

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 Section 11-208.6 as follows:

6 (625 ILCS 5/11-208.6)

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

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

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

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

- 1 (1) 2 or more photographs;
- 2 (2) 2 or more microphotographs;
- 3 (3) 2 or more electronic images; or
- 4 (4) a video recording showing the motor vehicle and, on  
5 at least one image or portion of the recording, clearly  
6 identifying the registration plate number of the motor  
7 vehicle.

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

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

1 The notice shall include:

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

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

6 (3) the violation charged;

7 (4) the location where the violation occurred;

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

9 (6) a copy of the recorded images;

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

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

14 (9) a warning that failure to pay the civil penalty or  
15 to contest liability in a timely manner is an admission of  
16 liability and may result in a suspension of the driving  
17 privileges of the registered owner of the vehicle; and

18 (10) a statement that the person may elect to proceed  
19 by:

20 (A) paying the fine; or

21 (B) challenging the charge in court, by mail, or by  
22 administrative hearing.

23 (e) If a person charged with a traffic violation, as a  
24 result of an automated traffic law enforcement system, does not  
25 pay or successfully contest the civil penalty resulting from  
26 that violation, the Secretary of State shall suspend the

1 driving privileges of the registered owner of the vehicle under  
2 Section 6-306.5 of this Code for failing to pay any fine or  
3 penalty due and owing as a result of 5 violations of the  
4 automated traffic law enforcement system.

5 (f) Based on inspection of recorded images produced by an  
6 automated traffic law enforcement system, a notice alleging  
7 that the violation occurred shall be evidence of the facts  
8 contained in the notice and admissible in any proceeding  
9 alleging a violation under this Section.

10 (g) Recorded images made by an automatic traffic law  
11 enforcement system are confidential and shall be made available  
12 only to the alleged violator and governmental and law  
13 enforcement agencies for purposes of adjudicating a violation  
14 of this Section, for statistical purposes, or for other  
15 governmental purposes. Any recorded image evidencing a  
16 violation of this Section, however, may be admissible in any  
17 proceeding resulting from the issuance of the citation.

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

20 (1) that the motor vehicle or registration plates of  
21 the motor vehicle were stolen before the violation occurred  
22 and not under the control of or in the possession of the  
23 owner at the time of the violation;

24 (2) that the driver of the vehicle passed through the  
25 intersection when the light was red either (i) in order to  
26 yield the right-of-way to an emergency vehicle or (ii) as

1 part of a funeral procession; and

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

4 (i) To demonstrate that the motor vehicle or the  
5 registration plates were stolen before the violation occurred  
6 and were not under the control or possession of the owner at  
7 the time of the violation, the owner must submit proof that a  
8 report concerning the stolen motor vehicle or registration  
9 plates was filed with a law enforcement agency in a timely  
10 manner.

11 (j) Unless the driver of the motor vehicle received a  
12 Uniform Traffic Citation from a police officer at the time of  
13 the violation, the motor vehicle owner is subject to a civil  
14 penalty not exceeding \$100, plus an additional penalty of not  
15 more than \$100 for failure to pay the original penalty in a  
16 timely manner, if the motor vehicle is recorded by an automated  
17 traffic law enforcement system. A violation for which a civil  
18 penalty is imposed under this Section is not a violation of a  
19 traffic regulation governing the movement of vehicles and may  
20 not be recorded on the driving record of the owner of the  
21 vehicle.

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

26 (l) 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 (m) This Section applies only to the counties of Champaign,  
6 Cook, DeKalb, DuPage, Kane, Lake, LaSalle, Madison, McHenry,  
7 McLean, Peoria, St. Clair, Sangamon, Vermilion, ~~and~~ Will, and  
8 Winnebago and to municipalities located within those counties.

9 (Source: P.A. 94-795, eff. 5-22-06.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.