

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, 11-208.3, and 11-208.6 as follows:

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

7 Sec. 11-208. Powers of local authorities.

8 (a) The provisions of this Code shall not be deemed to
9 prevent local authorities with respect to streets and highways
10 under their jurisdiction and within the reasonable exercise of
11 the police power from:

12 1. Regulating the standing or parking of vehicles,
13 except as limited by Sections 11-1306 and 11-1307 of this
14 Act;

15 2. Regulating traffic by means of police officers or
16 traffic control signals;

17 3. Regulating or prohibiting processions or
18 assemblages on the highways;

19 4. Designating particular highways as one-way highways
20 and requiring that all vehicles thereon be moved in one
21 specific direction;

22 5. Regulating the speed of vehicles in public parks
23 subject to the limitations set forth in Section 11-604;

1 6. Designating any highway as a through highway, as
2 authorized in Section 11-302, and requiring that all
3 vehicles stop before entering or crossing the same or
4 designating any intersection as a stop intersection or a
5 yield right-of-way intersection and requiring all vehicles
6 to stop or yield the right-of-way at one or more entrances
7 to such intersections;

8 7. Restricting the use of highways as authorized in
9 Chapter 15;

10 8. Regulating the operation of bicycles and requiring
11 the registration and licensing of same, including the
12 requirement of a registration fee;

13 9. Regulating or prohibiting the turning of vehicles or
14 specified types of vehicles at intersections;

15 10. Altering the speed limits as authorized in Section
16 11-604;

17 11. Prohibiting U-turns;

18 12. Prohibiting pedestrian crossings at other than
19 designated and marked crosswalks or at intersections;

20 13. Prohibiting parking during snow removal operation;

21 14. Imposing fines in accordance with Section
22 11-1301.3 as penalties for use of any parking place
23 reserved for persons with disabilities, as defined by
24 Section 1-159.1, or disabled veterans by any person using a
25 motor vehicle not bearing registration plates specified in
26 Section 11-1301.1 or a special decal or device as defined

1 in Section 11-1301.2 as evidence that the vehicle is
2 operated by or for a person with disabilities or disabled
3 veteran;

4 15. Adopting such other traffic regulations as are
5 specifically authorized by this Code; or

6 16. Enforcing the provisions of subsection (f) of
7 Section 3-413 of this Code or a similar local ordinance.

8 (b) No ordinance or regulation enacted under subsections 1,
9 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
10 until signs giving reasonable notice of such local traffic
11 regulations are posted.

12 (c) The provisions of this Code shall not prevent any
13 municipality having a population of 500,000 or more inhabitants
14 from prohibiting any person from driving or operating any motor
15 vehicle upon the roadways of such municipality with headlamps
16 on high beam or bright.

17 (d) The provisions of this Code shall not be deemed to
18 prevent local authorities within the reasonable exercise of
19 their police power from prohibiting, on private property, the
20 unauthorized use of parking spaces reserved for persons with
21 disabilities.

22 (e) No unit of local government, including a home rule
23 unit, may enact or enforce an ordinance that applies only to
24 motorcycles if the principal purpose for that ordinance is to
25 restrict the access of motorcycles to any highway or portion of
26 a highway for which federal or State funds have been used for

1 the planning, design, construction, or maintenance of that
2 highway. No unit of local government, including a home rule
3 unit, may enact an ordinance requiring motorcycle users to wear
4 protective headgear. Nothing in this subsection (e) shall
5 affect the authority of a unit of local government to regulate
6 motorcycles for traffic control purposes or in accordance with
7 Section 12-602 of this Code. No unit of local government,
8 including a home rule unit, may regulate motorcycles in a
9 manner inconsistent with this Code. This subsection (e) is a
10 limitation under subsection (i) of Section 6 of Article VII of
11 the Illinois Constitution on the concurrent exercise by home
12 rule units of powers and functions exercised by the State.

13 (f) A municipality or county designated in Section 11-208.6
14 may enact an ordinance providing for an automated traffic law
15 enforcement system to enforce violations of this Code or a
16 similar provision of a local ordinance and imposing liability
17 on a registered owner or lessee of a vehicle used in such a
18 violation.

