



Rep. David McSweeney

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LRB099 04055 RJF 32415 a

1 AMENDMENT TO HOUSE BILL 173

2 AMENDMENT NO. _____. Amend House Bill 173 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208 and 11-208.6 as follows:

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

7 Sec. 11-208. Powers of local authorities.

8 (a) The provisions of this Code shall not be deemed to
9 prevent local authorities with respect to streets and highways
10 under their jurisdiction and within the reasonable exercise of
11 the police power from:

12 1. Regulating the standing or parking of vehicles,
13 except as limited by Sections 11-1306 and 11-1307 of this
14 Act;

15 2. Regulating traffic by means of police officers or
16 traffic control signals;

1 3. Regulating or prohibiting processions or
2 assemblages on the highways; and certifying persons to
3 control traffic for processions or assemblages;

4 4. Designating particular highways as one-way highways
5 and requiring that all vehicles thereon be moved in one
6 specific direction;

7 5. Regulating the speed of vehicles in public parks
8 subject to the limitations set forth in Section 11-604;

9 6. Designating any highway as a through highway, as
10 authorized in Section 11-302, and requiring that all
11 vehicles stop before entering or crossing the same or
12 designating any intersection as a stop intersection or a
13 yield right-of-way intersection and requiring all vehicles
14 to stop or yield the right-of-way at one or more entrances
15 to such intersections;

16 7. Restricting the use of highways as authorized in
17 Chapter 15;

18 8. Regulating the operation of bicycles and requiring
19 the registration and licensing of same, including the
20 requirement of a registration fee;

21 9. Regulating or prohibiting the turning of vehicles or
22 specified types of vehicles at intersections;

23 10. Altering the speed limits as authorized in Section
24 11-604;

25 11. Prohibiting U-turns;

26 12. Prohibiting pedestrian crossings at other than

1 designated and marked crosswalks or at intersections;

2 13. Prohibiting parking during snow removal operation;

3 14. Imposing fines in accordance with Section
4 11-1301.3 as penalties for use of any parking place
5 reserved for persons with disabilities, as defined by
6 Section 1-159.1, or disabled veterans by any person using a
7 motor vehicle not bearing registration plates specified in
8 Section 11-1301.1 or a special decal or device as defined
9 in Section 11-1301.2 as evidence that the vehicle is
10 operated by or for a person with disabilities or disabled
11 veteran;

12 15. Adopting such other traffic regulations as are
13 specifically authorized by this Code; or

14 16. Enforcing the provisions of subsection (f) of
15 Section 3-413 of this Code or a similar local ordinance.

16 (b) No ordinance or regulation enacted under subsections 1,
17 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
18 until signs giving reasonable notice of such local traffic
19 regulations are posted.

20 (c) The provisions of this Code shall not prevent any
21 municipality having a population of 500,000 or more inhabitants
22 from prohibiting any person from driving or operating any motor
23 vehicle upon the roadways of such municipality with headlamps
24 on high beam or bright.

25 (d) The provisions of this Code shall not be deemed to
26 prevent local authorities within the reasonable exercise of

1 their police power from prohibiting, on private property, the
2 unauthorized use of parking spaces reserved for persons with
3 disabilities.

4 (e) No unit of local government, including a home rule
5 unit, may enact or enforce an ordinance that applies only to
6 motorcycles if the principal purpose for that ordinance is to
7 restrict the access of motorcycles to any highway or portion of
8 a highway for which federal or State funds have been used for
9 the planning, design, construction, or maintenance of that
10 highway. No unit of local government, including a home rule
11 unit, may enact an ordinance requiring motorcycle users to wear
12 protective headgear. Nothing in this subsection (e) shall
13 affect the authority of a unit of local government to regulate
14 motorcycles for traffic control purposes or in accordance with
15 Section 12-602 of this Code. No unit of local government,
16 including a home rule unit, may regulate motorcycles in a
17 manner inconsistent with this Code. This subsection (e) is a
18 limitation under subsection (i) of Section 6 of Article VII of
19 the Illinois Constitution on the concurrent exercise by home
20 rule units of powers and functions exercised by the State.

