle, by mail, within 30 days of the  
12           violation.

13           The citation shall include:

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

16           (2) the registration number of the motor vehicle  
17           involved in the violation;

18           (3) the violation charged;

19           (4) the location where the violation occurred;

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

21           (6) a copy of the recorded images;

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

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

28           (9) a statement that recorded images are evidence of a  
29           violation of a traffic control device or posted rate of  
30           speed; and

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

35           (d) The citation issued to the registered owner of the  
36           vehicle shall be accompanied by a written notice, the contents

1 of which is set forth in subsection (e) of this Section,  
2 explaining how the registered owner of the vehicle can elect to  
3 proceed by either paying the civil penalty or challenging the  
4 issuance of the citation.

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

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

10 1. paying the fine; or

11 2. challenging the issuance of the Citation in  
12 court."

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

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

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

1 the camera or electronic recording instrument was in good  
2 working order at the beginning and the end of the day of the  
3 alleged offense.

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

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

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

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

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

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

31 (l) A roadway or intersection equipped with an automated  
32 traffic law enforcement system must be posted with a sign  
33 visible to approaching traffic indicating that the roadway or  
34 intersection is being monitored by an automated traffic law  
35 enforcement system.

36 (m) The compensation paid for an automated traffic law

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

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

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

13 (a) Green indication.

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

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

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

34 (b) Steady yellow indication.

35 1. Vehicular traffic facing a steady circular yellow

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

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

10 (c) Steady red indication.

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

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

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

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

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

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

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

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

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

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

32 (625 ILCS 5/1-105.5 rep.)

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

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