



Sen. John J. Cullerton

Filed: 3/22/2007

09500SB1527sam002

LRB095 10567 DRH 34402 a

1 AMENDMENT TO SENATE BILL 1527

2 AMENDMENT NO. _____. Amend Senate Bill 1527 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-605.1 as follows:

6 (625 ILCS 5/11-605.1)

7 Sec. 11-605.1. Special limit while traveling through a
8 highway construction or maintenance speed zone.

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit.

12 (b) Nothing in this Chapter prohibits the use of electronic
13 speed-detecting devices or automated traffic control systems
14 within 500 feet of signs within a construction or maintenance
15 speed zone indicating the zone, as defined in this Section, nor
16 shall evidence obtained by use of those devices or systems be

1 inadmissible in any prosecution for speeding, provided the use
2 of the device or system shall apply only to the enforcement of
3 the special speed limit in the construction or maintenance
4 speed zone.

5 (c) As used in this Section, a "construction or maintenance
6 speed zone" is an area in which the Department, Toll Highway
7 Authority, or local agency has determined that the preexisting
8 established speed limit through a highway construction or
9 maintenance project is greater than is reasonable or safe with
10 respect to the conditions expected to exist in the construction
11 or maintenance speed zone and has posted a lower speed limit
12 with a highway construction or maintenance speed zone special
13 speed limit sign.

14 Highway construction or maintenance speed zone special
15 speed limit signs shall be of a design approved by the
16 Department. The signs must give proper due warning that a
17 construction or maintenance speed zone is being approached and
18 must indicate the maximum speed limit in effect. The signs also
19 must state the amount of the minimum fine for a violation.

20 (d) A first violation of this Section is a petty offense
21 with a minimum fine of \$250. A second or subsequent violation
22 of this Section is a petty offense with a minimum fine of \$750.

23 (e) If a fine for a violation of this Section is \$250 or
24 greater, the person who violated this Section shall be charged
25 an additional \$125, which shall be deposited into the
26 Transportation Safety Highway Hire-back Fund in the State

1 treasury, unless (i) the violation occurred on a highway other
2 than an interstate highway and (ii) a county police officer
3 wrote the ticket for the violation, in which case the \$125
4 shall be deposited into that county's Transportation Safety
5 Highway Hire-back Fund. In the case of a second or subsequent
6 violation of this Section, if the fine is \$750 or greater, the
7 person who violated this Section shall be charged an additional
8 \$250, which shall be deposited into the Transportation Safety
9 Highway Hire-back Fund in the State treasury, unless (i) the
10 violation occurred on a highway other than an interstate
11 highway and (ii) a county police officer wrote the ticket for
12 the violation, in which case the \$250 shall be deposited into
13 that county's Transportation Safety Highway Hire-back Fund.

14 (e-5) The Department of State Police and the local county
15 police department have concurrent jurisdiction over any
16 violation of this Section that occurs on an interstate highway.

17 (f) The Transportation Safety Highway Hire-back Fund,
18 which was created by Public Act 92-619, shall continue to be a
19 special fund in the State treasury. Subject to appropriation by
20 the General Assembly and approval by the Secretary, the
21 Secretary of Transportation shall, except as otherwise
22 provided in this subsection (f), use all moneys in the
23 Transportation Safety Highway Hire-back Fund to hire off-duty
24 Department of State Police officers to monitor construction or
25 maintenance zones. Moneys in this fund may also be used to hire
26 off-duty Department of State Police officers to monitor a

1 construction or maintenance zone by use of an automated traffic
2 control system and to hire off-duty Department of State Police
3 personnel to process these alleged violations. Moneys in this
4 fund may also be used for the purchase, maintenance, operation,
5 upgrade, and support of automated traffic control systems for
6 use in construction and maintenance zones.

7 (f-5) Each county shall create a Transportation Safety
8 Highway Hire-back Fund. The county shall use all moneys in its
9 Transportation Safety Highway Hire-back Fund to hire off-duty
10 county police officers to monitor construction or maintenance
11 zones in that county on highways other than interstate
12 highways.

13 (g) For a second or subsequent violation of this Section
14 within 2 years of the date of the previous violation, the
15 Secretary of State shall suspend the driver's license of the
16 violator for a period of 90 days.

17 (Source: P.A. 93-955, eff. 8-19-04; 94-814, eff. 1-1-07.)

