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1 AMENDMENT TO HOUSE BILL 2612

2 AMENDMENT NO. _____. Amend House Bill 2612 by replacing
3 everything after the enacting clause with the following:

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

1 include, or consist of, a requirement that the defendant do one
2 or both of the following:

3 (1) Complete an education program, except that a holder
4 of a valid commercial driver's license who commits a
5 vehicle weight or size restriction violation shall not be
6 required to complete an education program under this
7 Section.

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

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

23 A low-income individual required to complete an education
24 program under this Section who provides proof of eligibility
25 for the federal earned income tax credit under Section 32 of
26 the Internal Revenue Code or the Illinois earned income tax

1 credit under Section 212 of the Illinois Income Tax Act shall
2 not be required to pay any fee for participating in a required
3 education program.

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

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

6 Sec. 1-2-1.1. The corporate authorities of each
7 municipality may pass ordinances, not inconsistent with the
8 criminal laws of this State, to regulate any matter expressly
9 within the authorized powers of the municipality, or incidental
10 thereto, making violation thereof a misdemeanor punishable by
11 incarceration in a penal institution other than the
12 penitentiary not to exceed 6 months. The municipality is
13 authorized to prosecute violations of penal ordinances enacted
14 under this Section as criminal offenses by its corporate
15 attorney in the circuit court by an information, or complaint
16 sworn to, charging such offense. The prosecution shall be under
17 and conform to the rules of criminal procedure. Conviction
18 shall require the municipality to establish the guilt of the
19 defendant beyond reasonable doubt.

20 A penalty imposed for violation of an ordinance may
21 include, or consist of, a requirement that the defendant do one
22 or both of the following:

23 (1) Complete an education program, except that a holder
24 of a valid commercial driver's license who commits a
25 vehicle weight or size restriction violation shall not be

1 required to complete an education program under this
2 Section.

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

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

14 This Section shall not apply to or affect ordinances now or
15 hereafter enacted pursuant to Sections 11-5-1, 11-5-2, 11-5-3,
16 11-5-4, 11-5-5, 11-5-6, 11-40-1, 11-40-2, 11-40-2a, 11-40-3,
17 11-80-9 and 11-80-16 of the Illinois Municipal Code, as now or
18 hereafter amended, nor to Sections enacted after this 1969
19 amendment which replace or add to the Sections herein
20 enumerated, nor to ordinances now in force or hereafter enacted
21 pursuant to authority granted to local authorities by Section
22 11-208 of "The Illinois Vehicle Code", approved September 29,
23 1969, as now or hereafter amended.

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

25 Section 10. The Illinois Vehicle Code is amended by

1 changing Sections 11-208.3 and 11-208.6 as follows:

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

3 Sec. 11-208.3. Administrative adjudication of violations
4 of traffic regulations concerning the standing, parking, or
5 condition of vehicles and automated traffic law violations.

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

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

3 (1) A traffic compliance administrator authorized to
4 adopt, distribute and process parking, compliance, and
5 automated traffic law violation notices and other notices
6 required by this Section, collect money paid as fines and
7 penalties for violation of parking and compliance
8 ordinances and automated traffic law violations, and
9 operate an administrative adjudication system. The traffic
10 compliance administrator also may make a certified report
11 to the Secretary of State under Section 6-306.5.

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

1 shall be grounds for dismissal of a parking violation if
2 the state registration number or vehicle make specified is
3 incorrect. The violation notice shall state that the
4 completion of any required traffic education program, the
5 payment of ~~any~~ the indicated fine, and the payment of any
6 applicable penalty for late payment or failure to complete
7 a required traffic education program, or both, shall
8 operate as a final disposition of the violation. The notice
9 also shall contain information as to the availability of a
10 hearing in which the violation may be contested on its
11 merits. The violation notice shall specify the time and
12 manner in which a hearing may be had.

13 (3) Service of the parking, standing, or compliance
14 violation notice by affixing the original or a facsimile of
15 the notice to an unlawfully parked vehicle or by handing
16 the notice to the operator of a vehicle if he or she is
17 present and service of an automated traffic law violation
18 notice by mail to the address of the registered owner of
19 the cited vehicle as recorded with the Secretary of State
20 within 30 days after the Secretary of State notifies the
21 municipality or county of the identity of the owner of the
22 vehicle, but in no event later than 90 days after the
23 violation. A person authorized by ordinance to issue and
24 serve parking, standing, and compliance violation notices
25 shall certify as to the correctness of the facts entered on
26 the violation notice by signing his or her name to the

