



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5327

Introduced 2/5/2010, by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.3  
625 ILCS 5/11-208.6

from Ch. 95 1/2, par. 11-208.3

Amends the Illinois Vehicle Code. Provides that an ordinance that provides for the administrative adjudication of automated traffic law (red light) violations shall require that all determinations by a technician employed or contracted by the municipality or county that a motor vehicle committed an automated traffic law violation must be reviewed and approved by a sworn law enforcement officer of the municipality or county issuing the violation. Provides for additional notice requirements to persons issued a red light violation. Provides that it is an additional defense to a red light violation if the person to whom the violation was issued demonstrates by clear and convincing evidence the he or she was not the person operating the vehicle at the time of the violation.

LRB096 16637 AJT 31914 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 Sections 11-208.3 and 11-208.6 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations  
8 of traffic regulations concerning the standing, parking, or  
9 condition of vehicles and automated traffic law violations.

10 (a) Any municipality may provide by ordinance for a system  
11 of administrative adjudication of vehicular standing and  
12 parking violations and vehicle compliance violations as  
13 defined in this subsection and automated traffic law violations  
14 as defined in Section 11-208.6 or 11-1201.1. The administrative  
15 system shall have as its purpose the fair and efficient  
16 enforcement of municipal regulations through the  
17 administrative adjudication of automated traffic law  
18 violations and violations of municipal ordinances regulating  
19 the standing and parking of vehicles, the condition and use of  
20 vehicle equipment, and the display of municipal wheel tax  
21 licenses within the municipality's borders. The administrative  
22 system shall only have authority to adjudicate civil offenses  
23 carrying fines not in excess of \$500 or requiring the

1 completion of a traffic education program, or both, that occur  
2 after the effective date of the ordinance adopting such a  
3 system under this Section. For purposes of this Section,  
4 "compliance violation" means a violation of a municipal  
5 regulation governing the condition or use of equipment on a  
6 vehicle or governing the display of a municipal wheel tax  
7 license.

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

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

19 (2) A parking, standing, compliance, or automated  
20 traffic law violation notice that shall specify the date,  
21 time, and place of violation of a parking, standing,  
22 compliance, or automated traffic law regulation; the  
23 particular regulation violated; any requirement to  
24 complete a traffic education program; the fine and any  
25 penalty that may be assessed for late payment or failure to  
26 complete a required traffic education program, or both,

1 when so provided by ordinance; the vehicle make and state  
2 registration number; and the identification number of the  
3 person issuing the notice. With regard to automated traffic  
4 law violations, vehicle make shall be specified on the  
5 automated traffic law violation notice if the make is  
6 available and readily discernible. With regard to  
7 municipalities with a population of 1 million or more, it  
8 shall be grounds for dismissal of a parking violation if  
9 the state registration number or vehicle make specified is  
10 incorrect. The violation notice shall state that the  
11 completion of any required traffic education program, the  
12 payment of any indicated fine, and the payment of any  
13 applicable penalty for late payment or failure to complete  
14 a required traffic education program, or both, shall  
15 operate as a final disposition of the violation. The notice  
16 also shall contain information as to the availability of a  
17 hearing in which the violation may be contested on its  
18 merits. The violation notice shall specify the time and  
19 manner in which a hearing may be had.

20 (3) Service of the parking, standing, or compliance  
21 violation notice by affixing the original or a facsimile of  
22 the notice to an unlawfully parked vehicle or by handing  
23 the notice to the operator of a vehicle if he or she is  
24 present and service of an automated traffic law violation  
25 notice by mail to the address of the registered owner of  
26 the cited vehicle as recorded with the Secretary of State

