

HB4686



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4686

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Decreases the maximum civil penalty for an automated traffic law enforcement system violation and failure to pay such a violation from \$100 to \$50.

LRB096 15755 AJT 30994 b

FISCAL NOTE ACT
MAY APPLY

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 requirements of any traffic education program imposed and
12 the date by which the civil penalty should be paid and the
13 traffic education program should be completed;

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

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

21 (10) a statement that the person may elect to proceed
22 by:

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

25 (B) challenging the charge in court, by mail, or by
26 administrative hearing.

1 (e) If a person charged with a traffic violation, as a
2 result of an automated traffic law enforcement system, does not
3 pay the fine or complete a required traffic education program,
4 or both, or successfully contest the civil penalty resulting
5 from that violation, the Secretary of State shall suspend the
6 driving privileges of the registered owner of the vehicle under
7 Section 6-306.5 of this Code for failing to complete a required
8 traffic education program or to pay any fine or penalty due and
9 owing, or both, as a result of 5 violations of the automated
10 traffic law enforcement system.

11 (f) Based on inspection of recorded images produced by an
12 automated traffic law enforcement system, a notice alleging
13 that the violation occurred shall be evidence of the facts
14 contained in the notice and admissible in any proceeding
15 alleging a violation under this Section.

16 (g) Recorded images made by an automatic traffic law
17 enforcement system are confidential and shall be made available
18 only to the alleged violator and governmental and law
19 enforcement agencies for purposes of adjudicating a violation
20 of this Section, for statistical purposes, or for other
21 governmental purposes. Any recorded image evidencing a
22 violation of this Section, however, may be admissible in any
23 proceeding resulting from the issuance of the citation.

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

26 (1) that the motor vehicle or registration plates of

1 the motor vehicle were stolen before the violation occurred
2 and not under the control of or in the possession of the
3 owner at the time of the violation;

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

8 (3) any other evidence or issues provided by municipal
9 or county ordinance.

10 (i) To demonstrate that the motor vehicle or the
11 registration plates were stolen before the violation occurred
12 and were not under the control or possession of the owner at
13 the time of the violation, the owner must submit proof that a
14 report concerning the stolen motor vehicle or registration
15 plates was filed with a law enforcement agency in a timely
16 manner.

17 (j) Unless the driver of the motor vehicle received a
18 Uniform Traffic Citation from a police officer at the time of
19 the violation, the motor vehicle owner is subject to a civil
20 penalty not exceeding \$50 ~~\$100~~ or the completion of a traffic
21 education program, or both, plus an additional penalty of not
22 more than \$50 ~~\$100~~ for failure to pay the original penalty or
23 to complete a required traffic education program, or both, in a
24 timely manner, if the motor vehicle is recorded by an automated
25 traffic law enforcement system. A violation for which a civil
26 penalty is imposed under this Section is not a violation of a

1 traffic regulation governing the movement of vehicles and may
2 not be recorded on the driving record of the owner of the
3 vehicle.

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

7 (j-5) For purposes of the required traffic education
8 program only, a registered owner may submit an affidavit to the
9 court or hearing officer swearing that at the time of the
10 alleged violation, the vehicle was in the custody and control
11 of another person. The affidavit must identify the person in
12 custody and control of the vehicle, including the person's name
13 and current address. The person in custody and control of the
14 vehicle at the time of the violation is required to complete
15 the required traffic education program. If the person in
16 custody and control of the vehicle at the time of the violation
17 completes the required traffic education program, the
18 registered owner of the vehicle is not required to complete a
19 traffic education program.

20 (k) An intersection equipped with an automated traffic law
21 enforcement system must be posted with a sign visible to
22 approaching traffic indicating that the intersection is being
23 monitored by an automated traffic law enforcement system.

24 (l) The compensation paid for an automated traffic law
25 enforcement system must be based on the value of the equipment
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the
2 system.

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

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

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

15 (Source: P.A. 96-288, eff. 8-11-09.)