

1 AN ACT in relation to 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
5 changing Sections 6-206, 11-1011, 11-1201, and 11-1201.1 as
6 follows:

7 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

8 Sec. 6-206. Discretionary authority to suspend or revoke
9 license or permit; Right to a hearing.

10 (a) The Secretary of State is authorized to suspend or
11 revoke the driving privileges of any person without
12 preliminary hearing upon a showing of the person's records or
13 other sufficient evidence that the person:

14 1. Has committed an offense for which mandatory
15 revocation of a driver's license or permit is required
16 upon conviction;

17 2. Has been convicted of not less than 3 offenses
18 against traffic regulations governing the movement of
19 vehicles committed within any 12 month period. No
20 revocation or suspension shall be entered more than 6
21 months after the date of last conviction;

22 3. Has been repeatedly involved as a driver in
23 motor vehicle collisions or has been repeatedly convicted
24 of offenses against laws and ordinances regulating the
25 movement of traffic, to a degree that indicates lack of
26 ability to exercise ordinary and reasonable care in the
27 safe operation of a motor vehicle or disrespect for the
28 traffic laws and the safety of other persons upon the
29 highway;

30 4. Has by the unlawful operation of a motor vehicle
31 caused or contributed to an accident resulting in death

1 or injury requiring immediate professional treatment in a
2 medical facility or doctor's office to any person, except
3 that any suspension or revocation imposed by the
4 Secretary of State under the provisions of this
5 subsection shall start no later than 6 months after being
6 convicted of violating a law or ordinance regulating the
7 movement of traffic, which violation is related to the
8 accident, or shall start not more than one year after the
9 date of the accident, whichever date occurs later;

10 5. Has permitted an unlawful or fraudulent use of a
11 driver's license, identification card, or permit;

12 6. Has been lawfully convicted of an offense or
13 offenses in another state, including the authorization
14 contained in Section 6-203.1, which if committed within
15 this State would be grounds for suspension or revocation;

16 7. Has refused or failed to submit to an
17 examination provided for by Section 6-207 or has failed
18 to pass the examination;

19 8. Is ineligible for a driver's license or permit
20 under the provisions of Section 6-103;

21 9. Has made a false statement or knowingly
22 concealed a material fact or has used false information
23 or identification in any application for a license,
24 identification card, or permit;

25 10. Has possessed, displayed, or attempted to
26 fraudulently use any license, identification card, or
27 permit not issued to the person;

28 11. Has operated a motor vehicle upon a highway of
29 this State when the person's driving privilege or
30 privilege to obtain a driver's license or permit was
31 revoked or suspended unless the operation was authorized
32 by a judicial driving permit, probationary license to
33 drive, or a restricted driving permit issued under this
34 Code;

1 12. Has submitted to any portion of the application
2 process for another person or has obtained the services
3 of another person to submit to any portion of the
4 application process for the purpose of obtaining a
5 license, identification card, or permit for some other
6 person;

7 13. Has operated a motor vehicle upon a highway of
8 this State when the person's driver's license or permit
9 was invalid under the provisions of Sections 6-107.1 and
10 6-110;

11 14. Has committed a violation of Section 6-301,
12 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
13 14B of the Illinois Identification Card Act;

14 15. Has been convicted of violating Section 21-2 of
15 the Criminal Code of 1961 relating to criminal trespass
16 to vehicles in which case, the suspension shall be for
17 one year;

18 16. Has been convicted of violating Section 11-204
19 of this Code relating to fleeing from a police officer;

20 17. Has refused to submit to a test, or tests, as
21 required under Section 11-501.1 of this Code and the
22 person has not sought a hearing as provided for in
23 Section 11-501.1;

24 18. Has, since issuance of a driver's license or
25 permit, been adjudged to be afflicted with or suffering
26 from any mental disability or disease;

27 19. Has committed a violation of paragraph (a) or
28 (b) of Section 6-101 relating to driving without a
29 driver's license;

