

1 AN ACT concerning education programs.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 1-2-1 and 1-2-1.1 as follows:

6 (65 ILCS 5/1-2-1) (from Ch. 24, par. 1-2-1)

7 Sec. 1-2-1. The corporate authorities of each municipality  
8 may pass all ordinances and make all rules and regulations  
9 proper or necessary, to carry into effect the powers granted to  
10 municipalities, with such fines or penalties as may be deemed  
11 proper. No fine or penalty, however, except civil penalties  
12 provided for failure to make returns or to pay any taxes levied  
13 by the municipality shall exceed \$750 and no imprisonment  
14 authorized in Section 1-2-9 for failure to pay any fine,  
15 penalty or cost shall exceed 6 months for one offense.

16 A penalty imposed for violation of an ordinance may  
17 include, or consist of, a requirement that the defendant do one  
18 or both of the following:

19 (1) Complete an education program, except that a holder  
20 of a valid commercial driver's license who commits a  
21 vehicle weight or size restriction violation shall not be  
22 required to complete an education program under this  
23 Section.

1           (2) Perform ~~perform~~ some reasonable public service  
2           work such as but not limited to the picking up of litter in  
3           public parks or along public highways or the maintenance of  
4           public facilities.

5           A default in the payment of a fine or penalty or any  
6           installment of a fine or penalty may be collected by any means  
7           authorized for the collection of monetary judgments. The  
8           municipal attorney of the municipality in which the fine or  
9           penalty was imposed may retain attorneys and private collection  
10          agents for the purpose of collecting any default in payment of  
11          any fine or penalty or installment of that fine or penalty. Any  
12          fees or costs incurred by the municipality with respect to  
13          attorneys or private collection agents retained by the  
14          municipal attorney under this Section shall be charged to the  
15          offender.

16          A low-income individual required to complete an education  
17          program under this Section who provides proof of eligibility  
18          for the federal earned income tax credit under Section 32 of  
19          the Internal Revenue Code or the Illinois earned income tax  
20          credit under Section 212 of the Illinois Income Tax Act shall  
21          not be required to pay any fee for participating in a required  
22          education program.

23          (Source: P.A. 95-389, eff. 1-1-08.)

24                 (65 ILCS 5/1-2-1.1) (from Ch. 24, par. 1-2-1.1)

25          Sec. 1-2-1.1. The corporate authorities of each

1 municipality may pass ordinances, not inconsistent with the  
2 criminal laws of this State, to regulate any matter expressly  
3 within the authorized powers of the municipality, or incidental  
4 thereto, making violation thereof a misdemeanor punishable by  
5 incarceration in a penal institution other than the  
6 penitentiary not to exceed 6 months. The municipality is  
7 authorized to prosecute violations of penal ordinances enacted  
8 under this Section as criminal offenses by its corporate  
9 attorney in the circuit court by an information, or complaint  
10 sworn to, charging such offense. The prosecution shall be under  
11 and conform to the rules of criminal procedure. Conviction  
12 shall require the municipality to establish the guilt of the  
13 defendant beyond reasonable doubt.

14 A penalty imposed for violation of an ordinance may  
15 include, or consist of, a requirement that the defendant do one  
16 or both of the following:

17 (1) Complete an education program, except that a holder  
18 of a valid commercial driver's license who commits a  
19 vehicle weight or size restriction violation shall not be  
20 required to complete an education program under this  
21 Section.

22 (2) Perform ~~perform~~ some reasonable public service  
23 work such as but not limited to the picking up of litter in  
24 public parks or along public highways or the maintenance of  
25 public facilities.

26 A low-income individual required to complete an education

1 program under this Section who provides proof of eligibility  
2 for the federal earned income tax credit under Section 32 of  
3 the Internal Revenue Code or the Illinois earned income tax  
4 credit under Section 212 of the Illinois Income Tax Act shall  
5 not be required to pay any fee for participating in a required  
6 education program.

7 This Section shall not apply to or affect ordinances now or  
8 hereafter enacted pursuant to Sections 11-5-1, 11-5-2, 11-5-3,  
9 11-5-4, 11-5-5, 11-5-6, 11-40-1, 11-40-2, 11-40-2a, 11-40-3,  
10 11-80-9 and 11-80-16 of the Illinois Municipal Code, as now or  
11 hereafter amended, nor to Sections enacted after this 1969  
12 amendment which replace or add to the Sections herein  
13 enumerated, nor to ordinances now in force or hereafter enacted  
14 pursuant to authority granted to local authorities by Section  
15 11-208 of "The Illinois Vehicle Code", approved September 29,  
16 1969, as now or hereafter amended.