21 (f) A municipality or county designated in Section 11-208.6
22 may enact an ordinance providing for an automated traffic law
23 enforcement system to enforce violations of this Code or a
24 similar provision of a local ordinance and imposing liability
25 on a registered owner or lessee of a vehicle used in such a
26 violation; however, on or after January 1, 2017, no non-home

1 rule unit within a county designated in subsection (m) of
2 Section 11-208.6 may enact or continue to enforce an ordinance
3 providing for an automated traffic law enforcement system to
4 enforce violations of this Code or a similar provision of a
5 local ordinance.

6 (g) A municipality or county, as provided in Section
7 11-1201.1, may enact an ordinance providing for an automated
8 traffic law enforcement system to enforce violations of Section
9 11-1201 of this Code or a similar provision of a local
10 ordinance and imposing liability on a registered owner of a
11 vehicle used in such a violation.

12 (h) A municipality designated in Section 11-208.8 may enact
13 an ordinance providing for an automated speed enforcement
14 system to enforce violations of Article VI of Chapter 11 of
15 this Code or a similar provision of a local ordinance.

16 (i) A municipality or county designated in Section 11-208.9
17 may enact an ordinance providing for an automated traffic law
18 enforcement system to enforce violations of Section 11-1414 of
19 this Code or a similar provision of a local ordinance and
20 imposing liability on a registered owner or lessee of a vehicle
21 used in such a violation.

22 (Source: P.A. 97-29, eff. 1-1-12; 97-672, eff. 7-1-12; 98-396,
23 eff. 1-1-14; 98-556, eff. 1-1-14; 98-756, eff. 7-16-14.)

24 (625 ILCS 5/11-208.6)

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

1 (a) As used in this Section, "automated traffic law
2 enforcement system" means a device with one or more motor
3 vehicle sensors working in conjunction with a red light signal
4 to produce recorded images of motor vehicles entering an
5 intersection against a red signal indication in violation of
6 Section 11-306 of this Code or a similar provision of a local
7 ordinance.

8 Until January 1, 2017, an ~~An~~ automated traffic law
9 enforcement system is a system, in a municipality or county
10 operated by a governmental agency, that produces a recorded
11 image of a motor vehicle's violation of a provision of this
12 Code or a local ordinance and is designed to obtain a clear
13 recorded image of the vehicle and the vehicle's license plate.
14 On and after January 1, 2017, an automated traffic law
15 enforcement system is a system, in a municipality or county,
16 which is not a non-home rule unit within a county designated in
17 subsection (m) of this Section, operated by a governmental
18 agency, that produces a recorded image of a motor vehicle's
19 violation of a provision of this Code or a local ordinance and
20 is 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
24 recorded by an automated traffic law enforcement system on:

- 25 (1) 2 or more photographs;
26 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

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

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

12 (c) Except as provided under Section 11-208.8 of this Code,
13 a county or municipality, including a home rule county or
14 municipality, may not use an automated traffic law enforcement
15 system to provide recorded images of a motor vehicle for the
16 purpose of recording its speed. Except as provided under
17 Section 11-208.8 of this Code, the regulation of the use of
18 automated traffic law enforcement systems to record vehicle
19 speeds is an exclusive power and function of the State. This
20 subsection (c) is a denial and limitation of home rule powers
21 and functions under subsection (h) of Section 6 of Article VII
22 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 not less than 120 seconds because of a signal
15 malfunction or because the signal has failed to detect the
16 arrival of the motorcycle due to the motorcycle's size or
17 weight.

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

1 the violation.

2 The notice shall include:

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

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

7 (3) the violation charged;

8 (4) the location where the violation occurred;

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

10 (6) a copy of the recorded images;

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

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

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

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

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

26 (B) challenging the charge in court, by mail, or by

1 administrative hearing; and

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

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

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 a combination
7 of 5 offenses for automated traffic law or speed enforcement
8 system violations.

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

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

25 (Source: P.A. 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672,
26 eff. 7-1-12; 97-762, eff. 7-6-12; 98-463, eff. 8-16-13.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.39 as follows:

3 (30 ILCS 805/8.39 new)

4 Sec. 8.39. 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 99th General Assembly."