



Sen. Terry Link

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LRB096 05833 AJT 25549 a

1 AMENDMENT TO HOUSE BILL 442

2 AMENDMENT NO. _____. Amend House Bill 442 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208.6, and 11-612 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 (1) 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, or (2) a device used in a school zone, park
15 district, or hospital district, as determined by the unit of
16 local government, that produces a recorded image of a motor

1 vehicle and the vehicle's registration plate while the driver
2 is operating a motor vehicle in violation of Section 11-601(b)
3 of the Illinois Vehicle Code, or a similar provision of a local
4 ordinance.

5 An automated traffic law enforcement system is a system, in
6 a municipality or county operated by a governmental agency,
7 that produces a recorded image of a motor vehicle's violation
8 of a provision of this Code or a local ordinance and is
9 designed to obtain a clear recorded image of the vehicle and
10 the vehicle's license plate. The recorded image must also
11 display the time, date, and location of the violation.

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

14 (1) 2 or more photographs;

15 (2) 2 or more microphotographs;

16 (3) 2 or more electronic images; or

17 (4) a video recording showing the motor vehicle and, on
18 at least one image or portion of the recording, clearly
19 identifying the registration plate number of the motor
20 vehicle.

21 (c) (Blank). ~~A county or municipality, including a home~~
22 ~~rule county or municipality, may not use an automated traffic~~
23 ~~law enforcement system to provide recorded images of a motor~~
24 ~~vehicle for the purpose of recording its speed. The regulation~~
25 ~~of the use of automated traffic law enforcement systems to~~
26 ~~record vehicle speeds is an exclusive power and function of the~~

1 ~~State. This subsection (c) is a denial and limitation of home~~
2 ~~rule powers and functions under subsection (h) of Section 6 of~~
3 ~~Article VII of the Illinois Constitution.~~

4 (d) For each violation of a provision of this Code or a
5 local ordinance recorded by an automatic traffic law
6 enforcement system, the county or municipality having
7 jurisdiction shall issue a written notice of the violation to
8 the registered owner of the vehicle as the alleged violator.
9 The notice shall be delivered to the registered owner of the
10 vehicle, by mail, within 30 days after the Secretary of State
11 notifies the municipality or county of the identity of the
12 owner of the vehicle, but in no event later than 90 days after
13 the violation.

14 The notice shall include:

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

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

19 (3) the violation charged;

20 (4) the location where the violation occurred;

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

22 (6) a copy of the recorded images;

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

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

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

5 (10) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or by
9 administrative hearing.

10 (e) 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 (f) Based on inspection of recorded images produced by an
19 automated traffic law enforcement system, a notice alleging
20 that the violation occurred shall be evidence of the facts
21 contained in the notice and admissible in any proceeding
22 alleging a violation under this Section.

23 (g) Recorded images made by an automatic traffic law
24 enforcement system are confidential and shall be made available
25 only to the alleged violator and governmental and law
26 enforcement agencies for purposes of adjudicating a violation

1 of this Section, for statistical purposes, or for other
2 governmental purposes. Any recorded image evidencing a
3 violation of this Section, however, may be admissible in any
4 proceeding resulting from the issuance of the citation.

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

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

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

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

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

24 (j) Unless the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer at the time of
26 the violation, the motor vehicle owner is subject to a civil

1 penalty not exceeding \$100, plus an additional penalty of not
2 more than \$100 for failure to pay the original penalty in a
3 timely manner, if the motor vehicle is recorded by an automated
4 traffic law enforcement system. A violation for which a civil
5 penalty is imposed under this Section is not a violation of a
6 traffic regulation governing the movement of vehicles and may
7 not be recorded on the driving record of the owner of the
8 vehicle.

9 (k) A location ~~An intersection~~ equipped with an automated
10 traffic law enforcement system must be posted with a sign
11 visible to approaching traffic indicating that the location
12 ~~intersection~~ is being monitored by an automated traffic law
13 enforcement system.

14 (k-5) An automated traffic law enforcement system shall
15 utilize in-ground or above-ground detection technology to
16 accurately capture violations.

17 (l) The compensation paid for an automated traffic law
18 enforcement system must be based on the value of the equipment
19 or the services provided and may not be based on the number of
20 traffic citations issued or the revenue generated by the
21 system.

22 (m) Automated traffic law enforcement systems described in
23 item (1) of subsection (a) of this Section are authorized only
24 in the counties of Cook, DuPage, Kane, Lake, Madison, Macon,
25 McHenry, St. Clair, Will, and Winnebago and municipalities
26 located within those counties.

1 (n) Automated traffic law enforcement systems described in
2 item (2) of subsection (a) of this Section are authorized only
3 in the counties of Cook, DuPage, Kane, Lake, Macon, McHenry,
4 Will, and Winnebago and municipalities located within those
5 counties.

6 ~~(m) This Section applies only to the counties of Cook,~~
7 ~~DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and~~
8 ~~to municipalities located within those counties.~~

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

10 (625 ILCS 5/11-612)

11 Sec. 11-612. Certain systems to record vehicle speeds
12 prohibited.

13 (a) Except as authorized in the Automated Traffic Control
14 Systems in Highway Construction or Maintenance Zones Act and
15 Section 11-208.6 of this Code, no photographic, video, or other
16 imaging system may be used in this State to record vehicle
17 speeds for the purpose of enforcing any law or ordinance
18 regarding a maximum or minimum speed limit unless a law
19 enforcement officer is present at the scene and witnesses the
20 event. No State or local governmental entity, including a home
21 rule county or municipality, may use such a system in a way
22 that is prohibited by this Section. The regulation of the use
23 of such systems is an exclusive power and function of the
24 State. This Section is a denial and limitation of home rule
25 powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

2 (b) When a State or local governmental entity is authorized
3 by the General Assembly to use photographic, video, or other
4 imaging systems to capture speed, the authorized State or local
5 governmental entity may utilize fixed or non-fixed cameras with
6 in-ground or above-ground detection technology.

7 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
8 94-814, eff. 1-1-07.)

9 Section 99. Effective date. This Act takes effect January
10 1, 2010.".