19 (g) A municipality or county, as provided in Section
20 11-1201.1, may enact an ordinance providing for an automated
21 traffic law enforcement system to enforce violations of Section
22 11-1201 of this Code or a similar provision of a local
23 ordinance and imposing liability on a registered owner of a
24 vehicle used in such a violation.

25 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11.)

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

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

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

26 (b) Any ordinance establishing a system of administrative

1 adjudication under this Section shall provide for:

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

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

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

12 (3) Service of the parking, standing, or compliance
13 violation notice by affixing the original or a facsimile of
14 the notice to an unlawfully parked vehicle or by handing
15 the notice to the operator of a vehicle if he or she is
16 present and service of an automated traffic law violation
17 notice by mail to the address of the registered owner or
18 lessee of the cited vehicle as recorded with the Secretary
19 of State or the lessor of the motor vehicle within 30 days
20 after the Secretary of State or the lessor of the motor
21 vehicle notifies the municipality or county of the identity
22 of the owner or lessee of the vehicle, but not in no event
23 later than 90 days after the violation, except that in the
24 case of a lessee of a motor vehicle, service of an
25 automated traffic law violation notice may occur no later
26 than 210 days after the violation. A person authorized by

1 ordinance to issue and serve parking, standing, and
2 compliance violation notices shall certify as to the
3 correctness of the facts entered on the violation notice by
4 signing his or her name to the notice at the time of
5 service or in the case of a notice produced by a
6 computerized device, by signing a single certificate to be
7 kept by the traffic compliance administrator attesting to
8 the correctness of all notices produced by the device while
9 it was under his or her control. In the case of an
10 automated traffic law violation, the ordinance shall
11 require a determination by a technician employed or
12 contracted by the municipality or county that, based on
13 inspection of recorded images, the motor vehicle was being
14 operated in violation of Section 11-208.6 or 11-1201.1 or a
15 local ordinance. If the technician determines that the
16 vehicle entered the intersection as part of a funeral
17 procession or in order to yield the right-of-way to an
18 emergency vehicle, a citation shall not be issued. In
19 municipalities with a population of less than 1,000,000
20 inhabitants and counties with a population of less than
21 3,000,000 inhabitants, the automated traffic law ordinance
22 shall require that all determinations by a technician that
23 a motor vehicle was being operated in violation of Section
24 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
25 and approved by a law enforcement officer or retired law
26 enforcement officer of the municipality or county issuing

1 the violation. In municipalities with a population of
2 1,000,000 or more inhabitants and counties with a
3 population of 3,000,000 or more inhabitants, the automated
4 traffic law ordinance shall require that all
5 determinations by a technician that a motor vehicle was
6 being operated in violation of Section 11-208.6 or
7 11-1201.1 or a local ordinance must be reviewed and
8 approved by a law enforcement officer or retired law
9 enforcement officer of the municipality or county issuing
10 the violation or by an additional fully-trained reviewing
11 technician who is not employed by the contractor who
12 employs the technician who made the initial determination.
13 As used in this paragraph, "fully-trained reviewing
14 technician" means a person who has received at least 40
15 hours of supervised training in subjects which shall
16 include image inspection and interpretation, the elements
17 necessary to prove a violation, license plate
18 identification, and traffic safety and management. In all
19 municipalities and counties, the automated traffic law
20 ordinance shall require that no additional fee shall be
21 charged to the alleged violator for exercising his or her
22 right to an administrative hearing, and persons shall be
23 given at least 25 days following an administrative hearing
24 to pay any civil penalty imposed by a finding that Section
25 11-208.6 or 11-1201.1 or a similar local ordinance has been
26 violated. The original or a facsimile of the violation

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

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

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

6 (5) Service of additional notices, sent by first class
7 United States mail, postage prepaid, to the address of the
8 registered owner of the cited vehicle as recorded with the
9 Secretary of State or, if any notice to that address is
10 returned as undeliverable, to the last known address
11 recorded in a United States Post Office approved database,
12 or, under Section 11-1306 or subsection (p) of Section
13 11-208.6 of this Code, to the lessee of the cited vehicle
14 at the last address known to the lessor of the cited
15 vehicle at the time of lease or, if any notice to that
16 address is returned as undeliverable, to the last known
17 address recorded in a United States Post Office approved
18 database. The service shall be deemed complete as of the
19 date of deposit in the United States mail. The notices
20 shall be in the following sequence and shall include but
21 not be limited to the information specified herein:

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

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

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

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

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

20 This notice shall be sent to the person liable for failure
21 to complete a required traffic education program or to pay
22 any fine or penalty that remains due and owing, or both, on
23 10 or more parking violations or 5 or more unpaid automated
24 traffic law violations. The notice shall state that failure
25 to complete a required traffic education program or to pay
26 the fine or penalty owing, or both, within 45 days of the

1 notice's date will result in the municipality or county
2 notifying the Secretary of State that the person is
3 eligible for initiation of suspension proceedings under
4 Section 6-306.5 of this Code. The notice shall also state
5 that the person may obtain a photostatic copy of an
6 original ticket imposing a fine or penalty by sending a
7 self addressed, stamped envelope to the municipality or
8 county along with a request for the photostatic copy. The
9 notice of impending drivers license suspension shall be
10 sent by first class United States mail, postage prepaid, to
11 the address recorded with the Secretary of State or, if any
12 notice to that address is returned as undeliverable, to the
13 last known address recorded in a United States Post Office
14 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 or counties with a
19 population of 1 million or more, it shall be grounds for
20 dismissal of a parking violation if the state registration
21 number, or vehicle make if specified, is incorrect. After
22 the 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 or county
3 may 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 or county establishing vehicular
18 standing, parking, compliance, or automated traffic law
19 regulations under this Section may also provide by ordinance
20 for a program of vehicle immobilization for the purpose of
21 facilitating enforcement of those regulations. The program of
22 vehicle immobilization shall provide for immobilizing any
23 eligible vehicle upon the public way by presence of a restraint
24 in a 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 or county and, as such, may be
12 collected in accordance with applicable law. Completion of any
13 required traffic education program and payment in full of any
14 fine or penalty resulting from a standing, parking, compliance,
15 or 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 or county may commence a proceeding
21 in the Circuit Court for purposes of obtaining a judgment on
22 the final determination of violation. Nothing in this Section
23 shall prevent a municipality or county from consolidating
24 multiple final determinations of parking, standing,
25 compliance, or automated traffic law violations against a
26 person in a proceeding. Upon commencement of the action, the

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

26 (g) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

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

9 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;
10 96-478, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1016, eff.
11 1-1-11; 96-1386, eff. 7-29-10; revised 9-16-10.)

12 (625 ILCS 5/11-208.6)

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

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

21 An automated traffic law enforcement system is a system, in
22 a municipality or county operated by a governmental agency,
23 that produces a recorded image of a motor vehicle's violation
24 of a provision of this Code or a local ordinance and is
25 designed to obtain a clear recorded image of the vehicle and

1 the vehicle's license plate. The recorded image must also
2 display the time, date, and location of the violation.

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

5 (1) 2 or more photographs;

6 (2) 2 or more microphotographs;

7 (3) 2 or more electronic images; or

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

12 (b-5) A municipality or county that produces a recorded
13 image of a motor vehicle's violation of a provision of this
14 Code or a local ordinance must make the recorded images of a
15 violation accessible to the alleged violator by providing the
16 alleged violator with a website address, accessible through the
17 Internet.

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 (c-5) A county or municipality, including a home rule
2 county or municipality, may not use an automated traffic law
3 enforcement system to issue violations in instances where the
4 motor vehicle comes to a complete stop and does not enter the
5 intersection, as defined by Section 1-132 of this Code, during
6 the cycle of the red signal indication unless one or more
7 pedestrians or bicyclists are present, even if the motor
8 vehicle stops at a point past a stop line or crosswalk where a
9 driver is required to stop, as specified in subsection (c) of
10 Section 11-306 of this Code or a similar provision of a local
11 ordinance.