18 Section 10. The Automated Traffic Control Systems in
19 Highway Construction or Maintenance Zones Act is amended by
20 changing Sections 10, 15, 25, 30, 40, and 45 and adding Section
21 37 as follows:

22 (625 ILCS 7/10)

23 Sec. 10. Establishment of automated control systems. The
24 Department of State Police may establish an automated traffic

1 control system in any construction or maintenance zone
2 established by the Department of Transportation or the Illinois
3 State Toll Highway Authority. ~~An automated traffic control~~
4 ~~system may operate only during those periods when workers are~~
5 ~~present in the construction or maintenance zone. In any~~
6 ~~prosecution based upon evidence obtained through an automated~~
7 ~~traffic control system established under this Act, the State~~
8 ~~must prove that one or more workers were present in the~~
9 ~~construction or maintenance zone when the violation occurred.~~

10 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
11 94-814, eff. 1-1-07.)

12 (625 ILCS 7/15)

13 Sec. 15. Definitions. As used in this Act:

14 (a) "Automated traffic control system" means a
15 photographic device, radar device, laser device, or other
16 electrical or mechanical device or devices designed to record
17 the speed of a vehicle and obtain a clear photograph or other
18 recorded image of the vehicle, the vehicle operator, and the
19 vehicle's registration plate while the driver is violating
20 Section 11-605.1 of the Illinois Vehicle Code. The photograph
21 or other recorded image must also display the time, date, and
22 location of the violation. A law enforcement officer is not
23 required to be present or to witness the violation.

24 (b) "Construction or maintenance zone" means an area in
25 which the Department of Transportation or the Illinois State

1 Toll Highway Authority has determined that the preexisting
2 established speed limit through a highway construction or
3 maintenance project is greater than is reasonable or safe with
4 respect to the conditions expected to exist in the construction
5 or maintenance zone and has posted a lower speed limit with a
6 highway construction or maintenance zone special speed limit
7 sign in accordance with Section 11-605.1 of the Illinois
8 Vehicle Code.

9 (c) (Blank). ~~"Owner" means the person or entity to whom the~~
10 ~~vehicle is registered.~~

11 (Source: P.A. 93-947, eff. 8-19-04.)

12 (625 ILCS 7/25)

13 Sec. 25. Limitations on the use of automated traffic
14 enforcement systems.

15 (a) The Department of State Police must conduct a public
16 information campaign to inform drivers about the use of
17 automated traffic control systems in highway construction or
18 maintenance zones before establishing any of those systems. The
19 Department of State Police shall adopt rules for implementing
20 this subsection (a).

21 (b) Signs indicating that speeds are enforced by automated
22 traffic control systems must be clearly posted in the areas
23 where the systems are in use.

24 (c) Operation of automated traffic control systems is
25 limited to ~~areas where road~~ construction or maintenance zones

1 as defined in this Act ~~is occurring.~~

2 (d) Photographs obtained in this manner may only be used as
3 evidence in relation to a violation of Section 11-605.1 of the
4 Illinois Vehicle Code for which the photograph is taken, unless
5 otherwise allowed by law. Photographs or recorded images made
6 by an automated traffic control system are confidential and
7 shall be made available only to the owner of the vehicle, the
8 alleged offender, the alleged offender's attorney, the
9 judiciary, the local State's Attorney, and to governmental or
10 law enforcement agencies. ~~The photographs are available only to~~
11 ~~the owner of the vehicle, the offender and the offender's~~
12 ~~attorney, the judiciary, the local State's Attorney, and law~~
13 ~~enforcement officials.~~

14 (e) (Blank). ~~If the driver of the vehicle cannot be~~
15 ~~identified through the photograph, the owner is not liable for~~
16 ~~the fine, and the citation may not be counted against the~~
17 ~~driving record of the owner. If the driver can be identified,~~
18 ~~the driver is liable for the fine, and the violation is counted~~
19 ~~against his or her driving record.~~

20 (Source: P.A. 93-947, eff. 8-19-04.)

21 (625 ILCS 7/30)

22 Sec. 30. Requirements for issuance of a citation.

23 (a) The vehicle, vehicle operator, vehicle registration
24 plate, speed, date, time, and location must be clearly visible
25 on the photograph or other recorded image of the alleged

1 violation.

2 (b) An Illinois State Police ~~A Uniform Traffic~~ Citation and
3 Complaint must be mailed or otherwise delivered to the
4 registered owner of the vehicle and the alleged driver of the
5 vehicle, if other than the owner. If mailed, the citation must
6 be sent ~~via certified mail~~ within 14 business days of the
7 alleged violation, ~~return receipt requested~~.

8 (c) The Illinois State Police ~~Uniform Traffic~~ Citation and
9 Complaint must include:

- 10 (1) the name and address of the vehicle owner;
- 11 (2) the registration number of the vehicle;
- 12 (3) the offense charged;
- 13 (4) the time, date, and location of the violation;
- 14 (5) the first available court date; and
- 15 (6) notice that the basis of the citation is the
16 photograph or recorded image from the automated traffic
17 control system.

