



Sen. Martin A. Sandoval

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09700SB2103sam001

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1 AMENDMENT TO SENATE BILL 2103

2 AMENDMENT NO. _____. Amend Senate Bill 2103 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-612 and 12-610.5 as follows:

6 (625 ILCS 5/11-612)

7 Sec. 11-612. Certain systems to record vehicle speeds
8 prohibited. Except as authorized in the Automated Traffic
9 Control Systems in Highway Construction, ~~or~~ Maintenance, or
10 High-Fatality Zones Act, no photographic, video, or other
11 imaging system may be used in this State to record vehicle
12 speeds for the purpose of enforcing any law or ordinance
13 regarding a maximum or minimum speed limit unless a law
14 enforcement officer is present at the scene and witnesses the
15 event. No State or local governmental entity, including a home
16 rule county or municipality, may use such a system in a way

1 that is prohibited by this Section. The regulation of the use
2 of such systems is an exclusive power and function of the
3 State. This Section is a denial and limitation of home rule
4 powers and functions under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
7 94-814, eff. 1-1-07.)

8 (625 ILCS 5/12-610.5)

9 Sec. 12-610.5. Registration plate covers.

10 (a) In this Section, "registration plate cover" means any
11 tinted, colored, painted, marked, clear, or illuminated object
12 that is designed to:

13 (1) cover any of the characters of a motor vehicle's
14 registration plate; or

15 (2) distort a recorded image of any of the characters
16 of a motor vehicle's registration plate recorded by an
17 automated traffic law enforcement system as defined in
18 Section 11-208.6 of this Code or recorded by an automated
19 traffic control system as defined in Section 15 of the
20 Automated Traffic Control Systems in Highway Construction,
21 ~~or~~ Maintenance, or High-Fatality Zones Act.

22 (b) It shall be unlawful to operate any motor vehicle that
23 is equipped with registration plate covers.

24 (c) A person may not sell or offer for sale a registration
25 plate cover.

1 (d) A person may not advertise for the purpose of promoting
2 the sale of registration plate covers.

3 (e) A violation of this Section or a similar provision of a
4 local ordinance shall be an offense against laws and ordinances
5 regulating the movement of traffic.

6 (Source: P.A. 96-328, eff. 8-11-09.)

7 Section 10. The Automated Traffic Control Systems in
8 Highway Construction or Maintenance Zones Act is amended by
9 changing Sections 1, 5, 10, 15, 25, and 30 and by adding
10 Section 50 as follows:

11 (625 ILCS 7/1)

12 Sec. 1. Short title. This Act may be cited as the Automated
13 Traffic Control Systems in Highway Construction, ~~or~~
14 Maintenance, or High-Fatality Zones Act.

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

16 (625 ILCS 7/5)

17 Sec. 5. Purpose. The purpose of this Act is to increase
18 safety in highway construction, ~~or~~ maintenance, or
19 high-fatality zones.

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

21 (625 ILCS 7/10)

22 Sec. 10. Establishment of automated control systems. The

1 Department of State Police may establish an automated traffic
2 control system in any construction, ~~or~~ maintenance, or
3 high-fatality zone established by the Department of
4 Transportation or the Illinois State Toll Highway Authority. An
5 automated traffic control system in a construction or
6 maintenance zone may operate only during those periods when
7 workers are present in the construction or maintenance zone. In
8 any prosecution based upon evidence obtained through an
9 automated traffic control system established under this Act,
10 the State must prove that one or more workers were present in
11 the construction or maintenance zone when the violation
12 occurred.

13 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
14 94-814, eff. 1-1-07.)

15 (625 ILCS 7/15)

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

17 (a) "Automated traffic control system" means a
18 photographic device, radar device, laser device, or other
19 electrical or mechanical device or devices installed in a
20 construction, maintenance, or high-fatality zone designed to
21 record the speed of a vehicle and obtain a clear photograph or
22 other recorded image of the vehicle, the vehicle operator, and
23 the vehicle's registration plate while the driver is violating
24 Section 11-605.1 of the Illinois Vehicle Code. The photograph
25 or other recorded image must also display the time, date, and

1 location of the violation. A law enforcement officer is not
2 required to be present or to witness the violation.

