



Sen. Dan Duffy

Filed: 4/14/2015

09900SB1026sam001

LRB099 05502 RJF 33648 a

1 AMENDMENT TO SENATE BILL 1026

2 AMENDMENT NO. _____. Amend Senate Bill 1026 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 not less than 120 seconds because of a signal
24 malfunction or because the signal has failed to detect the
25 arrival of the motorcycle due to the motorcycle's size or
26 weight.

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

11 The notice shall include:

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

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

16 (3) the violation charged;

17 (4) the location where the violation occurred;

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

19 (6) a copy of the recorded images;

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

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

26 (9) a warning that failure to pay the civil penalty, to

1 complete a required traffic education program, or to
2 contest liability in a timely manner is an admission of
3 liability and may result in a suspension of the driving
4 privileges of the registered owner of the vehicle;

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

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

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

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

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

25 (f) Based on inspection of recorded images produced by an
26 automated traffic law enforcement system, a notice alleging

1 that the violation occurred shall be evidence of the facts
2 contained in the notice and admissible in any proceeding
3 alleging a violation under this Section.

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

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

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

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

22 (2.5) evidence that the minimal yellow light change
23 interval does not conform with the requirements of
24 subsection (k-5) of this Section; and

25 (3) any other evidence or issues provided by municipal
26 or county ordinance.

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

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

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

24 (j-5) For purposes of the required traffic education
25 program only, a registered owner may submit an affidavit to the
26 court or hearing officer swearing that at the time of the

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

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

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

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

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

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

1 county shall undertake additional studies to determine the
2 cause and severity of the accidents, and may take any action
3 that it determines is necessary or appropriate to reduce the
4 number or severity of the accidents at that intersection.

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

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

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

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

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

1 system violations.

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

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

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