1 within 30 days after the Secretary of State notifies the  
2 municipality or county of the identity of the owner of the  
3 vehicle, but in no event later than 90 days after the  
4 violation. A person authorized by ordinance to issue and  
5 serve parking, standing, and compliance violation notices  
6 shall certify as to the correctness of the facts entered on  
7 the violation notice by signing his or her name to the  
8 notice at the time of service or in the case of a notice  
9 produced by a computerized device, by signing a single  
10 certificate to be kept by the traffic compliance  
11 administrator attesting to the correctness of all notices  
12 produced by the device while it was under his or her  
13 control. In the case of an automated traffic law violation,  
14 the ordinance shall require a determination by a technician  
15 employed or contracted by the municipality or county that,  
16 based on inspection of recorded images, the motor vehicle  
17 was being operated in violation of Section 11-208.6 or  
18 11-1201.1 or a local ordinance. If the technician  
19 determines that the vehicle entered the intersection as  
20 part of a funeral procession or in order to yield the  
21 right-of-way to an emergency vehicle, a citation shall not  
22 be issued. The automated traffic law ordinance shall  
23 require that all determinations by a technician that a  
24 motor vehicle was being operated in violation of Section  
25 11-208.6 or a similar local ordinance must be reviewed and  
26 approved by a sworn law enforcement officer of the

1       municipality or county issuing the violation. The original  
2       or a facsimile of the violation notice or, in the case of a  
3       notice produced by a computerized device, a printed record  
4       generated by the device showing the facts entered on the  
5       notice, shall be retained by the traffic compliance  
6       administrator, and shall be a record kept in the ordinary  
7       course of business. A parking, standing, compliance, or  
8       automated traffic law violation notice issued, signed and  
9       served in accordance with this Section, a copy of the  
10      notice, or the computer generated record shall be prima  
11      facie correct and shall be prima facie evidence of the  
12      correctness of the facts shown on the notice. The notice,  
13      copy, or computer generated record shall be admissible in  
14      any subsequent administrative or legal proceedings.

15           (4) An opportunity for a hearing for the registered  
16      owner of the vehicle cited in the parking, standing,  
17      compliance, or automated traffic law violation notice in  
18      which the owner may contest the merits of the alleged  
19      violation, and during which formal or technical rules of  
20      evidence shall not apply; provided, however, that under  
21      Section 11-1306 of this Code the lessee of a vehicle cited  
22      in the violation notice likewise shall be provided an  
23      opportunity for a hearing of the same kind afforded the  
24      registered owner. The hearings shall be recorded, and the  
25      person conducting the hearing on behalf of the traffic  
26      compliance administrator shall be empowered to administer

1 oaths and to secure by subpoena both the attendance and  
2 testimony of witnesses and the production of relevant books  
3 and papers. Persons appearing at a hearing under this  
4 Section may be represented by counsel at their expense. The  
5 ordinance may also provide for internal administrative  
6 review following the decision of the hearing officer.

7 (5) Service of additional notices, sent by first class  
8 United States mail, postage prepaid, to the address of the  
9 registered owner of the cited vehicle as recorded with the  
10 Secretary of State or, if any notice to that address is  
11 returned as undeliverable, to the last known address  
12 recorded in a United States Post Office approved database,  
13 or, under Section 11-1306 of this Code, to the lessee of  
14 the cited vehicle at the last address known to the lessor  
15 of the cited vehicle at the time of lease or, if any notice  
16 to that address is returned as undeliverable, to the last  
17 known address recorded in a United States Post Office  
18 approved database. The service shall be deemed complete as  
19 of the date of deposit in the United States mail. The  
20 notices shall be in the following sequence and shall  
21 include but not be limited to the information specified  
22 herein:

23 (i) A second notice of parking, standing, or  
24 compliance violation. This notice shall specify the  
25 date and location of the violation cited in the  
26 parking, standing, or compliance violation notice, the

1 particular regulation violated, the vehicle make and  
2 state registration number, any requirement to complete  
3 a traffic education program, the fine and any penalty  
4 that may be assessed for late payment or failure to  
5 complete a traffic education program, or both, when so  
6 provided by ordinance, the availability of a hearing in  
7 which the violation may be contested on its merits, and  
8 the time and manner in which the hearing may be had.  
9 The notice of violation shall also state that failure  
10 to complete a required traffic education program, to  
11 pay the indicated fine and any applicable penalty, or  
12 to appear at a hearing on the merits in the time and  
13 manner specified, will result in a final determination  
14 of violation liability for the cited violation in the  
15 amount of the fine or penalty indicated, and that, upon  
16 the occurrence of a final determination of violation  
17 liability for the failure, and the exhaustion of, or  
18 failure to exhaust, available administrative or  
19 judicial procedures for review, any incomplete traffic  
20 education program or any unpaid fine or penalty, or  
21 both, will constitute a debt due and owing the  
22 municipality.