30 20. Has been convicted of violating Section 6-104
31 relating to classification of driver's license;

32 21. Has been convicted of violating Section 11-402
33 of this Code relating to leaving the scene of an accident
34 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

2 22. Has used a motor vehicle in violating paragraph
3 (3), (4), (7), or (9) of subsection (a) of Section 24-1
4 of the Criminal Code of 1961 relating to unlawful use of
5 weapons, in which case the suspension shall be for one
6 year;

7 23. Has, as a driver, been convicted of committing
8 a violation of paragraph (a) of Section 11-502 of this
9 Code for a second or subsequent time within one year of a
10 similar violation;

11 24. Has been convicted by a court-martial or
12 punished by non-judicial punishment by military
13 authorities of the United States at a military
14 installation in Illinois of or for a traffic related
15 offense that is the same as or similar to an offense
16 specified under Section 6-205 or 6-206 of this Code;

17 25. Has permitted any form of identification to be
18 used by another in the application process in order to
19 obtain or attempt to obtain a license, identification
20 card, or permit;

21 26. Has altered or attempted to alter a license or
22 has possessed an altered license, identification card, or
23 permit;

24 27. Has violated Section 6-16 of the Liquor Control
25 Act of 1934;

26 28. Has been convicted of the illegal possession,
27 while operating or in actual physical control, as a
28 driver, of a motor vehicle, of any controlled substance
29 prohibited under the Illinois Controlled Substances Act
30 or any cannabis prohibited under the provisions of the
31 Cannabis Control Act, in which case the person's driving
32 privileges shall be suspended for one year, and any
33 driver who is convicted of a second or subsequent
34 offense, within 5 years of a previous conviction, for the

1 illegal possession, while operating or in actual physical
2 control, as a driver, of a motor vehicle, of any
3 controlled substance prohibited under the provisions of
4 the Illinois Controlled Substances Act or any cannabis
5 prohibited under the Cannabis Control Act shall be
6 suspended for 5 years. Any defendant found guilty of this
7 offense while operating a motor vehicle, shall have an
8 entry made in the court record by the presiding judge
9 that this offense did occur while the defendant was
10 operating a motor vehicle and order the clerk of the
11 court to report the violation to the Secretary of State;

12 29. Has been convicted of the following offenses
13 that were committed while the person was operating or in
14 actual physical control, as a driver, of a motor vehicle:
15 criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual assault,
17 criminal sexual abuse, aggravated criminal sexual abuse,
18 juvenile pimping, soliciting for a juvenile prostitute
19 and the manufacture, sale or delivery of controlled
20 substances or instruments used for illegal drug use or
21 abuse in which case the driver's driving privileges shall
22 be suspended for one year;

23 30. Has been convicted a second or subsequent time
24 for any combination of the offenses named in paragraph 29
25 of this subsection, in which case the person's driving
26 privileges shall be suspended for 5 years;

27 31. Has refused to submit to a test as required by
28 Section 11-501.6 or has submitted to a test resulting in
29 an alcohol concentration of 0.08 or more or any amount of
30 a drug, substance, or compound resulting from the
31 unlawful use or consumption of cannabis as listed in the
32 Cannabis Control Act, a controlled substance as listed in
33 the Illinois Controlled Substances Act, or an
34 intoxicating compound as listed in the Use of

1 Intoxicating Compounds Act, in which case the penalty
2 shall be as prescribed in Section 6-208.1;

3 32. Has been convicted of Section 24-1.2 of the
4 Criminal Code of 1961 relating to the aggravated
5 discharge of a firearm if the offender was located in a
6 motor vehicle at the time the firearm was discharged, in
7 which case the suspension shall be for 3 years;

8 33. Has as a driver, who was less than 21 years of
9 age on the date of the offense, been convicted a first
10 time of a violation of paragraph (a) of Section 11-502 of
11 this Code or a similar provision of a local ordinance;

12 34. Has committed a violation of Section 11-1301.5
13 of this Code;

