



Sen. Dan Duffy

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LRB097 16463 HEP 67458 a

1 AMENDMENT TO SENATE BILL 3504

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3504 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-208.6 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,

1 that produces a recorded image of a motor vehicle's violation  
2 of a provision of this Code or a local ordinance and is  
3 designed to obtain a clear recorded image of the vehicle and  
4 the vehicle's license plate. The recorded image must also  
5 display the time, date, and location of the violation.

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

11 (4) a video recording showing the motor vehicle and, on  
12 at least one image or portion of the recording, clearly  
13 identifying the registration plate number of the motor  
14 vehicle.

15 (b-5) A municipality or county that produces a recorded  
16 image of a motor vehicle's violation of a provision of this  
17 Code or a local ordinance must make the recorded images of a  
18 violation accessible to the alleged violator by providing the  
19 alleged violator with a website address, accessible through the  
20 Internet.

21 (c) Except as provided under Section 11-208.8 of this Code,  
22 a county or municipality, including a home rule county or  
23 municipality, may not use an automated traffic law enforcement  
24 system to provide recorded images of a motor vehicle for the  
25 purpose of recording its speed. Except as provided under  
26 Section 11-208.8 of this Code, the regulation of the use of

1 automated traffic law enforcement systems to record vehicle  
2 speeds is an exclusive power and function of the State. This  
3 subsection (c) is a denial and limitation of home rule powers  
4 and functions under subsection (h) of Section 6 of Article VII  
5 of the Illinois Constitution.

6 (c-5) A county or municipality, including a home rule  
7 county or municipality, may not use an automated traffic law  
8 enforcement system to issue violations in instances where the  
9 motor vehicle comes to a complete stop and does not enter the  
10 intersection, as defined by Section 1-132 of this Code, during  
11 the cycle of the red signal indication unless one or more  
12 pedestrians or bicyclists are present, even if the motor  
13 vehicle stops at a point past a stop line or crosswalk where a  
14 driver is required to stop, as specified in subsection (c) of  
15 Section 11-306 of this Code or a similar provision of a local  
16 ordinance.

17 (c-6) A county, or a municipality with less than 2,000,000  
18 inhabitants, including a home rule county or municipality, may  
19 not use an automated traffic law enforcement system to issue  
20 violations in instances where a motorcyclist enters an  
21 intersection against a red signal indication when the red  
22 signal fails to change to a green signal within a reasonable  
23 period of time because of a signal malfunction or because the  
24 signal has failed to detect the arrival of the motorcycle due  
25 to the motorcycle's size or weight.

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automatic traffic law  
2 enforcement system, the county or municipality having  
3 jurisdiction shall issue a written notice of the violation to  
4 the registered owner of the vehicle as the alleged violator.  
5 The notice shall be delivered to the registered owner of the  
6 vehicle, by mail, within 30 days after the Secretary of State  
7 notifies the municipality or county of the identity of the  
8 owner of the vehicle, but in no event later than 90 days after  
9 the violation.

10 The notice shall include:

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

13 (2) the registration number of the motor vehicle  
14 involved in the violation;

15 (3) the violation charged;

16 (4) the location where the violation occurred;

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

18 (6) a copy of the recorded images;

19 (7) the amount of the civil penalty imposed and the  
20 requirements of any traffic education program imposed and  
21 the date by which the civil penalty should be paid and the  
22 traffic education program should be completed;

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

25 (9) a warning that failure to pay the civil penalty, to  
26 complete a required traffic education program, or to

1 contest liability in a timely manner is an admission of  
2 liability and may result in a suspension of the driving  
3 privileges of the registered owner of the vehicle;

4 (10) a statement that the person may elect to proceed  
5 by:

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

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

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

13 (e) If a person charged with a traffic violation, as a  
14 result of an automated traffic law enforcement system, does not  
15 pay the fine or complete a required traffic education program,  
16 or both, or successfully contest the civil penalty resulting  
17 from that violation, the Secretary of State shall suspend the  
18 driving privileges of the registered owner of the vehicle under  
19 Section 6-306.5 of this Code for failing to complete a required  
20 traffic education program or to pay any fine or penalty due and  
21 owing, or both, as a result of a combination of 5 violations of  
22 the automated traffic law enforcement system or the automated  
23 speed enforcement system under Section 11-208.8 of this Code.

24 (f) Based on inspection of recorded images produced by an  
25 automated traffic law enforcement system, a notice alleging  
26 that the violation occurred shall be evidence of the facts

1 contained in the notice and admissible in any proceeding  
2 alleging a violation under this Section.

3 (g) Recorded images made by an automatic traffic law  
4 enforcement system are confidential and shall be made available  
5 only to the alleged violator and governmental and law  
6 enforcement agencies for purposes of adjudicating a violation  
7 of this Section, for statistical purposes, or for other  
8 governmental purposes. Any recorded image evidencing a  
9 violation of this Section, however, may be admissible in any  
10 proceeding resulting from the issuance of the citation.

