

SB2092



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2092

Introduced 2/14/2008, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Provides that the compensation paid for an automated traffic law enforcement system may not vary based upon possible or citable violation volume and must not be based upon the number of violations mailed or transmitted for law enforcement agency review, the number of citations issued, the number of violations of the automated traffic law enforcement system that were paid by violators, or the amount of revenue collected by the municipality or county that uses the automated traffic law enforcement system (instead of just the number of traffic citations issued or the revenue generated by the system).

LRB095 19298 RLC 45590 b

A BILL FOR

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 vary based upon possible
3 or citable violation volume ~~be based on the number of traffic~~
4 ~~citations issued or the revenue generated by the system.~~ The
5 compensation paid for an automated traffic law enforcement
6 system must not be based upon the number of violations mailed
7 or transmitted for law enforcement agency review, the number of
8 citations issued, the number of violations of the automated
9 traffic law enforcement system that were paid by violators, or
10 the amount of revenue collected by the municipality or county
11 that uses the automated traffic law enforcement system.

12 (m) This Section applies only to the counties of Cook,
13 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
14 to municipalities located within those counties.

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