14 35. Has committed a violation of Section 11-1301.6
15 of this Code; ~~or~~

16 36. Is under the age of 21 years at the time of
17 arrest and has been convicted of not less than 2
18 offenses against traffic regulations governing the
19 movement of vehicles committed within any 24 month
20 period. No revocation or suspension shall be entered
21 more than 6 months after the date of last conviction; ~~or~~

22 37. Has committed a violation of subsection (c) of
23 Section 11-907 of this Code; or

24 38. Has committed a second or subsequent violation
25 of Section 11-1201 of this Code.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
27 and 27 of this subsection, license means any driver's
28 license, any traffic ticket issued when the person's driver's
29 license is deposited in lieu of bail, a suspension notice
30 issued by the Secretary of State, a duplicate or corrected
31 driver's license, a probationary driver's license or a
32 temporary driver's license.

33 (b) If any conviction forming the basis of a suspension
34 or revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be,
3 provided that a certified copy of a stay order of a court is
4 filed with the Secretary of State. If the conviction is
5 affirmed on appeal, the date of the conviction shall relate
6 back to the time the original judgment of conviction was
7 entered and the 6 month limitation prescribed shall not
8 apply.

9 (c) 1. Upon suspending or revoking the driver's license
10 or permit of any person as authorized in this Section,
11 the Secretary of State shall immediately notify the
12 person in writing of the revocation or suspension. The
13 notice to be deposited in the United States mail, postage
14 prepaid, to the last known address of the person.

15 2. If the Secretary of State suspends the driver's
16 license of a person under subsection 2 of paragraph (a)
17 of this Section, a person's privilege to operate a
18 vehicle as an occupation shall not be suspended, provided
19 an affidavit is properly completed, the appropriate fee
20 received, and a permit issued prior to the effective date
21 of the suspension, unless 5 offenses were committed, at
22 least 2 of which occurred while operating a commercial
23 vehicle in connection with the driver's regular
24 occupation. All other driving privileges shall be
25 suspended by the Secretary of State. Any driver prior to
26 operating a vehicle for occupational purposes only must
27 submit the affidavit on forms to be provided by the
28 Secretary of State setting forth the facts of the
29 person's occupation. The affidavit shall also state the
30 number of offenses committed while operating a vehicle in
31 connection with the driver's regular occupation. The
32 affidavit shall be accompanied by the driver's license.
33 Upon receipt of a properly completed affidavit, the
34 Secretary of State shall issue the driver a permit to

1 operate a vehicle in connection with the driver's regular
2 occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended
5 as set forth in the notice that was mailed under this
6 Section. If an affidavit is received subsequent to the
7 effective date of this suspension, a permit may be issued
8 for the remainder of the suspension period.

9 The provisions of this subparagraph shall not apply
10 to any driver required to obtain a commercial driver's
11 license under Section 6-507 during the period of a
12 disqualification of commercial driving privileges under
13 Section 6-514.

14 Any person who falsely states any fact in the
15 affidavit required herein shall be guilty of perjury
16 under Section 6-302 and upon conviction thereof shall
17 have all driving privileges revoked without further
18 rights.

19 3. At the conclusion of a hearing under Section
20 2-118 of this Code, the Secretary of State shall either
21 rescind or continue an order of revocation or shall
22 substitute an order of suspension; or, good cause
23 appearing therefor, rescind, continue, change, or extend
24 the order of suspension. If the Secretary of State does
25 not rescind the order, the Secretary may upon
26 application, to relieve undue hardship, issue a
27 restricted driving permit granting the privilege of
28 driving a motor vehicle between the petitioner's
29 residence and petitioner's place of employment or within
30 the scope of his employment related duties, or to allow
31 transportation for the petitioner, or a household member
32 of the petitioner's family, to receive necessary medical
33 care and if the professional evaluation indicates,
34 provide transportation for alcohol remedial or

1 rehabilitative activity, or for the petitioner to attend
2 classes, as a student, in an accredited educational
3 institution; if the petitioner is able to demonstrate
4 that no alternative means of transportation is reasonably
5 available and the petitioner will not endanger the public
6 safety or welfare.