23 (ii) A notice of final determination of parking,  
24 standing, compliance, or automated traffic law  
25 violation liability. This notice shall be sent  
26 following a final determination of parking, standing,



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

20 (6) A notice of impending drivers license suspension.

21 This notice shall be sent to the person liable for failure  
22 to complete a required traffic education program or to pay  
23 any fine or penalty that remains due and owing, or both, on  
24 10 or more parking violations or 5 or more unpaid automated  
25 traffic law violations. The notice shall state that failure  
26 to complete a required traffic education program or to pay

1 the fine or penalty owing, or both, within 45 days of the  
2 notice's date will result in the municipality notifying the  
3 Secretary of State that the person is eligible for  
4 initiation of suspension proceedings under Section 6-306.5  
5 of this Code. The notice shall also state that the person  
6 may obtain a photostatic copy of an original ticket  
7 imposing a fine or penalty by sending a self addressed,  
8 stamped envelope to the municipality along with a request  
9 for the photostatic copy. The notice of impending drivers  
10 license suspension shall be sent by first class United  
11 States mail, postage prepaid, to the address recorded with  
12 the Secretary of State or, if any notice to that address is  
13 returned as undeliverable, to the last known address  
14 recorded in a United States Post Office approved database.

15 (7) Final determinations of violation liability. A  
16 final determination of violation liability shall occur  
17 following failure to complete the required traffic  
18 education program or to pay the fine or penalty, or both,  
19 after a hearing officer's determination of violation  
20 liability and the exhaustion of or failure to exhaust any  
21 administrative review procedures provided by ordinance.  
22 Where a person fails to appear at a hearing to contest the  
23 alleged violation in the time and manner specified in a  
24 prior mailed notice, the hearing officer's determination  
25 of violation liability shall become final: (A) upon denial  
26 of a timely petition to set aside that determination, or

1 (B) upon expiration of the period for filing the petition  
2 without a filing having been made.

3 (8) A petition to set aside a determination of parking,  
4 standing, compliance, or automated traffic law violation  
5 liability that may be filed by a person owing an unpaid  
6 fine or penalty. A petition to set aside a determination of  
7 liability may also be filed by a person required to  
8 complete a traffic education program. The petition shall be  
9 filed with and ruled upon by the traffic compliance  
10 administrator in the manner and within the time specified  
11 by ordinance. The grounds for the petition may be limited  
12 to: (A) the person not having been the owner or lessee of  
13 the cited vehicle on the date the violation notice was  
14 issued, (B) the person having already completed the  
15 required traffic education program or paid the fine or  
16 penalty, or both, for the violation in question, and (C)  
17 excusable failure to appear at or request a new date for a  
18 hearing. With regard to municipalities with a population of  
19 1 million or more, it shall be grounds for dismissal of a  
20 parking violation if the state registration number, or  
21 vehicle make if specified, is incorrect. After the  
22 determination of parking, standing, compliance, or  
23 automated traffic law violation liability has been set  
24 aside upon a showing of just cause, the registered owner  
25 shall be provided with a hearing on the merits for that  
26 violation.

1           (9) Procedures for non-residents. Procedures by which  
2 persons who are not residents of the municipality may  
3 contest the merits of the alleged violation without  
4 attending a hearing.

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

14           (11) Other provisions as are necessary and proper to  
15 carry into effect the powers granted and purposes stated in  
16 this Section.