18 (d) The Illinois State Police ~~Uniform Traffic~~ Citation and
19 Complaint issued to the alleged violator must be accompanied by
20 a written document that lists the alleged violator's rights and
21 obligations and explains how the alleged violator can elect to
22 proceed by either paying the fine or challenging the issuance
23 of the Illinois State Police ~~Uniform Traffic~~ Citation and
24 Complaint.

25 (e) The written document accompanying the Illinois State
26 Police Citation and Complaint should advise the registered

1 owner that, if the owner was not the operator of the vehicle at
2 the time of the alleged offense, he or she must notify the
3 Department of State Police, in writing, of the number of the
4 Illinois State Police Citation and Complaint received and the
5 name, driver's license number, and address of the person
6 operating the vehicle at the time of the alleged offense. The
7 document should state that, if the owner fails to notify the
8 Department of State Police, in writing, of the name, driver's
9 license number, and address of the operator of the vehicle at
10 the time of the alleged offense, the owner may be presumed to
11 have been the operator of the vehicle at the time of the
12 alleged offense.

13 (f) If the registered owner of the vehicle was not the
14 operator of the vehicle at the time of the alleged offense, and
15 if the registered owner notifies the Department of State Police
16 of the name, driver's license number, and address of the
17 operator of the vehicle at the time of the alleged offense as
18 required in subsection (e), the Department of State Police
19 shall then issue an Illinois State Police Citation and
20 Complaint to the person alleged by the registered owner to have
21 been the operator of the vehicle at the time of the alleged
22 offense. If the registered owner fails to notify in writing the
23 Department of State Police of the name, driver's license
24 number, and address of the operator of the vehicle at the time
25 of the alleged offense, the registered owner may be presumed to
26 have been the operator of the vehicle at the time of the

1 alleged offense. If the information provided by the registered
2 owner is incorrect or incomplete, the registered owner shall be
3 held accountable for the violation cited.

4 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
5 94-814, eff. 1-1-07.)

6 (625 ILCS 7/37 new)

7 Sec. 37. Suspension of vehicle registration.
8 Notwithstanding any other penalties that may be imposed, the
9 Secretary of State may suspend the registration of any vehicle
10 that violates this Act if the registered owner does not comply
11 with this Act.

12 (625 ILCS 7/40)

13 Sec. 40. Admissibility of recorded images. Except as
14 provided in Section ~~25~~ 45, any photograph or other recorded
15 image evidencing a violation of Section 11-605.1 of the
16 Illinois Vehicle Code is admissible in any proceeding resulting
17 from the issuance of the Illinois State Police Uniform Traffic
18 Citation and Complaint. ~~Photographs or recorded images made by~~
19 ~~an automatic traffic control system are confidential and shall~~
20 ~~be made available only to the defendant and to governmental or~~
21 ~~law enforcement agencies within the jurisdiction for the~~
22 ~~purposes of adjudicating a driving violation.~~

23 (Source: P.A. 93-947, eff. 8-19-04.)

1 (625 ILCS 7/45)

2 Sec. 45. Corporation, association, business, or vehicle
3 ~~Vehicle~~ rental or leasing company's identification of a driver,
4 renter, or lessee.

5 (a) A Uniform Traffic Citation issued under this Act to a
6 motor vehicle rental or leasing company shall be dismissed with
7 respect to the corporation, association, business, or rental or
8 leasing company if:

9 (1) the corporation, association, business, or rental
10 or leasing company responds to the Illinois State Police
11 ~~Uniform Traffic Citation~~ and Complaint by submitting,
12 within 30 days of the mailing of the citation, an affidavit
13 of non-liability stating that, at the time of the alleged
14 speeding or other traffic violation, the vehicle was in the
15 custody and control of a renter or lessee under the terms
16 of a rental agreement or lease; and

17 (2) the corporation, association, business, or rental
18 or leasing company provides the driver's license number,
19 name, and address of the driver, renter, or lessee.

20 (b) An Illinois State Police ~~A Uniform Traffic Citation and~~
21 Complaint dismissed with respect to a motor vehicle rental or
22 leasing company in accordance with subsection (a) may then be
23 issued and delivered by mail or other means to the renter or
24 lessee identified in the affidavit of non-liability.

25 The Department of State Police shall notify the
26 Secretary of State if a corporation, association, business, or

1 vehicle rental or leasing company fails to comply with this
2 Section. The Secretary shall suspend the vehicle registration
3 or the fleet registration of any corporation, association,
4 business, or vehicle rental or leasing company that fails to
5 comply with this Section.

6 (Source: P.A. 93-947, eff. 8-19-04.)

7 (625 ILCS 7/35 rep.)

8 Section 15. The Automated Traffic Control Systems in
9 Highway Construction or Maintenance Zones Act is amended by
10 repealing Section 35.

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