7 If a person's license or permit has been revoked or
8 suspended due to 2 or more convictions of violating
9 Section 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense,
11 arising out of separate occurrences, that person, if
12 issued a restricted driving permit, may not operate a
13 vehicle unless it has been equipped with an ignition
14 interlock device as defined in Section 1-129.1.

15 If a person's license or permit has been revoked or
16 suspended 2 or more times within a 10 year period due to
17 a single conviction of violating Section 11-501 of this
18 Code or a similar provision of a local ordinance or a
19 similar out-of-state offense, and a statutory summary
20 suspension under Section 11-501.1, or 2 or more statutory
21 summary suspensions, or combination of 2 offenses, or of
22 an offense and a statutory summary suspension, arising
23 out of separate occurrences, that person, if issued a
24 restricted driving permit, may not operate a vehicle
25 unless it has been equipped with an ignition interlock
26 device as defined in Section 1-129.1. The person must pay
27 to the Secretary of State DUI Administration Fund an
28 amount not to exceed \$20 per month. The Secretary shall
29 establish by rule the amount and the procedures, terms,
30 and conditions relating to these fees. If the restricted
31 driving permit was issued for employment purposes, then
32 this provision does not apply to the operation of an
33 occupational vehicle owned or leased by that person's
34 employer. In each case the Secretary may issue a

1 restricted driving permit for a period deemed
2 appropriate, except that all permits shall expire within
3 one year from the date of issuance. The Secretary may
4 not, however, issue a restricted driving permit to any
5 person whose current revocation is the result of a second
6 or subsequent conviction for a violation of Section
7 11-501 of this Code or a similar provision of a local
8 ordinance relating to the offense of operating or being
9 in physical control of a motor vehicle while under the
10 influence of alcohol, other drug or drugs, intoxicating
11 compound or compounds, or any similar out-of-state
12 offense, or any combination of those offenses, until the
13 expiration of at least one year from the date of the
14 revocation. A restricted driving permit issued under this
15 Section shall be subject to cancellation, revocation, and
16 suspension by the Secretary of State in like manner and
17 for like cause as a driver's license issued under this
18 Code may be cancelled, revoked, or suspended; except that
19 a conviction upon one or more offenses against laws or
20 ordinances regulating the movement of traffic shall be
21 deemed sufficient cause for the revocation, suspension,
22 or cancellation of a restricted driving permit. The
23 Secretary of State may, as a condition to the issuance of
24 a restricted driving permit, require the applicant to
25 participate in a designated driver remedial or
26 rehabilitative program. The Secretary of State is
27 authorized to cancel a restricted driving permit if the
28 permit holder does not successfully complete the program.

29 (c-5) The Secretary of State may, as a condition of the
30 reissuance of a driver's license or permit to an applicant
31 whose driver's license or permit has been suspended before he
32 or she reached the age of 18 years pursuant to any of the
33 provisions of this Section, require the applicant to
34 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

4 (e) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been suspended or revoked under any
7 provisions of this Code.

8 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
9 92-458, eff. 8-22-01; revised 8-27-01.)

10 (625 ILCS 5/11-1011) (from Ch. 95 1/2, par. 11-1011)
11 Sec. 11-1011. Bridge and railroad signals.

12 (a) No pedestrian shall enter or remain upon any bridge
13 or approach thereto beyond the bridge signal, gate, or
14 barrier after a bridge operation signal indication has been
15 given.

16 (b) No pedestrian shall pass through, around, over, or
17 under any crossing gate or barrier at a railroad grade
18 crossing or bridge while such gate or barrier is closed or is
19 being opened or closed.

20 (c) No pedestrian shall enter, remain upon or traverse
21 over a railroad grade crossing or pedestrian walkway crossing
22 a railroad track when an audible bell or clearly visible
23 electric or mechanical signal device is operational giving
24 warning of the presence, approach, passage, or departure of a
25 railroad train.

