



Rep. Brandon W. Phelps

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LRB097 09182 HEP 52405 a

1 AMENDMENT TO HOUSE BILL 3061

2 AMENDMENT NO. _____. Amend House Bill 3061 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-605.1 as follows:

6 (625 ILCS 5/11-605.1)

7 Sec. 11-605.1. Special limit while traveling through a
8 highway construction or maintenance speed zone.

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit.

12 (b) Nothing in this Chapter prohibits the use of electronic
13 speed-detecting devices or automated traffic control systems
14 within 500 feet of signs within a construction or maintenance
15 speed zone indicating the zone, as defined in this Section, nor
16 shall evidence obtained by use of those devices or systems be

1 inadmissible in any prosecution for speeding, provided the use
2 of the device or system shall apply only to the enforcement of
3 the special speed limit in the construction or maintenance
4 speed zone.

5 (c) As used in this Section, a "construction or maintenance
6 speed zone" is an area in which the Department, Toll Highway
7 Authority, or local agency has determined that the preexisting
8 established speed limit through a highway construction or
9 maintenance project is greater than is reasonable or safe with
10 respect to the conditions expected to exist in the construction
11 or maintenance speed zone and has posted a lower speed limit
12 with a highway construction or maintenance speed zone special
13 speed limit sign.

14 Highway construction or maintenance speed zone special
15 speed limit signs shall be of a design approved by the
16 Department. The signs must give proper due warning that a
17 construction or maintenance speed zone is being approached and
18 must indicate the maximum speed limit in effect. The signs also
19 must state the amount of the minimum fine for a violation.

20 (d) A first violation of this Section is a petty offense
21 with a minimum fine of \$250. A second or subsequent violation
22 of this Section is a petty offense with a minimum fine of \$750.

23 (e) If a fine for a violation of this Section is \$250 or
24 greater, the person who violated this Section shall be charged
25 an additional \$125, which shall be deposited into the
26 Transportation Safety Highway Hire-back Fund in the State

1 treasury, unless (i) the violation occurred on a highway other
2 than an interstate highway and (ii) a county police officer
3 wrote the ticket for the violation, in which case the \$125
4 shall be deposited into that county's Transportation Safety
5 Highway Hire-back Fund. In the case of a second or subsequent
6 violation of this Section, if the fine is \$750 or greater, the
7 person who violated this Section shall be charged an additional
8 \$250, which shall be deposited into the Transportation Safety
9 Highway Hire-back Fund in the State treasury, unless (i) the
10 violation occurred on a highway other than an interstate
11 highway and (ii) a county police officer wrote the ticket for
12 the violation, in which case the \$250 shall be deposited into
13 that county's Transportation Safety Highway Hire-back Fund.

14 (e-5) The Department of State Police and the local county
15 police department have concurrent jurisdiction over any
16 violation of this Section that occurs on an interstate highway.

17 (f) The Transportation Safety Highway Hire-back Fund,
18 which was created by Public Act 92-619, shall continue to be a
19 special fund in the State treasury. Subject to appropriation by
20 the General Assembly and approval by the Secretary, the
21 Secretary of Transportation shall use all moneys in the
22 Transportation Safety Highway Hire-back Fund to hire off-duty
23 Department of State Police officers to monitor construction or
24 maintenance zones.

25 (f-5) Each county shall create a Transportation Safety
26 Highway Hire-back Fund. The county shall use all moneys in its

1 Transportation Safety Highway Hire-back Fund to hire off-duty
2 county police officers to monitor construction or maintenance
3 zones in that county on highways other than interstate
4 highways.

5 (g) For a second or subsequent violation of this Section
6 within 2 years of the date of the previous violation, the
7 Secretary of State shall suspend the driver's license of the
8 violator for a period of 90 days.

9 (Source: P.A. 93-955, eff. 8-19-04; 94-814, eff. 1-1-07.)

10 Section 10. The Automated Traffic Control Systems in
11 Highway Construction or Maintenance Zones Act is amended by
12 changing Sections 10, 15, 25, 30, 40, and 45 and by adding
13 Section 37 as follows:

14 (625 ILCS 7/10)

15 Sec. 10. Establishment of automated control systems. The
16 Department of State Police may establish an automated traffic
17 control system in any construction or maintenance zone
18 established by the Department of Transportation or the Illinois
19 State Toll Highway Authority. ~~An automated traffic control~~
20 ~~system may operate only during those periods when workers are~~
21 ~~present in the construction or maintenance zone. In any~~
22 ~~prosecution based upon evidence obtained through an automated~~
23 ~~traffic control system established under this Act, the State~~
24 ~~must prove that one or more workers were present in the~~

1 ~~construction or maintenance zone when the violation occurred.~~

2 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
3 94-814, eff. 1-1-07.)

4 (625 ILCS 7/15)

5 Sec. 15. Definitions. As used in this Act:

6 (a) "Automated traffic control system" means a
7 photographic device, radar device, laser device, or other
8 electrical or mechanical device or devices designed to record
9 the speed of a vehicle and obtain a clear photograph or other
10 recorded image of the vehicle, the vehicle operator, and the
11 vehicle's registration plate while the driver is violating
12 Section 11-605.1 of the Illinois Vehicle Code. The photograph
13 or other recorded image must also display the time, date, and
14 location of the violation. A law enforcement officer is not
15 required to be present or to witness the violation.