17 (Source: P.A. 86-299.)

18 Section 10. The Illinois Vehicle Code is amended by  
19 changing Sections 11-208.3 and 11-208.6 as follows:

20 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

21 Sec. 11-208.3. Administrative adjudication of violations  
22 of traffic regulations concerning the standing, parking, or  
23 condition of vehicles and automated traffic law violations.

24 (a) Any municipality may provide by ordinance for a system

1 of administrative adjudication of vehicular standing and  
2 parking violations and vehicle compliance violations as  
3 defined in this subsection and automated traffic law violations  
4 as defined in Section 11-208.6. The administrative system shall  
5 have as its purpose the fair and efficient enforcement of  
6 municipal regulations through the administrative adjudication  
7 of automated traffic law violations and violations of municipal  
8 ordinances regulating the standing and parking of vehicles, the  
9 condition and use of vehicle equipment, and the display of  
10 municipal wheel tax licenses within the municipality's  
11 borders. The administrative system shall only have authority to  
12 adjudicate civil offenses carrying fines not in excess of \$250  
13 or requiring the completion of a traffic education program, or  
14 both, that occur after the effective date of the ordinance  
15 adopting such a system under this Section. For purposes of this  
16 Section, "compliance violation" means a violation of a  
17 municipal regulation governing the condition or use of  
18 equipment on a vehicle or governing the display of a municipal  
19 wheel tax license.

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

22 (1) A traffic compliance administrator authorized to  
23 adopt, distribute and process parking, compliance, and  
24 automated traffic law violation notices and other notices  
25 required by this Section, collect money paid as fines and  
26 penalties for violation of parking and compliance

1           ordinances and automated traffic law violations, and  
2           operate an administrative adjudication system. The traffic  
3           compliance administrator also may make a certified report  
4           to the Secretary of State under Section 6-306.5.

5           (2) A parking, standing, compliance, or automated  
6           traffic law violation notice that shall specify the date,  
7           time, and place of violation of a parking, standing,  
8           compliance, or automated traffic law regulation; the  
9           particular regulation violated; any requirement to  
10          complete a traffic education program; the fine and any  
11          penalty that may be assessed for late payment or failure to  
12          complete a required traffic education program, or both,  
13          when so provided by ordinance; the vehicle make and state  
14          registration number; and the identification number of the  
15          person issuing the notice. With regard to automated traffic  
16          law violations, vehicle make shall be specified on the  
17          automated traffic law violation notice if the make is  
18          available and readily discernible. With regard to  
19          municipalities with a population of 1 million or more, it  
20          shall be grounds for dismissal of a parking violation if  
21          the state registration number or vehicle make specified is  
22          incorrect. The violation notice shall state that the  
23          completion of any required traffic education program, the  
24          payment of any ~~the~~ indicated fine, and the payment of any  
25          applicable penalty for late payment or failure to complete  
26          a required traffic education program, or both, shall

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

6 (3) Service of the parking, standing, or compliance  
7 violation notice by affixing the original or a facsimile of  
8 the notice to an unlawfully parked vehicle or by handing  
9 the notice to the operator of a vehicle if he or she is  
10 present and service of an automated traffic law violation  
11 notice by mail to the address of the registered owner of  
12 the cited vehicle as recorded with the Secretary of State  
13 within 30 days after the Secretary of State notifies the  
14 municipality or county of the identity of the owner of the  
15 vehicle, but in no event later than 90 days after the  
16 violation. A person authorized by ordinance to issue and  
17 serve parking, standing, and compliance violation notices  
18 shall certify as to the correctness of the facts entered on  
19 the violation notice by signing his or her name to the  
20 notice at the time of service or in the case of a notice  
21 produced by a computerized device, by signing a single  
22 certificate to be kept by the traffic compliance  
23 administrator attesting to the correctness of all notices  
24 produced by the device while it was under his or her  
25 control. In the case of an automated traffic law violation,  
26 the ordinance shall require a determination by a technician