3 (b) "Construction or maintenance zone" means an area in
4 which the Department of Transportation or the Illinois State
5 Toll Highway Authority has determined that the preexisting
6 established speed limit through a highway construction or
7 maintenance project is greater than is reasonable or safe with
8 respect to the conditions expected to exist in the construction
9 or maintenance zone and has posted a lower speed limit with a
10 highway construction or maintenance zone special speed limit
11 sign in accordance with Section 11-605.1 of the Illinois
12 Vehicle Code.

13 (c) "Owner" means the person or entity to whom the vehicle
14 is registered.

15 (d) "High-fatality zone" means an area in which the
16 Department of Transportation or the Illinois State Toll Highway
17 Authority has determined that the number of fatal accidents
18 which have occurred in the area is such that an automated speed
19 enforcement system is warranted.

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

21 (625 ILCS 7/25)

22 Sec. 25. Limitations on the use of automated traffic
23 enforcement systems.

24 (a) The Department of State Police must conduct a public
25 information campaign to inform drivers about the use of

1 automated traffic control systems in highway construction, ~~or~~
2 maintenance, or high-fatality zones before establishing any of
3 those systems. The information campaign must provide 30 days'
4 notice of the use of a new automated traffic control system
5 prior to the issuance of any citations through the automated
6 traffic control system. The Department of State Police shall
7 adopt rules for implementing this subsection (a).

8 (b) Signs indicating that speeds are enforced by automated
9 traffic control systems must be clearly posted in the areas
10 where the systems are in use. The signs shall contain the
11 amount of the fine for a violation.

12 (c) Operation of automated traffic control systems is
13 limited to areas where road construction or maintenance is
14 occurring.

15 (d) Photographs obtained in this manner may only be used as
16 evidence in relation to a violation of Section 11-605.1 of the
17 Illinois Vehicle Code for which the photograph is taken. The
18 photographs are available only to the owner of the vehicle, the
19 offender and the offender's attorney, the judiciary, the local
20 State's Attorney, and law enforcement officials.

21 (e) If the driver of the vehicle cannot be identified
22 through the photograph, the owner is not liable for the fine,
23 and the citation may not be counted against the driving record
24 of the owner. If the driver can be identified, the driver is
25 liable for the fine, and the violation is counted against his
26 or her driving record.

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

2 (625 ILCS 7/30)

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

4 (a) The vehicle, vehicle operator, vehicle registration
5 plate, speed, date, time, and location must be clearly visible
6 on the photograph or other recorded image of the alleged
7 violation.

8 (b) A Uniform Traffic Citation must be mailed or otherwise
9 delivered to the registered owner of the vehicle. If mailed,
10 the citation must be sent via certified mail within 14 business
11 days of the alleged violation, return receipt requested.

12 (c) The Uniform Traffic Citation must include:

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

14 (2) the registration number of the vehicle;

15 (3) the offense charged;

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

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

18 (6) notice that the basis of the citation is the
19 photograph or recorded image from the automated traffic
20 control system; and -

21 (7) a copy of the recorded image or images.

22 (d) The Uniform Traffic Citation issued to the violator
23 must be accompanied by a written document that lists the
24 violator's rights and obligations and explains how the violator
25 can elect to proceed by either paying the fine or challenging

1 the issuance of the Uniform Traffic Citation.

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 7/50 new)

5 Sec. 50. Construction of Act. If any Section, sentence,
6 clause, or part of this Act is for any reason held to be
7 unconstitutional, such decision shall not affect the remaining
8 portions of this Act. The General Assembly hereby declares that
9 it would have passed this Act, and each Section, sentence,
10 clause, or part thereof, irrespective of the fact that one or
11 more Sections, sentences, clauses, or parts might be declared
12 unconstitutional."