16 (b) "Construction or maintenance zone" means an area in
17 which the Department of Transportation or the Illinois State
18 Toll Highway Authority has determined that the preexisting
19 established speed limit through a highway construction or
20 maintenance project is greater than is reasonable or safe with
21 respect to the conditions expected to exist in the construction
22 or maintenance zone and has posted a lower speed limit with a
23 highway construction or maintenance zone special speed limit
24 sign in accordance with Section 11-605.1 of the Illinois
25 Vehicle Code.

1 (c) "Owner" means the person or entity to whom the vehicle
2 is registered, except this term shall not include a motor
3 vehicle rental company when a motor vehicle registered by the
4 company is being operated by another person under a rental
5 agreement with the company.

6 (Source: P.A. 93-947, eff. 8-19-04.)

7 (625 ILCS 7/25)

8 Sec. 25. Limitations on the use of automated traffic
9 enforcement systems.

10 (a) The Department of State Police must conduct a public
11 information campaign to inform drivers about the use of
12 automated traffic control systems in highway construction or
13 maintenance zones before establishing any of those systems. The
14 Department of State Police shall adopt rules for implementing
15 this subsection (a).

16 (b) Signs indicating that speeds are enforced by automated
17 traffic control systems must be clearly posted in the areas
18 where the systems are in use.

19 (c) Operation of automated traffic control systems is
20 limited to ~~areas where road~~ construction or maintenance zones
21 as defined by this Act is occurring.

22 (d) Photographs obtained in this manner may only be used as
23 evidence in relation to a violation of Section 11-605.1 of the
24 Illinois Vehicle Code for which the photograph is taken, unless
25 otherwise allowed by law. Photographs or recorded images made

1 by an automated traffic control system are confidential and
2 shall be made available only to the owner of the vehicle, the
3 alleged offender, the alleged offender's attorney, the
4 judiciary, the local State's Attorney, and governmental or law
5 enforcement agencies. 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. The
8 ~~photographs are available only to the owner of the vehicle, the~~
9 ~~offender and the offender's attorney, the judiciary, the local~~
10 ~~State's Attorney, and law enforcement officials.~~

11 (e) (Blank) ~~If the driver of the vehicle cannot be~~
12 ~~identified through the photograph, the owner is not liable for~~
13 ~~the fine, and the citation may not be counted against the~~
14 ~~driving record of the owner. If the driver can be identified,~~
15 ~~the driver is liable for the fine, and the violation is counted~~
16 ~~against his or her driving record.~~

17 (Source: P.A. 93-947, eff. 8-19-04.)

18 (625 ILCS 7/30)

19 Sec. 30. Requirements for issuance of a citation.

20 (a) The vehicle, vehicle operator, vehicle registration
21 plate, speed, date, time, and location must be clearly visible
22 on the photograph or other recorded image of the alleged
23 violation.

24 (b) A Uniform Traffic Citation must be mailed or otherwise
25 delivered to the registered owner of the vehicle and to the

1 alleged driver of the vehicle. If mailed, the citation must be
2 sent ~~via certified mail~~ within 14 business days of the alleged
3 violation, ~~return receipt requested~~.

4 (c) The Uniform Traffic Citation must include:

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

6 (2) the registration number of the vehicle;

7 (3) the offense charged;

8 (4) the time, date, and location of the violation;

9 (5) the first available court date; ~~and~~

10 (6) notice that the basis of the citation is the
11 photograph or recorded image from the automated traffic
12 control system; ~~-~~

13 (7) the amount of the fine imposed; and

14 (8) a statement that recorded images are evidence of a
15 violation of a posted speed limit in a highway construction
16 or maintenance zone.

17 (d) The Uniform Traffic Citation issued to the alleged
18 violator must be accompanied by a written document that lists
19 the alleged violator's rights and obligations and explains how
20 the alleged violator can elect to proceed by either paying the
21 fine or challenging the issuance of the Uniform Traffic
22 Citation.

23 (e) The written document accompanying the Uniform Traffic
24 Citation shall advise the registered owner that:

25 (1) if the owner was not the operator of the vehicle as
26 identified in the photograph or recorded image from the

1 automated traffic control system in use at the time of the
2 alleged offense, the owner must notify the Department of
3 State Police, in writing, of the number of the Uniform
4 Traffic Citation received and the name, driver's license
5 number, and address of the person operating the vehicle as
6 identified in the photograph or recorded image from the
7 automated traffic control system in use at the time of the
8 alleged offense.

9 (2) if the owner was not the operator of the vehicle as
10 identified in the photograph or recorded image from the
11 automated traffic control system in use at the time of the
12 alleged offense because the vehicle was stolen, the owner
13 must provide the Department of State Police with a
14 certified copy of a police report showing that the vehicle
15 had been reported to the police as stolen at the time of
16 the alleged violation.