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

22 The notice shall include:

23 (1) the name and address of the registered owner of the
24 vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
6 requirements of any traffic education program imposed and
7 the date by which the civil penalty should be paid and the
8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a
10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty, to
12 complete a required traffic education program, or to
13 contest liability in a timely manner is an admission of
14 liability and may result in a suspension of the driving
15 privileges of the registered owner of the vehicle;
- 16 (10) a statement that the person may elect to proceed
17 by:
- 18 (A) paying the fine, completing a required traffic
19 education program, or both; or
- 20 (B) challenging the charge in court, by mail, or by
21 administrative hearing; and
- 22 (11) a website address, accessible through the
23 Internet, where the person may view the recorded images of
24 the violation.
- 25 (e) If a person charged with a traffic violation, as a
26 result of an automated traffic law enforcement system, does not

1 pay the fine or complete a required traffic education program,
2 or both, or successfully contest the civil penalty resulting
3 from that violation, the Secretary of State shall suspend the
4 driving privileges of the registered owner of the vehicle under
5 Section 6-306.5 of this Code for failing to complete a required
6 traffic education program or to pay any fine or penalty due and
7 owing, or both, as a result of 5 violations of the automated
8 traffic law enforcement system.

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

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

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

24 (1) that the motor vehicle or registration plates of
25 the motor vehicle were stolen before the violation occurred
26 and not under the control of or in the possession of the

1 owner at the time of the violation;

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

6 (3) any other evidence or issues provided by municipal
7 or county ordinance.

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

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

1 vehicle.

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

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

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

22 (k-3) A municipality or county that has one or more
23 intersections equipped with an automated traffic law
24 enforcement system must provide notice to drivers by posting
25 the locations of automated traffic law systems on the
26 municipality or county website.

1 (k-5) An intersection equipped with an automated traffic
2 law enforcement system must have a yellow change interval that
3 conforms with the Illinois Manual on Uniform Traffic Control
4 Devices (IMUTCD) published by the Illinois Department of
5 Transportation.

6 (k-7) A municipality or county operating an automated
7 traffic law enforcement system shall conduct a statistical
8 analysis to assess the safety impact of each automated traffic
9 law enforcement system at an intersection following
10 installation of the system. The statistical analysis shall be
11 based upon the best available crash, traffic, and other data,
12 and shall cover a period of time before and after installation
13 of the system sufficient to provide a statistically valid
14 comparison of safety impact. The statistical analysis shall be
15 consistent with professional judgment and acceptable industry
16 practice. The statistical analysis also shall be consistent
17 with the data required for valid comparisons of before and
18 after conditions and shall be conducted within a reasonable
19 period following the installation of the automated traffic law
20 enforcement system. The statistical analysis required by this
21 subsection (k-7) shall be made available to the public and
22 shall be published on the website of the municipality or
23 county. If the statistical analysis for the 36 month period
24 following installation of the system indicates that there has
25 been an increase in the rate of accidents at the approach to
26 the intersection monitored by the system, the municipality or

1 county shall undertake additional studies to determine the
2 cause and severity of the accidents, and may take any action
3 that it determines is necessary or appropriate to reduce the
4 number or severity of the accidents at that intersection.

5 (l) The compensation paid for an automated traffic law
6 enforcement system must be based on the value of the equipment
7 or the services provided and may not be based on the number of
8 traffic citations issued or the revenue generated by the
9 system.

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

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

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

22 (o) A municipality or county shall make a certified report
23 to the Secretary of State pursuant to Section 6-306.5 of this
24 Code whenever a registered owner of a vehicle has failed to pay
25 any fine or penalty due and owing as a result of 5 offenses for
26 automated traffic law violations.

1 (p) No person who is the lessor of a motor vehicle pursuant
2 to a written lease agreement shall be liable for an automated
3 traffic law enforcement system violation involving such motor
4 vehicle during the period of the lease; provided that upon the
5 request of the appropriate authority received within 120 days
6 after the violation occurred, the lessor provides within 60
7 days after such receipt the name and address of the lessee. The
8 drivers license number of a lessee may be subsequently
9 individually requested by the appropriate authority if needed
10 for enforcement of this Section.

11 Upon the provision of information by the lessor pursuant to
12 this subsection, the county or municipality may issue the
13 violation to the lessee of the vehicle in the same manner as it
14 would issue a violation to a registered owner of a vehicle
15 pursuant to this Section, and the lessee may be held liable for
16 the violation.

17 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11.)