



Sen. Gary Forby

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LRB097 08365 AEK 55586 a

1 AMENDMENT TO HOUSE BILL 2860

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2860 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 11-208.6 and 11-306 as follows:

6 (625 ILCS 5/11-208.6)

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

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

15 An automated traffic law enforcement system is a system, in  
16 a municipality or county operated by a governmental agency,

1 that produces a recorded image of a motor vehicle's violation  
2 of a provision of this Code or a local ordinance and is  
3 designed to obtain a clear recorded image of the vehicle and  
4 the vehicle's license plate. The recorded image must also  
5 display the time, date, and location of the violation.

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

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

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

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

1 State. This subsection (c) is a denial and limitation of home  
2 rule powers and functions under subsection (h) of Section 6 of  
3 Article VII of the Illinois Constitution.

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

15 (c-6) A county, or a municipality with less than 2,000,000  
16 inhabitants, including a home rule county or municipality, may  
17 not use an automated traffic law enforcement system to issue  
18 violations in instances where a motorcyclist enters an  
19 intersection against a red signal indication when the red  
20 signal fails to change to a green signal within a reasonable  
21 period of time because of a signal malfunction or because the  
22 signal has failed to detect the arrival of the motorcycle due  
23 to the motorcycle's size or weight.

24 (d) For each violation of a provision of this Code or a  
25 local ordinance recorded by an automatic traffic law  
26 enforcement system, the county or municipality having

1 jurisdiction shall issue a written notice of the violation to  
2 the registered owner of the vehicle as the alleged violator.  
3 The notice shall be delivered to the registered owner of the  
4 vehicle, by mail, within 30 days after the Secretary of State  
5 notifies the municipality or county of the identity of the  
6 owner of the vehicle, but in no event later than 90 days after  
7 the violation.

8 The notice shall include:

9 (1) the name and address of the registered owner of the  
10 vehicle;

11 (2) the registration number of the motor vehicle  
12 involved in the violation;

13 (3) the violation charged;

14 (4) the location where the violation occurred;

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

16 (6) a copy of the recorded images;

17 (7) the amount of the civil penalty imposed and the  
18 requirements of any traffic education program imposed and  
19 the date by which the civil penalty should be paid and the  
20 traffic education program should be completed;

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

23 (9) a warning that failure to pay the civil penalty, to  
24 complete a required traffic education program, or to  
25 contest liability in a timely manner is an admission of  
26 liability and may result in a suspension of the driving

1 privileges of the registered owner of the vehicle;

2 (10) a statement that the person may elect to proceed  
3 by:

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

6 (B) challenging the charge in court, by mail, or by  
7 administrative hearing; and

8 (11) a website address, accessible through the  
9 Internet, where the person may view the recorded images of  
10 the violation.

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

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

18 (k-7) A municipality or county operating an automated  
19 traffic law enforcement system shall conduct a statistical  
20 analysis to assess the safety impact of each automated traffic  
21 law enforcement system at an intersection following  
22 installation of the system. The statistical analysis shall be  
23 based upon the best available crash, traffic, and other data,  
24 and shall cover a period of time before and after installation  
25 of the system sufficient to provide a statistically valid  
26 comparison of safety impact. The statistical analysis shall be



1 consistent with professional judgment and acceptable industry  
2 practice. The statistical analysis also shall be consistent  
3 with the data required for valid comparisons of before and  
4 after conditions and shall be conducted within a reasonable  
5 period following the installation of the automated traffic law  
6 enforcement system. The statistical analysis required by this  
7 subsection (k-7) shall be made available to the public and  
8 shall be published on the website of the municipality or  
9 county. If the statistical analysis for the 36 month period  
10 following installation of the system indicates that there has  
11 been an increase in the rate of accidents at the approach to  
12 the intersection monitored by the system, the municipality or  
13 county shall undertake additional studies to determine the  
14 cause and severity of the accidents, and may take any action  
15 that it determines is necessary or appropriate to reduce the  
16 number or severity of the accidents at that intersection.

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

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

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

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

14           (625 ILCS 5/11-306)   (from Ch. 95 1/2, par. 11-306)

15           Sec. 11-306. Traffic-control signal legend. Whenever  
16 traffic is controlled by traffic-control signals exhibiting  
17 different colored lights or color lighted arrows, successively  
18 one at a time or in combination, only the colors green, red and  
19 yellow shall be used, except for special pedestrian signals  
20 carrying a word legend, and the lights shall indicate and apply  
21 to drivers of vehicles and pedestrians as follows:

22           (a) Green indication.

