

**SB0026**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0026**

Introduced 1/27/2011, by Sen. Dan Duffy

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Provides that a county or municipality may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of issuing violations to persons driving a motor vehicle who enter an intersection to turn right against a red signal indication. Effective immediately.

LRB097 00806 HEP 40825 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 Section 11-208.6 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,  
17 that produces a recorded image of a motor vehicle's violation  
18 of a provision of this Code or a local ordinance and is  
19 designed to obtain a clear recorded image of the vehicle and  
20 the vehicle's license plate. The recorded image must also  
21 display the time, date, and location of the violation.

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

- 1 (1) 2 or more photographs;
- 2 (2) 2 or more microphotographs;
- 3 (3) 2 or more electronic images; or
- 4 (4) a video recording showing the motor vehicle and, on  
5 at least one image or portion of the recording, clearly  
6 identifying the registration plate number of the motor  
7 vehicle.

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

14 (c) A county or municipality, including a home rule county  
15 or municipality, may not use an automated traffic law  
16 enforcement system to provide recorded images of a motor  
17 vehicle for the purpose of recording its speed. The regulation  
18 of the use of automated traffic law enforcement systems to  
19 record vehicle speeds is an exclusive power and function of the  
20 State. This subsection (c) is a denial and limitation of home  
21 rule powers and functions under subsection (h) of Section 6 of  
22 Article VII of the Illinois Constitution.

23 (c-5) A county or municipality, including a home rule  
24 county or municipality, may not use an automated traffic law  
25 enforcement system to issue violations in instances where the  
26 motor vehicle comes to a complete stop and does not enter the

1 intersection, as defined by Section 1-132 of this Code, during  
2 the cycle of the red signal indication unless one or more  
3 pedestrians or bicyclists are present, even if the motor  
4 vehicle stops at a point past a stop line or crosswalk where a  
5 driver is required to stop, as specified in subsection (c) of  
6 Section 11-306 of this Code or a similar provision of a local  
7 ordinance.

8 (c-10) A county or municipality, including a home rule  
9 county or municipality, may not use an automated traffic law  
10 enforcement system to provide recorded images of a motor  
11 vehicle for the purpose of issuing violations to persons  
12 driving a motor vehicle who enter an intersection to turn right  
13 against a red signal indication as described in paragraph 3 of  
14 subsection (c) of Section 11-306 of this Code or a similar  
15 provision of a local ordinance.

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

26 The notice shall include:

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

3           (2) the registration number of the motor vehicle  
4 involved in the violation;

5           (3) the violation charged;

6           (4) the location where the violation occurred;

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

8           (6) a copy of the recorded images;

9           (7) the amount of the civil penalty imposed and the  
10 requirements of any traffic education program imposed and  
11 the date by which the civil penalty should be paid and the  
12 traffic education program should be completed;

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

15           (9) a warning that failure to pay the civil penalty, to  
16 complete a required traffic education program, or to  
17 contest liability in a timely manner is an admission of  
18 liability and may result in a suspension of the driving  
19 privileges of the registered owner of the vehicle;

20           (10) a statement that the person may elect to proceed  
21 by:

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

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

26           (11) a website address, accessible through the

1 Internet, where the person may view the recorded images of  
2 the violation.

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

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

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

26 (h) The court or hearing officer may consider in defense of

1 a violation:

2 (1) that the motor vehicle or registration plates of  
3 the motor vehicle were stolen before the violation occurred  
4 and not under the control of or in the possession of the  
5 owner at the time of the violation;

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

10 (3) any other evidence or issues provided by municipal  
11 or county ordinance.

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

19 (j) Unless the driver of the motor vehicle received a  
20 Uniform Traffic Citation from a police officer at the time of  
21 the violation, the motor vehicle owner is subject to a civil  
22 penalty not exceeding \$100 or the completion of a traffic  
23 education program, or both, plus an additional penalty of not  
24 more than \$100 for failure to pay the original penalty or to  
25 complete a required traffic education program, or both, in a  
26 timely manner, if the motor vehicle is recorded by an automated

1 traffic law enforcement system. A violation for which a civil  
2 penalty is imposed under this Section is not a violation of a  
3 traffic regulation governing the movement of vehicles and may  
4 not be recorded on the driving record of the owner of the  
5 vehicle.

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

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

22 (k) An intersection equipped with an automated traffic law  
23 enforcement system must be posted with a sign visible to  
24 approaching traffic indicating that the intersection is being  
25 monitored by an automated traffic law enforcement system.

26 (k-3) A municipality or county that has one or more



1 intersections equipped with an automated traffic law  
2 enforcement system must provide notice to drivers by posting  
3 the locations of automated traffic law systems on the  
4 municipality or county website.

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

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

1 county. If the statistical analysis for the 36 month period  
2 following installation of the system indicates that there has  
3 been an increase in the rate of accidents at the approach to  
4 the intersection monitored by the system, the municipality or  
5 county shall undertake additional studies to determine the  
6 cause and severity of the accidents, and may take any action  
7 that it determines is necessary or appropriate to reduce the  
8 number or severity of the accidents at that intersection.

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

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

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

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

26 (o) A municipality or county shall make a certified report

1 to the Secretary of State pursuant to Section 6-306.5 of this  
2 Code whenever a registered owner of a vehicle has failed to pay  
3 any fine or penalty due and owing as a result of 5 offenses for  
4 automated traffic law violations.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.