1 employed or contracted by the municipality or county that,  
2 based on inspection of recorded images, the motor vehicle  
3 was being operated in violation of Section 11-208.6 or a  
4 local ordinance. If the technician determines that the  
5 vehicle entered the intersection as part of a funeral  
6 procession or in order to yield the right-of-way to an  
7 emergency vehicle, a citation shall not be issued. The  
8 original or a facsimile of the violation notice or, in the  
9 case of a notice produced by a computerized device, a  
10 printed record generated by the device showing the facts  
11 entered on the notice, shall be retained by the traffic  
12 compliance administrator, and shall be a record kept in the  
13 ordinary course of business. A parking, standing,  
14 compliance, or automated traffic law violation notice  
15 issued, signed and served in accordance with this Section,  
16 a copy of the notice, or the computer generated record  
17 shall be prima facie correct and shall be prima facie  
18 evidence of the correctness of the facts shown on the  
19 notice. The notice, copy, or computer generated record  
20 shall be admissible in any subsequent administrative or  
21 legal proceedings.

22 (4) An opportunity for a hearing for the registered  
23 owner of the vehicle cited in the parking, standing,  
24 compliance, or automated traffic law violation notice in  
25 which the owner may contest the merits of the alleged  
26 violation, and during which formal or technical rules of



1 evidence shall not apply; provided, however, that under  
2 Section 11-1306 of this Code the lessee of a vehicle cited  
3 in the violation notice likewise shall be provided an  
4 opportunity for a hearing of the same kind afforded the  
5 registered owner. The hearings shall be recorded, and the  
6 person conducting the hearing on behalf of the traffic  
7 compliance administrator shall be empowered to administer  
8 oaths and to secure by subpoena both the attendance and  
9 testimony of witnesses and the production of relevant books  
10 and papers. Persons appearing at a hearing under this  
11 Section may be represented by counsel at their expense. The  
12 ordinance may also provide for internal administrative  
13 review following the decision of the hearing officer.

14 (5) Service of additional notices, sent by first class  
15 United States mail, postage prepaid, to the address of the  
16 registered owner of the cited vehicle as recorded with the  
17 Secretary of State or, if any notice to that address is  
18 returned as undeliverable, to the last known address  
19 recorded in a United States Post Office approved database,  
20 or, under Section 11-1306 of this Code, to the lessee of  
21 the cited vehicle at the last address known to the lessor  
22 of the cited vehicle at the time of lease or, if any notice  
23 to that address is returned as undeliverable, to the last  
24 known address recorded in a United States Post Office  
25 approved database. The service shall be deemed complete as  
26 of the date of deposit in the United States mail. The

1 notices shall be in the following sequence and shall  
2 include but not be limited to the information specified  
3 herein:

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

1       incomplete traffic education program or any unpaid  
2       fine or penalty, or both, will constitute a debt due  
3       and owing the municipality.

4               (ii) A notice of final determination of parking,  
5       standing, compliance, or automated traffic law  
6       violation liability. This notice shall be sent  
7       following a final determination of parking, standing,  
8       compliance, or automated traffic law violation  
9       liability and the conclusion of judicial review  
10       procedures taken under this Section. The notice shall  
11       state that the incomplete traffic education program or  
12       the unpaid fine or penalty, or both, is a debt due and  
13       owing the municipality. The notice shall contain  
14       warnings that failure to complete any required traffic  
15       education program or to pay any fine or penalty due and  
16       owing the municipality, or both, within the time  
17       specified may result in the municipality's filing of a  
18       petition in the Circuit Court to have the incomplete  
19       traffic education program or unpaid fine or penalty, or  
20       both, rendered a judgment as provided by this Section,  
21       or may result in suspension of the person's drivers  
22       license for failure to complete a traffic education  
23       program or to pay fines or penalties, or both, for 10  
24       or more parking violations under Section 6-306.5 or 5  
25       or more automated traffic law violations under Section  
26       11-208.6.

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

23           (7) Final determinations of violation liability. A  
24 final determination of violation liability shall occur  
25 following failure to complete the required traffic  
26 education program or to pay the fine or penalty, or both,

1 after a hearing officer's determination of violation  
2 liability and the exhaustion of or failure to exhaust any  
3 administrative review procedures provided by ordinance.  
4 Where a person fails to appear at a hearing to contest the  
5 alleged violation in the time and manner specified in a  
6 prior mailed notice, the hearing officer's determination  
7 of violation liability shall become final: (A) upon denial  
8 of a timely petition to set aside that determination, or  
9 (B) upon expiration of the period for filing the petition  
10 without a filing having been made.