26 (d) A violation of any part of this Section is a petty
27 offense for which a \$250 fine shall be imposed for a first
28 violation, and a \$500 fine shall be imposed for a second or
29 subsequent violation. The court may impose 25 hours of
30 community service in place of the \$250 fine for a first
31 violation shall result in a mandatory fine of \$500 or 50
32 hours of community service.

33 (e) Local authorities shall impose fines as established

1 in subsection (d) for pedestrians who fail to obey signals
2 indicating the presence, approach, passage, or departure of a
3 train.

4 (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

5 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

6 Sec. 11-1201. Obedience to signal indicating approach of
7 train.

8 (a) Whenever any person driving a vehicle approaches a
9 railroad grade crossing such person must exercise due care
10 and caution as the existence of a railroad track across a
11 highway is a warning of danger, and under any of the
12 circumstances stated in this Section, the driver shall stop
13 within 50 feet but not less than 15 feet from the nearest
14 rail of the railroad and shall not proceed until he can do so
15 safely. The foregoing requirements shall apply when:

16 1. A clearly visible electric or mechanical signal
17 device gives warning of the immediate approach of a
18 railroad train;

19 2. A crossing gate is lowered or a human flagman
20 gives or continues to give a signal of the approach or
21 passage of a railroad train;

22 3. A railroad train approaching a highway crossing
23 emits a warning signal and such railroad train, by reason
24 of its speed or nearness to such crossing, is an
25 immediate hazard;

26 4. An approaching railroad train is plainly visible
27 and is in hazardous proximity to such crossing;

28 5. A railroad train is approaching so closely that
29 an immediate hazard is created.

30 (b) No person shall drive any vehicle through, around or
31 under any crossing gate or barrier at a railroad crossing
32 while such gate or barrier is closed or is being opened or
33 closed.

1 (c) The Department, and local authorities with the
2 approval of the Department, are hereby authorized to
3 designate particularly dangerous highway grade crossings of
4 railroads and to erect stop signs thereat. When such stop
5 signs are erected the driver of any vehicle shall stop within
6 50 feet but not less than 15 feet from the nearest rail of
7 such railroad and shall proceed only upon exercising due
8 care.

9 (d) At any railroad grade crossing provided with
10 railroad crossbuck signs, without automatic, electric, or
11 mechanical signal devices, crossing gates, or a human flagman
12 giving a signal of the approach or passage of a train, the
13 driver of a vehicle shall in obedience to the railroad
14 crossbuck sign, yield the right-of-way and slow down to a
15 speed reasonable for the existing conditions and shall stop,
16 if required for safety, at a clearly marked stopped line, or
17 if no stop line, within 50 feet but not less than 15 feet
18 from the nearest rail of the railroad and shall not proceed
19 until he or she can do so safely. If a driver is involved in
20 a collision at a railroad crossing or interferes with the
21 movement of a train after driving past the railroad crossbuck
22 sign, the collision or interference is prima facie evidence
23 of the driver's failure to yield right-of-way.

24 (d-5) No person may drive any vehicle through a railroad
25 crossing if there is insufficient space to drive completely
26 through the crossing without stopping.

27 (e) It is unlawful to violate any part of this Section.

28 (1) A violation of this Section is a petty offense
29 for which a fine of \$250 shall be imposed for a first
30 violation, and a fine of \$500 shall be imposed for a
31 second or subsequent violation. The court may impose 25
32 hours of community service in place of the \$250 fine for
33 the first violation.

34 (2) For a second or subsequent violation, the

1 Secretary of State may suspend the driving privileges of
2 the offender for a minimum of 6 months.

3 ~~A first conviction of a person for a violation of any part of~~
4 ~~this Section shall result in a mandatory fine of \$250; all~~
5 ~~subsequent convictions of that person for any violation of~~
6 ~~any part of this Section shall each result in a mandatory~~
7 ~~fine of \$500.~~

8 (f) Corporate authorities of municipal corporations
9 regulating operators of vehicles that fail to obey signals
10 indicating the presence, approach, passage, or departure of a
11 train shall impose fines as established in subsection (e) of
12 this Section.

