



Sen. Terry Link

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09600SB1852sam002

LRB096 04330 AJT 24467 a

1 AMENDMENT TO SENATE BILL 1852

2 AMENDMENT NO. _____. Amend Senate Bill 1852, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 11-208.6, and 11-612 as follows:

7 (625 ILCS 5/11-208.6)

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

9 (a) As used in this Section, "automated traffic law
10 enforcement system" means (1) a device with one or more motor
11 vehicle sensors working in conjunction with a red light signal
12 to produce recorded images of motor vehicles entering an
13 intersection against a red signal indication in violation of
14 Section 11-306 of this Code or a similar provision of a local
15 ordinance, or (2) a device that produces a recorded image of a
16 motor vehicle and the vehicle's registration plate while the

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

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

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

13 (1) 2 or more photographs;

14 (2) 2 or more microphotographs;

15 (3) 2 or more electronic images; or

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

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

1 ~~rule powers and functions under subsection (h) of Section 6 of~~
2 ~~Article VII of the Illinois Constitution.~~

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

13 The notice shall include:

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

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

18 (3) the violation charged;

19 (4) the location where the violation occurred;

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

21 (6) a copy of the recorded images;

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

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 or

1 to contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle; and

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

6 (A) paying the fine; or

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

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

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

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

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

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

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

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

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

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

23 (j) Unless the driver of the motor vehicle received a
24 Uniform Traffic Citation from a police officer at the time of
25 the violation, the motor vehicle owner is subject to a civil
26 penalty not exceeding \$100, plus an additional penalty of not

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

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

13 (k-5) An automated traffic law enforcement system shall
14 utilize the most accurate in-ground and above-ground detection
15 technology to accurately capture violations.

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

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

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

1 Sec. 11-612. Certain systems to record vehicle speeds
2 prohibited. Except as authorized in the Automated Traffic
3 Control Systems in Highway Construction or Maintenance Zones
4 Act and Section 11-208.6 of this Code, no photographic, video,
5 or other imaging system may be used in this State to record
6 vehicle speeds for the purpose of enforcing any law or
7 ordinance regarding a maximum or minimum speed limit unless a
8 law enforcement officer is present at the scene and witnesses
9 the event. No State or local governmental entity, including a
10 home rule county or municipality, may use such a system in a
11 way that is prohibited by this Section. The regulation of the
12 use of such systems is an exclusive power and function of the
13 State. This Section is a denial and limitation of home rule
14 powers and functions under subsection (h) of Section 6 of
15 Article VII of the Illinois Constitution.

16 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
17 94-814, eff. 1-1-07.)

18 Section 99. Effective date. This Act takes effect January
19 1, 2010."