11 (8) A petition to set aside a determination of parking,  
12 standing, compliance, or automated traffic law violation  
13 liability that may be filed by a person owing an unpaid  
14 fine or penalty. A petition to set aside a determination of  
15 liability may also be filed by a person required to  
16 complete a traffic education program. The petition shall be  
17 filed with and ruled upon by the traffic compliance  
18 administrator in the manner and within the time specified  
19 by ordinance. The grounds for the petition may be limited  
20 to: (A) the person not having been the owner or lessee of  
21 the cited vehicle on the date the violation notice was  
22 issued, (B) the person having already completed the  
23 required traffic education program or paid the fine or  
24 penalty, or both, for the violation in question, and (C)  
25 excusable failure to appear at or request a new date for a  
26 hearing. With regard to municipalities with a population of

1 1 million or more, it shall be grounds for dismissal of a  
2 parking violation if the state registration number, or  
3 vehicle make if specified, is incorrect. After the  
4 determination of parking, standing, compliance, or  
5 automated traffic law violation liability has been set  
6 aside upon a showing of just cause, the registered owner  
7 shall be provided with a hearing on the merits for that  
8 violation.

9 (9) Procedures for non-residents. Procedures by which  
10 persons who are not residents of the municipality may  
11 contest the merits of the alleged violation without  
12 attending a hearing.

13 (10) A schedule of civil fines for violations of  
14 vehicular standing, parking, compliance, or automated  
15 traffic law regulations enacted by ordinance pursuant to  
16 this Section, and a schedule of penalties for late payment  
17 of the fines or failure to complete required traffic  
18 education programs, provided, however, that the total  
19 amount of the fine and penalty for any one violation shall  
20 not exceed \$250, except as provided in subsection (c) of  
21 Section 11-1301.3 of this Code.

22 (11) Other provisions as are necessary and proper to  
23 carry into effect the powers granted and purposes stated in  
24 this Section.

25 (c) Any municipality establishing vehicular standing,  
26 parking, compliance, or automated traffic law regulations

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

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

16 (2) A notice of impending vehicle immobilization and a  
17 right to a hearing to challenge the validity of the notice  
18 by disproving liability for the incomplete traffic  
19 education programs or unpaid final determinations of  
20 parking, standing, compliance, or automated traffic law  
21 violation liability, or both, listed on the notice.

22 (3) The right to a prompt hearing after a vehicle has  
23 been immobilized or subsequently towed without the  
24 completion of the required traffic education program or  
25 payment of the outstanding fines and penalties on parking,  
26 standing, compliance, or automated traffic law violations, l

1        or both, for which final determinations have been issued.  
2        An order issued after the hearing is a final administrative  
3        decision within the meaning of Section 3-101 of the Code of  
4        Civil Procedure.

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

8            (d) Judicial review of final determinations of parking,  
9        standing, compliance, or automated traffic law violations and  
10       final administrative decisions issued after hearings regarding  
11       vehicle immobilization and impoundment made under this Section  
12       shall be subject to the provisions of the Administrative Review  
13       Law.

14           (e) Any fine, penalty, incomplete traffic education  
15       program, or part of any fine or any penalty remaining unpaid  
16       after the exhaustion of, or the failure to exhaust,  
17       administrative remedies created under this Section and the  
18       conclusion of any judicial review procedures shall be a debt  
19       due and owing the municipality and, as such, may be collected  
20       in accordance with applicable law. Completion of any required  
21       traffic education program and payment ~~Payment~~ in full of any  
22       fine or penalty resulting from a standing, parking, compliance,  
23       or automated traffic law violation shall constitute a final  
24       disposition of that violation.

25           (f) After the expiration of the period within which  
26       judicial review may be sought for a final determination of



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

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

7 (g) The fee for participating in a traffic education  
8 program under this Section shall not exceed \$25.

9 A low-income individual required to complete a traffic  
10 education program under this Section who provides proof of  
11 eligibility for the federal earned income tax credit under  
12 Section 32 of the Internal Revenue Code or the Illinois earned  
13 income tax credit under Section 212 of the Illinois Income Tax  
14 Act shall not be required to pay any fee for participating in a  
15 required traffic education program.