13 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02;
14 revised 9-19-01)

15 (625 ILCS 5/11-1201.1)

16 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
17 System.

18 (a) For the purposes of this Section, an automated
19 railroad grade crossing enforcement system is a system
20 operated by a law enforcement agency that records a driver's
21 response to automatic, electrical or mechanical signal
22 devices and crossing gates. The system shall be designed to
23 obtain a clear photograph or other recorded image of the
24 vehicle, vehicle operator and the vehicle registration plate
25 of a vehicle in violation of Section 11-1201. The photograph
26 or other recorded image shall also display the time, date and
27 location of the violation.

28 (b) Commencing on January 1, 1996, the Illinois Commerce
29 Commission and the Commuter Rail Board of the Regional
30 Transportation Authority shall, in cooperation with local law
31 enforcement agencies, establish a 5 year pilot program within
32 a county with a population of between 750,000 and 1,000,000
33 using an automated railroad grade crossing enforcement

1 system. The Commission shall determine the 3 railroad grade
2 crossings within that county that pose the greatest threat to
3 human life based upon the number of accidents and fatalities
4 at the crossings during the past 5 years and with approval of
5 the local law enforcement agency equip the crossings with an
6 automated railroad grade crossing enforcement system.

7 (b-1) Commencing on July 20, 2001 (the effective date of
8 Public Act 92-98) ~~this-amendatory-Act--of--the--92nd--General~~
9 ~~Assembly,~~ the Illinois Commerce Commission and the Commuter
10 Rail Board may, in cooperation with the local law enforcement
11 agency, establish in a county with a population of between
12 750,000 and 1,000,000 a 2 year pilot program using an
13 automated railroad grade crossing enforcement system. This
14 pilot program may be established at a railroad grade crossing
15 designated by local authorities. No State moneys may be
16 expended on the automated railroad grade crossing enforcement
17 system established under this pilot program.

18 (c) For each violation of Section 11-1201 recorded by an
19 automatic railroad grade crossing system, the local law
20 enforcement agency having jurisdiction shall issue a written
21 Uniform Traffic Citation of the violation to the registered
22 owner of the vehicle as the alleged violator. The Uniform
23 Traffic Citation shall be delivered to the registered owner
24 of the vehicle, by mail, within 30 days of the violation.
25 The Uniform Traffic Citation shall include the name and
26 address of vehicle owner, the vehicle registration number,
27 the offense charged, the time, date, and location of the
28 violation, the first available court date and that the basis
29 of the citation is the photograph or other recorded image
30 from the automated railroad grade crossing enforcement
31 system.

32 (d) The Uniform Traffic Citation issued to the
33 registered owner of the vehicle shall be accompanied by a
34 written notice, the contents of which is set forth in

1 subsection (d-1) of this Section, explaining how the
2 registered owner of the vehicle can elect to proceed by
3 either paying the fine or challenging the issuance of the
4 Uniform Traffic Citation.

5 (d-1) The written notice explaining the alleged
6 violator's rights and obligations must include the following
7 text:

8 "You have been served with the accompanying Uniform
9 Traffic Citation and cited with having violated Section
10 11-1201 of the Illinois Vehicle Code. You can elect to
11 proceed by:

- 12 1. Paying the fine; or
- 13 2. Challenging the issuance of the Uniform Traffic
14 Citation in court; or
- 15 3. If you were not the operator of the vehicle at the
16 time of the alleged offense, notifying in writing the
17 local law enforcement agency that issued the Uniform
18 Traffic Citation of the number of the Uniform Traffic
19 Citation received and the name and address of the person
20 operating the vehicle at the time of the alleged offense.
21 If you fail to so notify in writing the local law
22 enforcement agency of the name and address of the
23 operator of the vehicle at the time of the alleged
24 offense, you may be presumed to have been the operator of
25 the vehicle at the time of the alleged offense."

