

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.