16 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;  
17 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

18 (625 ILCS 5/11-208.6)

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

20 (a) As used in this Section, "automated traffic law  
21 enforcement system" means a device with one or more motor  
22 vehicle sensors working in conjunction with a red light signal  
23 to produce recorded images of motor vehicles entering an  
24 intersection against a red signal indication in violation of  
25 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

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

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

11 (1) 2 or more photographs;

12 (2) 2 or more microphotographs;

13 (3) 2 or more electronic images; or

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

18 (c) A county or municipality, including a home rule county  
19 or municipality, may not use an automated traffic law  
20 enforcement system to provide recorded images of a motor  
21 vehicle for the purpose of recording its speed. The regulation  
22 of the use of automated traffic law enforcement systems to  
23 record vehicle speeds is an exclusive power and function of the  
24 State. This subsection (c) is a denial and limitation of home  
25 rule powers and functions under subsection (h) of Section 6 of  
26 Article VII of the Illinois Constitution.

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

11 The notice shall include:

12 (1) the name and address of the registered owner of the  
13 vehicle;

14 (2) the registration number of the motor vehicle  
15 involved in the violation;

16 (3) the violation charged;

17 (4) the location where the violation occurred;

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

19 (6) a copy of the recorded images;

20 (7) the amount of the civil penalty imposed and the  
21 requirements of any traffic education program imposed and  
22 the date by which the civil penalty should be paid and the  
23 traffic education program should be completed;

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

26 (9) a warning that failure to pay the civil penalty, to

1       complete a required traffic education program, or to  
2       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, completing a required traffic  
8       education program, or both; or

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

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

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

26       (g) Recorded images made by an automatic traffic law

1 enforcement system are confidential and shall be made available  
2 only to the alleged violator and governmental and law  
3 enforcement agencies for purposes of adjudicating a violation  
4 of this Section, for statistical purposes, or for other  
5 governmental purposes. Any recorded image evidencing a  
6 violation of this Section, however, may be admissible in any  
7 proceeding resulting from the issuance of the citation.

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

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

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

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

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

1 (j) Unless the driver of the motor vehicle received a  
2 Uniform Traffic Citation from a police officer at the time of  
3 the violation, the motor vehicle owner is subject to a civil  
4 penalty not exceeding \$100 or the completion of a traffic  
5 education program, or both, plus an additional penalty of not  
6 more than \$100 for failure to pay the original penalty or to  
7 complete a required traffic education program, or both, in a  
8 timely manner, if the motor vehicle is recorded by an automated  
9 traffic law enforcement system. A violation for which a civil  
10 penalty is imposed under this Section is not a violation of a  
11 traffic regulation governing the movement of vehicles and may  
12 not be recorded on the driving record of the owner of the  
13 vehicle.

14 (j-3) A registered owner who is a holder of a valid  
15 commercial driver's license is not required to complete a  
16 traffic education program.

17 (j-5) For purposes of the required traffic education  
18 program only, a registered owner may submit an affidavit to the  
19 court or hearing officer swearing that at the time of the  
20 alleged violation, the vehicle was in the custody and control  
21 of another person. The affidavit must identify the person in  
22 custody and control of the vehicle, including the person's name  
23 and current address. The person in custody and control of the  
24 vehicle at the time of the violation is required to complete  
25 the required traffic education program. If the person in  
26 custody and control of the vehicle at the time of the violation

1 completes the required traffic education program, the  
2 registered owner of the vehicle is not required to complete a  
3 traffic education program.

4 (k) An intersection equipped with an automated traffic law  
5 enforcement system must be posted with a sign visible to  
6 approaching traffic indicating that the intersection is being  
7 monitored by an automated traffic law enforcement system.

8 (l) The compensation paid for an automated traffic law  
9 enforcement system must be based on the value of the equipment  
10 or the services provided and may not be based on the number of  
11 traffic citations issued or the revenue generated by the  
12 system.

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

16 (n) The fee for participating in a traffic education  
17 program under this Section shall not exceed \$25.

18 A low-income individual required to complete a traffic  
19 education program under this Section who provides proof of  
20 eligibility for the federal earned income tax credit under  
21 Section 32 of the Internal Revenue Code or the Illinois earned  
22 income tax credit under Section 212 of the Illinois Income Tax  
23 Act shall not be required to pay any fee for participating in a  
24 required traffic education program.

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

26 Section 99. Effective date. This Act takes effect upon



1 becoming law.