26 (d-2) If the registered owner of the vehicle was not the
27 operator of the vehicle at the time of the alleged offense,
28 and if the registered owner notifies the local law
29 enforcement agency having jurisdiction of the name and
30 address of the operator of the vehicle at the time of the
31 alleged offense, the local law enforcement agency having
32 jurisdiction shall then issue a written Uniform Traffic
33 Citation to the person alleged by the registered owner to
34 have been the operator of the vehicle at the time of the

1 alleged offense. If the registered owner fails to notify in
2 writing the local law enforcement agency having jurisdiction
3 of the name and address of the operator of the vehicle at the
4 time of the alleged offense, the registered owner may be
5 presumed to have been the operator of the vehicle at the time
6 of the alleged offense.

7 (e) Evidence.

8 (i) A certificate alleging that a violation of
9 Section 11-1201 occurred, sworn to or affirmed by a duly
10 authorized agency, based on inspection of recorded images
11 produced by an automated railroad crossing enforcement
12 system are evidence of the facts contained in the
13 certificate and are admissible in any proceeding alleging
14 a violation under this Section.

15 (ii) Photographs or recorded images made by an
16 automatic railroad grade crossing enforcement system are
17 confidential and shall be made available only to the
18 alleged violator and governmental and law enforcement
19 agencies for purposes of adjudicating a violation of
20 Section 11-1201 of the Illinois Vehicle Code. However,
21 any photograph or other recorded image evidencing a
22 violation of Section 11-1201 shall be admissible in any
23 proceeding resulting from the issuance of the Uniform
24 Traffic Citation when there is reasonable and sufficient
25 proof of the accuracy of the camera or electronic
26 instrument recording the image. There is a rebuttable
27 presumption that the photograph or recorded image is
28 accurate if the camera or electronic recording instrument
29 was in good working order at the beginning and the end of
30 the day of the alleged offense.

31 (f) Rail crossings equipped with an automatic railroad
32 grade crossing enforcement system shall be posted with a sign
33 visible to approaching traffic stating that the railroad
34 grade crossing is being monitored, that citations will be

1 issued, and the amount of the fine for violation.

2 (g) Except as provided in subsection (b-1), the cost of
3 the installation and maintenance of each automatic railroad
4 grade crossing enforcement system shall be paid from the
5 Grade Crossing Protection Fund if the rail line is not owned
6 by Commuter Rail Board of the Regional Transportation
7 Authority. Except as provided in subsection (b-1), if the
8 rail line is owned by the Commuter Rail Board of the Regional
9 Transportation Authority, the costs of the installation and
10 maintenance shall be paid from the Regional Transportation
11 Authority's portion of the Public Transportation Fund.

12 (h) The Illinois Commerce Commission shall issue a
13 report to the General Assembly at the conclusion of the 5
14 year pilot program established under subsection (b) on the
15 effectiveness of the automatic railroad grade crossing
16 enforcement system.

17 (i) If any part or parts of this Section are held by a
18 court of competent jurisdiction to be unconstitutional, the
19 unconstitutionality shall not affect the validity of the
20 remaining parts of this Section. The General Assembly hereby
21 declares that it would have passed the remaining parts of
22 this Section if it had known that the other part or parts of
23 this Section would be declared unconstitutional.

24 (j) Penalty.

25 (i) A violation of this Section is a petty offense
26 for which a fine of \$250 shall be imposed for a first
27 violation, and a fine of \$500 shall be imposed for a
28 second or subsequent violation. The court may impose 25
29 hours of community service in place of the \$250 fine for
30 the first violation.

31 (ii) For a second or subsequent violation, the
32 Secretary of State may suspend the registration of the
33 motor vehicle for a period of at least 6 months.

34 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01;

1 revised 10-18-01.)