



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3504

Introduced 2/8/2012, by Sen. Dan Duffy

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. In the Section concerning automated traffic law enforcement systems, provides that a minimal yellow light change interval at an intersection where an automated system is operating shall be established in accordance with nationally recognized engineering standards, and may not be less than the recognized national standard plus one additional second. Provides that a municipality or county that has one or more intersections equipped with an automated system must time the operation of the yellow lights and yellow arrows so that the steady yellow indication conforms with the new requirements. Provides that a municipality or county using an automated system shall test the system for accuracy at regular intervals and record and maintain the results of each test. Provides testing procedures. Provides that the test results shall be a public record subject to inspection under the Freedom of Information Act and available on the Internet. Requires traffic enforcement camera manufacturers to submit their installed equipment for independent testing from a non-associated third party to establish and confirm the accuracy of the equipment. Provides additional equipment requirements. Provides that any system not meeting the manufacturer's minimum accuracy requirements shall be removed from service and may not be used again until the system has been serviced and calibrated by a qualified independent technician. Provides that the duration of the yellow or red light of any traffic control device at which an automated system is installed may not be decreased prior to the installation of the automated system or during the time for which the system is operated. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB097 16463 HEP 65339 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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

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

1 The notice shall include:

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

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

6 (3) the violation charged;

7 (4) the location where the violation occurred;

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

9 (6) a copy of the recorded images;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

6 (k-5) An intersection equipped with an automated traffic  
7 law enforcement system must have a yellow change interval that  
8 conforms with the Illinois Manual on Uniform Traffic Control  
9 Devices (IMUTCD) published by the Illinois Department of  
10 Transportation. The minimal yellow light change interval shall  
11 be established in accordance with nationally recognized  
12 engineering standards using the 85th percentile approach  
13 traffic speed, derived from engineering speed studies  
14 conducted under good conditions and not influenced by law  
15 enforcement actions or visible speed display signs, and any  
16 established time may not be less than the recognized national  
17 standard plus one additional second. A municipality or county  
18 that has one or more intersections equipped with an automated  
19 traffic law enforcement system must time the operation of the  
20 visible steady yellow lights and visible steady yellow arrows  
21 of those traffic control signals so that the steady yellow  
22 indication conforms with the requirements of this subsection  
23 (k-5). A municipality or county using an automated traffic law  
24 enforcement system shall at its own expense test the system for  
25 timing accuracy annually or immediately after damage or erratic  
26 operation and record and maintain the results of each test.

1 Each associated traffic signal shall have each of its red,  
2 yellow and green signals video recorded for 3 successive timing  
3 intervals by independent video technicians not connected to any  
4 automated traffic law enforcement system vendor. The recorded  
5 timing intervals shall be time checked by forensic video  
6 analysts using imbedded video stop watch and frame counter  
7 software to ensure accuracy, and the written and video test  
8 results shall be a public record subject to inspection under  
9 the Freedom of Information Act. Written and video timings shall  
10 be available on the Internet. Each traffic enforcement camera  
11 manufacturer shall submit their installed equipment for  
12 independent testing and their complete equipment  
13 specifications for review by a non-associated third party to  
14 establish and confirm the accuracy of the equipment. All  
15 automated law enforcement system equipment manufacturers and  
16 vendors shall confirm in writing that their equipment operates  
17 in accordance with current National Television System  
18 Committee standards. Any system not meeting the manufacturer's  
19 minimum accuracy requirements and electrical standards or  
20 failing independent testing shall immediately be removed from  
21 service. Systems removed for not meeting the manufacturer's  
22 minimum accuracy requirements or electrical standards may not  
23 be used by the county or municipality, nor may any charges for  
24 violations based on video evidence from the defective system be  
25 made by a law enforcement agency, until the system has been  
26 serviced and calibrated at the expense of the county or

1 municipality by a qualified independent technician. A repaired  
2 automated law enforcement system shall be re-submitted to a  
3 non-associated third party for testing to establish and confirm  
4 the accuracy of the equipment. Video evidence produced by the  
5 equipment may not be used as evidence of a violation until the  
6 system meet the requirements of this subsection (k-5).

7 (k-6) The visual duration of the steady yellow or red light  
8 and arrows of any traffic control device at which an automated  
9 traffic law enforcement system is installed may not be  
10 decreased prior to the installation of the automated traffic  
11 law enforcement system or during the time for which the system  
12 is operated.

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 (p) No person who is the lessor of a motor vehicle pursuant  
9 to a written lease agreement shall be liable for an automated  
10 traffic law enforcement system violation involving such motor  
11 vehicle during the period of the lease; provided that upon the  
12 request of the appropriate authority received within 120 days  
13 after the violation occurred, the lessor provides within 60  
14 days after such receipt the name and address of the lessee. The  
15 drivers license number of a lessee may be subsequently  
16 individually requested by the appropriate authority if needed  
17 for enforcement of this Section.

18 Upon the provision of information by the lessor pursuant to  
19 this subsection, the county or municipality may issue the  
20 violation to the lessee of the vehicle in the same manner as it  
21 would issue a violation to a registered owner of a vehicle  
22 pursuant to this Section, and the lessee may be held liable for  
23 the violation.

24 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;  
25 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; revised 1-19-12.)

1           Section 90. The State Mandates Act is amended by adding  
2           Section 8.36 as follows:

3           (30 ILCS 805/8.36 new)

4           Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8  
5           of this Act, no reimbursement by the State is required for the  
6           implementation of any mandate created by this amendatory Act of  
7           the 97th General Assembly.

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Statutes amended in order of appearance

3

625 ILCS 5/11-208.6

4

30 ILCS 805/8.36 new