17           (c) Any municipality establishing vehicular standing,  
18 parking, compliance, or automated traffic law regulations  
19 under this Section may also provide by ordinance for a program  
20 of vehicle immobilization for the purpose of facilitating  
21 enforcement of those regulations. The program of vehicle  
22 immobilization shall provide for immobilizing any eligible  
23 vehicle upon the public way by presence of a restraint in a  
24 manner to prevent operation of the vehicle. Any ordinance  
25 establishing a program of vehicle immobilization under this  
26 Section shall provide:

1           (1) Criteria for the designation of vehicles eligible  
2           for immobilization. A vehicle shall be eligible for  
3           immobilization when the registered owner of the vehicle has  
4           accumulated the number of incomplete traffic education  
5           programs or unpaid final determinations of parking,  
6           standing, compliance, or automated traffic law violation  
7           liability, or both, as determined by ordinance.

8           (2) A notice of impending vehicle immobilization and a  
9           right to a hearing to challenge the validity of the notice  
10          by disproving liability for the incomplete traffic  
11          education programs or unpaid final determinations of  
12          parking, standing, compliance, or automated traffic law  
13          violation liability, or both, listed on the notice.

14          (3) The right to a prompt hearing after a vehicle has  
15          been immobilized or subsequently towed without the  
16          completion of the required traffic education program or  
17          payment of the outstanding fines and penalties on parking,  
18          standing, compliance, or automated traffic law violations,  
19          or both, for which final determinations have been issued.  
20          An order issued after the hearing is a final administrative  
21          decision within the meaning of Section 3-101 of the Code of  
22          Civil Procedure.

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

26          (d) Judicial review of final determinations of parking,

1 standing, compliance, or automated traffic law violations and  
2 final administrative decisions issued after hearings regarding  
3 vehicle immobilization and impoundment made under this Section  
4 shall be subject to the provisions of the Administrative Review  
5 Law.

6 (e) Any fine, penalty, incomplete traffic education  
7 program, or part of any fine or any penalty remaining unpaid  
8 after the exhaustion of, or the failure to exhaust,  
9 administrative remedies created under this Section and the  
10 conclusion of any judicial review procedures shall be a debt  
11 due and owing the municipality and, as such, may be collected  
12 in accordance with applicable law. Completion of any required  
13 traffic education program and payment in full of any fine or  
14 penalty resulting from a standing, parking, compliance, or  
15 automated traffic law violation shall constitute a final  
16 disposition of that violation.

17 (f) After the expiration of the period within which  
18 judicial review may be sought for a final determination of  
19 parking, standing, compliance, or automated traffic law  
20 violation, the municipality may commence a proceeding in the  
21 Circuit Court for purposes of obtaining a judgment on the final  
22 determination of violation. Nothing in this Section shall  
23 prevent a municipality from consolidating multiple final  
24 determinations of parking, standing, compliance, or automated  
25 traffic law violations against a person in a proceeding. Upon  
26 commencement of the action, the municipality shall file a

1 certified copy or record of the final determination of parking,  
2 standing, compliance, or automated traffic law violation,  
3 which shall be accompanied by a certification that recites  
4 facts sufficient to show that the final determination of  
5 violation was issued in accordance with this Section and the  
6 applicable municipal ordinance. Service of the summons and a  
7 copy of the petition may be by any method provided by Section  
8 2-203 of the Code of Civil Procedure or by certified mail,  
9 return receipt requested, provided that the total amount of  
10 fines and penalties for final determinations of parking,  
11 standing, compliance, or automated traffic law violations does  
12 not exceed \$2500. If the court is satisfied that the final  
13 determination of parking, standing, compliance, or automated  
14 traffic law violation was entered in accordance with the  
15 requirements of this Section and the applicable municipal  
16 ordinance, and that the registered owner or the lessee, as the  
17 case may be, had an opportunity for an administrative hearing  
18 and for judicial review as provided in this Section, the court  
19 shall render judgment in favor of the municipality and against  
20 the registered owner or the lessee for the amount indicated in  
21 the final determination of parking, standing, compliance, or  
22 automated traffic law violation, plus costs. The judgment shall  
23 have the same effect and may be enforced in the same manner as  
24 other judgments for the recovery of money.

