

SB2528



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2528

Introduced 11/9/2011, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

625 ILCS 5/11-306

from Ch. 95 1/2, par. 11-306

If and only if House Bill 2860 of the 97th General Assembly becomes law, amends the Illinois Vehicle Code. Provides that the driver of a motorcycle may proceed through a red light which fails to change to a green light "within a reasonable period of time not less than 120 seconds" (instead of "within a reasonable period of time"). Effective immediately.

LRB097 14717 HEP 59704 b

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. If and only if House Bill 2860 of the 97th
5 General Assembly becomes law, the Illinois Vehicle Code is
6 amended by changing Sections 11-208.6 and 11-306 as follows:

7 (625 ILCS 5/11-208.6)

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

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

16 An automated traffic law enforcement system is a system, in
17 a municipality or county operated by a governmental agency,
18 that produces a recorded image of a motor vehicle's violation
19 of a provision of this Code or a local ordinance and is
20 designed to obtain a clear recorded image of the vehicle and
21 the vehicle's license plate. The recorded image must also
22 display the time, date, and location of the violation.

23 (b) As used in this Section, "recorded images" means images

1 recorded by an automated traffic law enforcement system on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

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

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

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

24 (c-5) A county or municipality, including a home rule
25 county or municipality, may not use an automated traffic law
26 enforcement system to issue violations in instances where the

1 motor vehicle comes to a complete stop and does not enter the
2 intersection, as defined by Section 1-132 of this Code, during
3 the cycle of the red signal indication unless one or more
4 pedestrians or bicyclists are present, even if the motor
5 vehicle stops at a point past a stop line or crosswalk where a
6 driver is required to stop, as specified in subsection (c) of
7 Section 11-306 of this Code or a similar provision of a local
8 ordinance.

9 (c-6) A county, or a municipality with less than 2,000,000
10 inhabitants, including a home rule county or municipality, may
11 not use an automated traffic law enforcement system to issue
12 violations in instances where a motorcyclist enters an
13 intersection against a red signal indication when the red
14 signal fails to change to a green signal within a reasonable
15 period of time not less than 120 seconds because of a signal
16 malfunction or because the signal has failed to detect the
17 arrival of the motorcycle due to the motorcycle's size or
18 weight.

19 (d) For each violation of a provision of this Code or a
20 local ordinance recorded by an automatic traffic law
21 enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle as the alleged violator.
24 The notice shall be delivered to the registered owner of the
25 vehicle, by mail, within 30 days after the Secretary of State
26 notifies the municipality or county of the identity of the

1 owner of the vehicle, but in no event later than 90 days after
2 the violation.

3 The notice shall include:

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

6 (2) the registration number of the motor vehicle
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

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

11 (6) a copy of the recorded images;

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

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

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

23 (10) a statement that the person may elect to proceed
24 by:

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

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

3 (11) a website address, accessible through the
4 Internet, where the person may view the recorded images of
5 the violation.

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

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

21 (g) Recorded images made by an automatic traffic law
22 enforcement system are confidential and shall be made available
23 only to the alleged violator and governmental and law
24 enforcement agencies for purposes of adjudicating a violation
25 of this Section, for statistical purposes, or for other
26 governmental purposes. Any recorded image evidencing a

1 violation of this Section, however, may be admissible in any
2 proceeding resulting from the issuance of the citation.

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

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

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

13 (3) any other evidence or issues provided by municipal
14 or county ordinance.

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

22 (j) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding \$100 or the completion of a traffic
26 education program, or both, plus an additional penalty of not

1 more than \$100 for failure to pay the original penalty or to
2 complete a required traffic education program, or both, in a
3 timely manner, if the motor vehicle is recorded by an automated
4 traffic law enforcement system. A violation for which a civil
5 penalty is imposed under this Section is not a violation of a
6 traffic regulation governing the movement of vehicles and may
7 not be recorded on the driving record of the owner of the
8 vehicle.

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

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

25 (k) An intersection equipped with an automated traffic law
26 enforcement system must be posted with a sign visible to

1 approaching traffic indicating that the intersection is being
2 monitored by an automated traffic law enforcement system.

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

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

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

1 enforcement system. The statistical analysis required by this
2 subsection (k-7) shall be made available to the public and
3 shall be published on the website of the municipality or
4 county. If the statistical analysis for the 36 month period
5 following installation of the system indicates that there has
6 been an increase in the rate of accidents at the approach to
7 the intersection monitored by the system, the municipality or
8 county shall undertake additional studies to determine the
9 cause and severity of the accidents, and may take any action
10 that it determines is necessary or appropriate to reduce the
11 number or severity of the accidents at that intersection.