1 notice at the time of service or in the case of a notice
2 produced by a computerized device, by signing a single
3 certificate to be kept by the traffic compliance
4 administrator attesting to the correctness of all notices
5 produced by the device while it was under his or her
6 control. In the case of an automated traffic law violation,
7 the ordinance shall require a determination by a technician
8 employed or contracted by the municipality or county that,
9 based on inspection of recorded images, the motor vehicle
10 was being operated in violation of Section 11-208.6 or a
11 local ordinance. If the technician determines that the
12 vehicle entered the intersection as part of a funeral
13 procession or in order to yield the right-of-way to an
14 emergency vehicle, a citation shall not be issued. The
15 original or a facsimile of the violation notice or, in the
16 case of a notice produced by a computerized device, a
17 printed record generated by the device showing the facts
18 entered on the notice, shall be retained by the traffic
19 compliance administrator, and shall be a record kept in the
20 ordinary course of business. A parking, standing,
21 compliance, or automated traffic law violation notice
22 issued, signed and served in accordance with this Section,
23 a copy of the notice, or the computer generated record
24 shall be prima facie correct and shall be prima facie
25 evidence of the correctness of the facts shown on the
26 notice. The notice, copy, or computer generated record

1 shall be admissible in any subsequent administrative or
2 legal proceedings.

3 (4) An opportunity for a hearing for the registered
4 owner of the vehicle cited in the parking, standing,
5 compliance, or automated traffic law violation notice in
6 which the owner may contest the merits of the alleged
7 violation, and during which formal or technical rules of
8 evidence shall not apply; provided, however, that under
9 Section 11-1306 of this Code the lessee of a vehicle cited
10 in the violation notice likewise shall be provided an
11 opportunity for a hearing of the same kind afforded the
12 registered owner. The hearings shall be recorded, and the
13 person conducting the hearing on behalf of the traffic
14 compliance administrator shall be empowered to administer
15 oaths and to secure by subpoena both the attendance and
16 testimony of witnesses and the production of relevant books
17 and papers. Persons appearing at a hearing under this
18 Section may be represented by counsel at their expense. The
19 ordinance may also provide for internal administrative
20 review following the decision of the hearing officer.

21 (5) Service of additional notices, sent by first class
22 United States mail, postage prepaid, to the address of the
23 registered owner of the cited vehicle as recorded with the
24 Secretary of State or, if any notice to that address is
25 returned as undeliverable, to the last known address
26 recorded in a United States Post Office approved database,

1 or, under Section 11-1306 of this Code, to the lessee of
2 the cited vehicle at the last address known to the lessor
3 of the cited vehicle at the time of lease or, if any notice
4 to that address is returned as undeliverable, to the last
5 known address recorded in a United States Post Office
6 approved database. The service shall be deemed complete as
7 of the date of deposit in the United States mail. The
8 notices shall be in the following sequence and shall
9 include but not be limited to the information specified
10 herein:

11 (i) A second notice of parking, standing, or
12 compliance violation. This notice shall specify the
13 date and location of the violation cited in the
14 parking, standing, or compliance violation notice, the
15 particular regulation violated, the vehicle make and
16 state registration number, any requirement to complete
17 a traffic education program, the fine and any penalty
18 that may be assessed for late payment or failure to
19 complete a traffic education program, or both, when so
20 provided by ordinance, the availability of a hearing in
21 which the violation may be contested on its merits, and
22 the time and manner in which the hearing may be had.
23 The notice of violation shall also state that failure
24 to complete a required traffic education program,
25 ~~either~~ to pay the indicated fine and any applicable
26 penalty, or to appear at a hearing on the merits in the

1 time and manner specified, will result in a final
2 determination of violation liability for the cited
3 violation in the amount of the fine or penalty
4 indicated, and that, upon the occurrence of a final
5 determination of violation liability for the failure,
6 and the exhaustion of, or failure to exhaust, available
7 administrative or judicial procedures for review, any
8 incomplete traffic education program or any unpaid
9 fine or penalty, or both, will constitute a debt due
10 and owing the municipality.

11 (ii) A notice of final determination of parking,
12 standing, compliance, or automated traffic law
13 violation liability. This notice shall be sent
14 following a final determination of parking, standing,
15 compliance, or automated traffic law violation
16 liability and the conclusion of judicial review
17 procedures taken under this Section. The notice shall
18 state that the incomplete traffic education program or
19 the unpaid fine or penalty, or both, is a debt due and
20 owing the municipality. The notice shall contain
21 warnings that failure to complete any required traffic
22 education program or to pay any fine or penalty due and
23 owing the municipality, or both, within the time
24 specified may result in the municipality's filing of a
25 petition in the Circuit Court to have the incomplete
26 traffic education program or unpaid fine or penalty, or

1 both, rendered a judgment as provided by this Section,
2 or may result in suspension of the person's drivers
3 license for failure to complete a traffic education
4 program or to pay fines or penalties, or both, for 10
5 or more parking violations under Section 6-306.5 or 5
6 or more automated traffic law violations under Section
7 11-208.6.