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

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

8           (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;  
9 96-478, eff. 1-1-10; revised 9-4-09.)

10           (625 ILCS 5/11-208.6)

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

12           (a) As used in this Section, "automated traffic law  
13 enforcement system" means a device with one or more motor  
14 vehicle sensors working in conjunction with a red light signal  
15 to produce recorded images of motor vehicles entering an  
16 intersection against a red signal indication in violation of  
17 Section 11-306 of this Code or a similar provision of a local  
18 ordinance.

19           An automated traffic law enforcement system is a system, in  
20 a municipality or county operated by a governmental agency,  
21 that produces a recorded image of a motor vehicle's violation  
22 of a provision of this Code or a local ordinance and is  
23 designed to obtain a clear recorded image of the vehicle and  
24 the vehicle's license plate. The recorded image must also  
25 display the time, date, and location of the violation.



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

3 (1) 2 or more photographs;

4 (2) 2 or more microphotographs;

5 (3) 2 or more electronic images; or

6 (4) a video recording showing the motor vehicle and, on  
7 at least one image or portion of the recording, clearly  
8 identifying the registration plate number of the motor  
9 vehicle.

10 (c) A county or municipality, including a home rule county  
11 or municipality, may not use an automated traffic law  
12 enforcement system to provide recorded images of a motor  
13 vehicle for the purpose of recording its speed. The regulation  
14 of the use of automated traffic law enforcement systems to  
15 record vehicle speeds is an exclusive power and function of the  
16 State. This subsection (c) is a denial and limitation of home  
17 rule powers and functions under subsection (h) of Section 6 of  
18 Article VII of the Illinois Constitution.

19 (d) For each violation of a provision of this Code or a  
20 local ordinance recorded by an automatic traffic law  
21 enforcement system, the county or municipality having  
22 jurisdiction shall issue a written notice of the violation to  
23 the registered owner of the vehicle as the alleged violator.  
24 The notice shall be delivered to the registered owner of the  
25 vehicle, by mail, within 30 days after the Secretary of State  
26 notifies the municipality or county of the identity of the

1 owner of the vehicle, but in no event later than 90 days after  
2 the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of the  
5 vehicle;

6 (2) the registration number of the motor vehicle  
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

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

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the  
13 requirements of any traffic education program imposed and  
14 the date by which the civil penalty should be paid and the  
15 traffic education program should be completed;

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

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

23 (10) a statement that the person may elect to proceed  
24 by:

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

1 (B) challenging the charge in court, by mail, or by  
2 administrative hearing; -

3 (11) the name and business address of the technician  
4 employed or contracted by the municipality or county that  
5 determined, based on inspection of recorded images, the  
6 motor vehicle was being operated in violation of this  
7 Section;

8 (12) the date and time that the technician determined  
9 the motor vehicle was being operated in violation of this  
10 Section;

11 (13) information sufficient to identify the sworn law  
12 enforcement officer of the municipality or county issuing  
13 the violation that reviewed and approved the violation; and

14 (14) the date and time that the sworn law enforcement  
15 officer approved the violation.

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

26 (f) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging  
2 that the violation occurred shall be evidence of the facts  
3 contained in the notice and admissible in any proceeding  
4 alleging a violation under this Section.

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

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

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

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

23 (3) any other evidence or issues provided by municipal  
24 or county ordinance; and -

25 (4) that the person to whom the violation was issued  
26 demonstrates by clear and convincing evidence the he or she

1       was not the person operating the vehicle at the time of the  
2       violation. Any written document in support of this defense  
3       must be verified by certification as provided in Section  
4       1-109 of the Code of Civil Procedure.

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

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

25       (j-3) A registered owner who is a holder of a valid  
26 commercial driver's license is not required to complete a

1 traffic education program.

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

15 (k) An intersection equipped with an automated traffic law  
16 enforcement system must be posted with a sign visible to  
17 approaching traffic indicating that the intersection is being  
18 monitored by an automated traffic law enforcement system.

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

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

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

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

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