23           1. Vehicular traffic facing a circular green signal may  
24 proceed straight through or turn right or left unless a  
25 sign at such place prohibits either such turn. Vehicular

1 traffic, including vehicles turning right or left, shall  
2 yield the right of way to other vehicles and to pedestrians  
3 lawfully within the intersection or an adjacent crosswalk  
4 at the time such signal is exhibited.

5 2. Vehicular traffic facing a green arrow signal, shown  
6 alone or in combination with another indication, may  
7 cautiously enter the intersection only to make the movement  
8 indicated by such arrow, or such other movement as is  
9 permitted by other indications shown at the same time. Such  
10 vehicular traffic shall yield the right of way to  
11 pedestrians lawfully within an adjacent crosswalk and to  
12 other traffic lawfully using the intersection.

13 3. Unless otherwise directed by a pedestrian-control  
14 signal, as provided in Section 11-307, pedestrians facing  
15 any green signal, except when the sole green signal is a  
16 turn arrow, may proceed across the roadway within any  
17 marked or unmarked crosswalk.

18 (b) Steady yellow indication.

19 1. Vehicular traffic facing a steady circular yellow or  
20 yellow arrow signal is thereby warned that the related  
21 green movement is being terminated or that a red indication  
22 will be exhibited immediately thereafter.

23 2. Pedestrians facing a steady circular yellow or  
24 yellow arrow signal, unless otherwise directed by a  
25 pedestrian-control signal as provided in Section 11-307,  
26 are thereby advised that there is insufficient time to

1 cross the roadway before a red indication is shown and no  
2 pedestrian shall then start to cross the roadway.

3 (c) Steady red indication.

4 1. Except as provided in paragraphs ~~paragraph~~ 3 and 3.5  
5 of this subsection (c), vehicular traffic facing a steady  
6 circular red signal alone shall stop at a clearly marked  
7 stop line, but if there is no such stop line, before  
8 entering the crosswalk on the near side of the  
9 intersection, or if there is no such crosswalk, then before  
10 entering the intersection, and shall remain standing until  
11 an indication to proceed is shown.

12 2. Except as provided in paragraphs ~~paragraph~~ 3 and 3.5  
13 of this subsection (c), vehicular traffic facing a steady  
14 red arrow signal shall not enter the intersection to make  
15 the movement indicated by the arrow and, unless entering  
16 the intersection to make a movement permitted by another  
17 signal, shall stop at a clearly marked stop line, but if  
18 there is no such stop line, before entering the crosswalk  
19 on the near side of the intersection, or if there is no  
20 such crosswalk, then before entering the intersection, and  
21 shall remain standing until an indication permitting the  
22 movement indicated by such red arrow is shown.

23 3. Except when a sign is in place prohibiting a turn  
24 and local authorities by ordinance or State authorities by  
25 rule or regulation prohibit any such turn, vehicular  
26 traffic facing any steady red signal may cautiously enter

1 the intersection to turn right, or to turn left from a  
2 one-way street into a one-way street, after stopping as  
3 required by paragraph 1 or paragraph 2 of this subsection.  
4 After stopping, the driver shall yield the right of way to  
5 any vehicle in the intersection or approaching on another  
6 roadway so closely as to constitute an immediate hazard  
7 during the time such driver is moving across or within the  
8 intersection or junction or roadways. Such driver shall  
9 yield the right of way to pedestrians within the  
10 intersection or an adjacent crosswalk.

11 3.5. In municipalities with less than 2,000,000  
12 inhabitants, after stopping as required by paragraph 1 or 2  
13 of this subsection, the driver of a motorcycle or bicycle,  
14 facing a steady red signal which fails to change to a green  
15 signal within a reasonable period of time because of a  
16 signal malfunction or because the signal has failed to  
17 detect the arrival of the motorcycle or bicycle due to the  
18 vehicle's size or weight, shall have the right to proceed,  
19 after yielding the right of way to oncoming traffic facing  
20 a green signal, subject to the rules applicable after  
21 making a stop at a stop sign as required by Section 11-1204  
22 of this Code.

23 4. Unless otherwise directed by a pedestrian-control  
24 signal as provided in Section 11-307, pedestrians facing a  
25 steady circular red or red arrow signal alone shall not  
26 enter the roadway.

1           (d) In the event an official traffic control signal is  
2 erected and maintained at a place other than an intersection,  
3 the provisions of this Section shall be applicable except as to  
4 provisions which by their nature can have no application. Any  
5 stop required shall be at a traffic sign or a marking on the  
6 pavement indicating where the stop shall be made or, in the  
7 absence of such sign or marking, the stop shall be made at the  
8 signal.

9           (e) The motorman of any streetcar shall obey the above  
10 signals as applicable to vehicles.

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