17 (3) if the owner fails to notify the Department of
18 State Police, in writing, of the name, driver's license
19 number, and address of the operator of the vehicle as
20 identified in the photograph or recorded image from the
21 automated traffic control system in use at the time of the
22 alleged offense or provide the Department of State Police
23 with a certified copy of a police report showing that the
24 vehicle had been reported to the police as stolen prior to
25 the time of the alleged violation, the Secretary of State
26 may suspend the registration of the owner's vehicle in

1 accordance with Section 37.

2 (f) If the registered owner of the vehicle was not the
3 operator of the vehicle as identified in the photograph or
4 recorded image from the automated traffic control system in use
5 at the time of the alleged offense, and if the registered owner
6 notifies the Department of State Police of the name, driver's
7 license number, and address of the operator of the vehicle as
8 identified in the photograph or recorded image from the
9 automated traffic control system in use at the time of the
10 alleged offense as required in subsection (e), the Department
11 of State Police shall then issue a Uniform Traffic Citation to
12 the person alleged by the registered owner to have been the
13 operator of the vehicle as identified in the photograph or
14 recorded image from the automated traffic control system in use
15 at the time of the alleged offense. If the registered owner
16 fails to notify the Department of State Police in writing of
17 the name, driver's license number, and address of the operator
18 of the vehicle as identified in the photograph or recorded
19 image from the automated traffic control system in use at the
20 time of the alleged offense, or if the information provided by
21 the registered owner is incorrect or incomplete, the registered
22 owner may be held accountable for the violation cited in
23 accordance with Section 37.

24 (g) A Uniform Traffic Citation issued under this Section
25 shall be dismissed if the registered owner of the vehicle
26 provides the Department of State Police with a certified copy

1 of a police report showing that the vehicle had been reported
2 to the police as stolen at the time of the alleged violation.

3 (h) If a person charged with a traffic violation, as a
4 result of an automated traffic control system, does not pay the
5 fine or successfully contest the fine resulting from that
6 violation, the Secretary of State shall suspend the driving
7 privileges of the registered owner of the vehicle under Section
8 37 for failing to pay any fine or penalty due and owing, or
9 both, as a result of 2 violations within 2 years of the
10 automated traffic control system.

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

16 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
17 94-814, eff. 1-1-07.)

18 (625 ILCS 7/37 new)

19 Sec. 37. Suspension of vehicle registration.
20 Notwithstanding any other penalties that may be imposed, the
21 Secretary of State may suspend the registration of any vehicle
22 or the driving privileges of any driver that violates this Act
23 if the registered owner or driver does not comply with this
24 Act.

1 (625 ILCS 7/40)

2 Sec. 40. Admissibility of recorded images. Except as
3 provided in Section 25 ~~45~~, any photograph or other recorded
4 image evidencing a violation of Section 11-605.1 of the
5 Illinois Vehicle Code is admissible in any proceeding resulting
6 from the issuance of the Uniform Traffic Citation. ~~Photographs~~
7 ~~or recorded images made by an automatic traffic control system~~
8 ~~are confidential and shall be made available only to the~~
9 ~~defendant and to governmental or law enforcement agencies~~
10 ~~within the jurisdiction for the purposes of adjudicating a~~
11 ~~driving violation.~~

12 (Source: P.A. 93-947, eff. 8-19-04.)

13 (625 ILCS 7/45)

14 Sec. 45. Corporation, association, business, or vehicle
15 ~~Vehicle~~ rental or leasing company's identification of a driver,
16 renter, or lessee.

17 (a) A Uniform Traffic Citation issued under this Act to a
18 motor vehicle rental or leasing company shall be dismissed with
19 respect to the corporation, association, business, rental or
20 leasing company if:

21 (1) the corporation, association, business, or company
22 responds to the Uniform Traffic Citation by submitting,
23 within 30 days of the mailing of the citation, an affidavit
24 of non-liability stating that, at the time of the alleged
25 speeding or other traffic violation, the vehicle was in the

1 custody and control of a renter or lessee under the terms
2 of a rental agreement or lease; and

3 (2) the corporation, association, business, or company
4 provides the driver's license number, name, and address of
5 the renter or lessee.

6 (b) A Uniform Traffic Citation dismissed with respect to a
7 motor vehicle rental or leasing company in accordance with
8 subsection (a) may then be issued and delivered by mail or
9 other means to the renter or lessee identified in the
10 photograph or recorded image from the automated traffic control
11 system and by the affidavit of non-liability.

12 (c) The Department of State Police shall notify the
13 Secretary of State if a corporation, association, business, or
14 vehicle rental or leasing company fails to comply with this
15 Section. The Secretary may suspend the vehicle registration or
16 the fleet registration of any corporation, association,
17 business, or vehicle rental or leasing company that fails to
18 comply with this Section.

19 (Source: P.A. 93-947, eff. 8-19-04.)

20 (625 ILCS 7/35 rep.)

21 Section 15. The Automated Traffic Control Systems in
22 Highway Construction or Maintenance Zones Act is amended by
23 repealing Section 35.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".