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

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

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

22 A low-income individual required to complete a traffic
23 education program under this Section who provides proof of
24 eligibility for the federal earned income tax credit under
25 Section 32 of the Internal Revenue Code or the Illinois earned
26 income tax credit under Section 212 of the Illinois Income Tax

1 Act shall not be required to pay any fee for participating in a
2 required traffic education program.

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

8 (Source: 09700HB2860enr.)

9 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

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

17 (a) Green indication.

18 1. Vehicular traffic facing a circular green signal may
19 proceed straight through or turn right or left unless a
20 sign at such place prohibits either such turn. Vehicular
21 traffic, including vehicles turning right or left, shall
22 yield the right of way to other vehicles and to pedestrians
23 lawfully within the intersection or an adjacent crosswalk
24 at the time such signal is exhibited.

25 2. Vehicular traffic facing a green arrow signal, shown

1 alone or in combination with another indication, may
2 cautiously enter the intersection only to make the movement
3 indicated by such arrow, or such other movement as is
4 permitted by other indications shown at the same time. Such
5 vehicular traffic shall yield the right of way to
6 pedestrians lawfully within an adjacent crosswalk and to
7 other traffic lawfully using the intersection.

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

13 (b) Steady yellow indication.

14 1. Vehicular traffic facing a steady circular yellow or
15 yellow arrow signal is thereby warned that the related
16 green movement is being terminated or that a red indication
17 will be exhibited immediately thereafter.

18 2. Pedestrians facing a steady circular yellow or
19 yellow arrow signal, unless otherwise directed by a
20 pedestrian-control signal as provided in Section 11-307,
21 are thereby advised that there is insufficient time to
22 cross the roadway before a red indication is shown and no
23 pedestrian shall then start to cross the roadway.

24 (c) Steady red indication.

25 1. Except as provided in paragraphs 3 and 3.5 of this
26 subsection (c), vehicular traffic facing a steady circular

1 red signal alone shall stop at a clearly marked stop line,
2 but if there is no such stop line, before entering the
3 crosswalk on the near side of the intersection, or if there
4 is no such crosswalk, then before entering the
5 intersection, and shall remain standing until an
6 indication to proceed is shown.

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

18 3. Except when a sign is in place prohibiting a turn
19 and local authorities by ordinance or State authorities by
20 rule or regulation prohibit any such turn, vehicular
21 traffic facing any steady red signal may cautiously enter
22 the intersection to turn right, or to turn left from a
23 one-way street into a one-way street, after stopping as
24 required by paragraph 1 or paragraph 2 of this subsection.
25 After stopping, the driver shall yield the right of way to
26 any vehicle in the intersection or approaching on another

1 roadway so closely as to constitute an immediate hazard
2 during the time such driver is moving across or within the
3 intersection or junction or roadways. Such driver shall
4 yield the right of way to pedestrians within the
5 intersection or an adjacent crosswalk.

6 3.5. In municipalities with less than 2,000,000
7 inhabitants, after stopping as required by paragraph 1 or 2
8 of this subsection, the driver of a motorcycle or bicycle,
9 facing a steady red signal which fails to change to a green
10 signal within a reasonable period of time not less than 120
11 seconds because of a signal malfunction or because the
12 signal has failed to detect the arrival of the motorcycle
13 or bicycle due to the vehicle's size or weight, shall have
14 the right to proceed, after yielding the right of way to
15 oncoming traffic facing a green signal, subject to the
16 rules applicable after making a stop at a stop sign as
17 required by Section 11-1204 of this Code.

18 4. Unless otherwise directed by a pedestrian-control
19 signal as provided in Section 11-307, pedestrians facing a
20 steady circular red or red arrow signal alone shall not
21 enter the roadway.

22 (d) In the event an official traffic control signal is
23 erected and maintained at a place other than an intersection,
24 the provisions of this Section shall be applicable except as to
25 provisions which by their nature can have no application. Any
26 stop required shall be at a traffic sign or a marking on the

1 pavement indicating where the stop shall be made or, in the
2 absence of such sign or marking, the stop shall be made at the
3 signal.

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

6 (Source: 09700HB2860enr.)

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