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

13 (1) that the motor vehicle or registration plates of  
14 the motor vehicle were stolen before the violation occurred  
15 and not under the control of or in the possession of the  
16 owner at the time of the violation;

17 (2) that the driver of the vehicle passed through the  
18 intersection when the light was red either (i) in order to  
19 yield the right-of-way to an emergency vehicle or (ii) as  
20 part of a funeral procession; ~~and~~

21 (3) evidence that the minimal yellow light change  
22 interval does not conform with the requirements of  
23 subsection (k-5) of this Section; and

24 (4) ~~(3)~~ any other evidence or issues provided by  
25 municipal or county ordinance.

26 (i) To demonstrate that the motor vehicle or the

1 registration plates were stolen before the violation occurred  
2 and were not under the control or possession of the owner at  
3 the time of the violation, the owner must submit proof that a  
4 report concerning the stolen motor vehicle or registration  
5 plates was filed with a law enforcement agency in a timely  
6 manner.

7 (j) Unless the driver of the motor vehicle received a  
8 Uniform Traffic Citation from a police officer at the time of  
9 the violation, the motor vehicle owner is subject to a civil  
10 penalty not exceeding \$100 or the completion of a traffic  
11 education program, or both, plus an additional penalty of not  
12 more than \$100 for failure to pay the original penalty or to  
13 complete a required traffic education program, or both, in a  
14 timely manner, if the motor vehicle is recorded by an automated  
15 traffic law enforcement system. A violation for which a civil  
16 penalty is imposed under this Section is not a violation of a  
17 traffic regulation governing the movement of vehicles and may  
18 not be recorded on the driving record of the owner of the  
19 vehicle.

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

23 (j-5) For purposes of the required traffic education  
24 program only, a registered owner may submit an affidavit to the  
25 court or hearing officer swearing that at the time of the  
26 alleged violation, the vehicle was in the custody and control

1 of another person. The affidavit must identify the person in  
2 custody and control of the vehicle, including the person's name  
3 and current address. The person in custody and control of the  
4 vehicle at the time of the violation is required to complete  
5 the required traffic education program. If the person in  
6 custody and control of the vehicle at the time of the violation  
7 completes the required traffic education program, the  
8 registered owner of the vehicle is not required to complete a  
9 traffic education program.

10 (k) An intersection equipped with an automated traffic law  
11 enforcement system must be posted with a sign visible to  
12 approaching traffic indicating that the intersection is being  
13 monitored by an automated traffic law enforcement system.

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

19 (k-5) An intersection equipped with an automated traffic  
20 law enforcement system must have a yellow change interval that  
21 conforms with the Illinois Manual on Uniform Traffic Control  
22 Devices (IMUTCD) published by the Illinois Department of  
23 Transportation. The minimal yellow light change interval shall  
24 be established in accordance with nationally recognized  
25 engineering standards using the 85th percentile approach  
26 traffic speed, derived from engineering speed studies



1 conducted under good conditions and not influenced by law  
2 enforcement actions or visible speed display signs, and any  
3 established time may not be less than the recognized national  
4 standard plus one additional second.

5 (k-7) A municipality or county operating an automated  
6 traffic law enforcement system shall conduct a statistical  
7 analysis to assess the safety impact of each automated traffic  
8 law enforcement system at an intersection following  
9 installation of the system. The statistical analysis shall be  
10 based upon the best available crash, traffic, and other data,  
11 and shall cover a period of time before and after installation  
12 of the system sufficient to provide a statistically valid  
13 comparison of safety impact. The statistical analysis shall be  
14 consistent with professional judgment and acceptable industry  
15 practice. The statistical analysis also shall be consistent  
16 with the data required for valid comparisons of before and  
17 after conditions and shall be conducted within a reasonable  
18 period following the installation of the automated traffic law  
19 enforcement system. The statistical analysis required by this  
20 subsection (k-7) shall be made available to the public and  
21 shall be published on the website of the municipality or  
22 county. If the statistical analysis for the 36 month period  
23 following installation of the system indicates that there has  
24 been an increase in the rate of accidents at the approach to  
25 the intersection monitored by the system, the municipality or  
26 county shall undertake additional studies to determine the

1 cause and severity of the accidents, and may take any action  
2 that it determines is necessary or appropriate to reduce the  
3 number or severity of the accidents at that intersection.

4 (l) The compensation paid for an automated traffic law  
5 enforcement system must be based on the value of the equipment  
6 or the services provided and may not be based on the number of  
7 traffic citations issued or the revenue generated by the  
8 system.

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

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

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

21 (o) A municipality or county shall make a certified report  
22 to the Secretary of State pursuant to Section 6-306.5 of this  
23 Code whenever a registered owner of a vehicle has failed to pay  
24 any fine or penalty due and owing as a result of a combination  
25 of 5 offenses for automated traffic law or speed enforcement  
26 system violations.

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

11           Upon the provision of information by the lessor pursuant to  
12 this subsection, the county or municipality may issue the  
13 violation to the lessee of the vehicle in the same manner as it  
14 would issue a violation to a registered owner of a vehicle  
15 pursuant to this Section, and the lessee may be held liable for  
16 the violation.

17           (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;  
18 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672, eff. 7-1-12;  
19 revised 2-8-12.)".