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

1 notice to that address is returned as undeliverable, to the
2 last known address recorded in a United States Post Office
3 approved database.

4 (7) Final determinations of violation liability. A
5 final determination of violation liability shall occur
6 following failure to complete the required traffic
7 education program or to pay the fine or penalty, or both,
8 after a hearing officer's determination of violation
9 liability and the exhaustion of or failure to exhaust any
10 administrative review procedures provided by ordinance.
11 Where a person fails to appear at a hearing to contest the
12 alleged violation in the time and manner specified in a
13 prior mailed notice, the hearing officer's determination
14 of violation liability shall become final: (A) upon denial
15 of a timely petition to set aside that determination, or
16 (B) upon expiration of the period for filing the petition
17 without a filing having been made.

18 (8) A petition to set aside a determination of parking,
19 standing, compliance, or automated traffic law violation
20 liability that may be filed by a person owing an unpaid
21 fine or penalty. A petition to set aside a determination of
22 liability may also be filed by a person required to
23 complete a traffic education program. The petition shall be
24 filed with and ruled upon by the traffic compliance
25 administrator in the manner and within the time specified
26 by ordinance. The grounds for the petition may be limited

1 to: (A) the person not having been the owner or lessee of
2 the cited vehicle on the date the violation notice was
3 issued, (B) the person having already completed the
4 required traffic education program or paid the fine or
5 penalty, or both, for the violation in question, and (C)
6 excusable failure to appear at or request a new date for a
7 hearing. With regard to municipalities with a population of
8 1 million or more, it shall be grounds for dismissal of a
9 parking violation if the state registration number, or
10 vehicle make if specified, is incorrect. After the
11 determination of parking, standing, compliance, or
12 automated traffic law violation liability has been set
13 aside upon a showing of just cause, the registered owner
14 shall be provided with a hearing on the merits for that
15 violation.

16 (9) Procedures for non-residents. Procedures by which
17 persons who are not residents of the municipality may
18 contest the merits of the alleged violation without
19 attending a hearing.

20 (10) A schedule of civil fines for violations of
21 vehicular standing, parking, compliance, or automated
22 traffic law regulations enacted by ordinance pursuant to
23 this Section, and a schedule of penalties for late payment
24 of the fines or failure to complete required traffic
25 education programs, provided, however, that the total
26 amount of the fine and penalty for any one violation shall

1 not exceed \$250, except as provided in subsection (c) of
2 Section 11-1301.3 of this Code.

3 (11) Other provisions as are necessary and proper to
4 carry into effect the powers granted and purposes stated in
5 this Section.

6 (c) Any municipality establishing vehicular standing,
7 parking, compliance, or automated traffic law regulations
8 under this Section may also provide by ordinance for a program
9 of vehicle immobilization for the purpose of facilitating
10 enforcement of those regulations. The program of vehicle
11 immobilization shall provide for immobilizing any eligible
12 vehicle upon the public way by presence of a restraint in a
13 manner to prevent operation of the vehicle. Any ordinance
14 establishing a program of vehicle immobilization under this
15 Section shall provide:

16 (1) Criteria for the designation of vehicles eligible
17 for immobilization. A vehicle shall be eligible for
18 immobilization when the registered owner of the vehicle has
19 accumulated the number of incomplete traffic education
20 programs or unpaid final determinations of parking,
21 standing, compliance, or automated traffic law violation
22 liability, or both, as determined by ordinance.

23 (2) A notice of impending vehicle immobilization and a
24 right to a hearing to challenge the validity of the notice
25 by disproving liability for the incomplete traffic
26 education programs or unpaid final determinations of

1 parking, standing, compliance, or automated traffic law
2 violation liability, or both, listed on the notice.

3 (3) The right to a prompt hearing after a vehicle has
4 been immobilized or subsequently towed without the
5 completion of the required traffic education program or
6 payment of the outstanding fines and penalties on parking,
7 standing, compliance, or automated traffic law violations, l
8 or both, for which final determinations have been issued.
9 An order issued after the hearing is a final administrative
10 decision within the meaning of Section 3-101 of the Code of
11 Civil Procedure.

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

15 (d) Judicial review of final determinations of parking,
16 standing, compliance, or automated traffic law violations and
17 final administrative decisions issued after hearings regarding
18 vehicle immobilization and impoundment made under this Section
19 shall be subject to the provisions of the Administrative Review
20 Law.

21 (e) Any fine, penalty, incomplete traffic education
22 program, or part of any fine or any penalty remaining unpaid
23 after the exhaustion of, or the failure to exhaust,
24 administrative remedies created under this Section and the
25 conclusion of any judicial review procedures shall be a debt
26 due and owing the municipality and, as such, may be collected

1 in accordance with applicable law. Completion of any required
2 traffic education program and payment ~~Payment~~ in full of any
3 fine or penalty resulting from a standing, parking, compliance,
4 or automated traffic law violation shall constitute a final
5 disposition of that violation.

6 (f) After the expiration of the period within which
7 judicial review may be sought for a final determination of
8 parking, standing, compliance, or automated traffic law
9 violation, the municipality may commence a proceeding in the
10 Circuit Court for purposes of obtaining a judgment on the final
11 determination of violation. Nothing in this Section shall
12 prevent a municipality from consolidating multiple final
13 determinations of parking, standing, compliance, or automated
14 traffic law violations against a person in a proceeding. Upon
15 commencement of the action, the municipality shall file a
16 certified copy or record of the final determination of parking,
17 standing, compliance, or automated traffic law violation,
18 which shall be accompanied by a certification that recites
19 facts sufficient to show that the final determination of
20 violation was issued in accordance with this Section and the
21 applicable municipal ordinance. Service of the summons and a
22 copy of the petition may be by any method provided by Section
23 2-203 of the Code of Civil Procedure or by certified mail,
24 return receipt requested, provided that the total amount of
25 fines and penalties for final determinations of parking,
26 standing, compliance, or automated traffic law violations does

1 not exceed \$2500. If the court is satisfied that the final
2 determination of parking, standing, compliance, or automated
3 traffic law violation was entered in accordance with the
4 requirements of this Section and the applicable municipal
5 ordinance, and that the registered owner or the lessee, as the
6 case may be, had an opportunity for an administrative hearing
7 and for judicial review as provided in this Section, the court
8 shall render judgment in favor of the municipality and against
9 the registered owner or the lessee for the amount indicated in
10 the final determination of parking, standing, compliance, or
11 automated traffic law violation, plus costs. The judgment shall
12 have the same effect and may be enforced in the same manner as
13 other judgments for the recovery of money.

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

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

23 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
24 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

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

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

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

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

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

21 (4) a video recording showing the motor vehicle and, on
22 at least one image or portion of the recording, clearly
23 identifying the registration plate number of the motor
24 vehicle.

25 (c) A county or municipality, including a home rule county
26 or municipality, may not use an automated traffic law

1 enforcement system to provide recorded images of a motor
2 vehicle for the purpose of recording its speed. The regulation
3 of the use of automated traffic law enforcement systems to
4 record vehicle speeds is an exclusive power and function of the
5 State. This subsection (c) is a denial and limitation of home
6 rule powers and functions under subsection (h) of Section 6 of
7 Article VII of the Illinois Constitution.

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

18 The notice shall include:

19 (1) the name and address of the registered owner of the
20 vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the location where the violation occurred;

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

26 (6) a copy of the recorded images;

1 (7) the amount of the civil penalty imposed and the
2 requirements of any traffic education program imposed and
3 the date by which the civil penalty should be paid and the
4 traffic education program should be completed;

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

7 (9) a warning that failure to pay the civil penalty, to
8 complete a required traffic education program, or to
9 contest liability in a timely manner is an admission of
10 liability and may result in a suspension of the driving
11 privileges of the registered owner of the vehicle; and

12 (10) a statement that the person may elect to proceed
13 by:

14 (A) paying the fine, completing a required traffic
15 education program, or both; or

16 (B) challenging the charge in court, by mail, or by
17 administrative hearing.

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

1 traffic law enforcement system.

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

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

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

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

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

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

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

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

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

24 (j-5) For purposes of the required traffic education
25 program only, a registered owner may submit an affidavit to the
26 court or hearing officer swearing that at the time of the

1 alleged violation, the vehicle was in the custody and control
2 of another person. The affidavit must identify the person in
3 custody and control of the vehicle, including the person's name
4 and current address. The person in custody and control of the
5 vehicle at the time of the violation is required to complete
6 the required traffic education program. If the person in
7 custody and control of the vehicle at the time of the violation
8 completes the required traffic education program, the
9 registered owner of the vehicle is not required to complete a
10 traffic education program.

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

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

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

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

25 A low-income individual required to complete a traffic
26 education program under this Section who provides proof of

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".