

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1201.1 and adding Sections 11-612 and 11-1201.5 as follows:

(625 ILCS 5/11-612 new)

Sec. 11-612. Certain systems to record vehicle speeds prohibited. Except as authorized in the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act, no photographic, video, or other imaging system may be used in this State to record vehicle speeds for the purpose of enforcing any law or ordinance regarding a maximum or minimum speed limit unless a law enforcement officer is present at the scene and witnesses the event. No State or local governmental entity, including a home rule county or municipality, may use such a system in a way that is prohibited by this Section. The regulation of the use of such systems is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(625 ILCS 5/11-1201.1)

Sec. 11-1201.1. Automated Railroad Crossing Enforcement System Pilot Project.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in

violation of Section 11-1201. The photograph or other recorded image shall also display the time, date and location of the violation.

(b) Commencing on January 1, 1996, the Illinois Commerce Commission and the Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a 5 year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission shall determine the 3 railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

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

(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation

is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents of which is set forth in subsection (d-1) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

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

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

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

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

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

(e) Evidence.

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

(ii) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code. The photographs may also be made available to governmental agencies for the purpose of a safety analysis of the crossing where the automatic railroad grade crossing enforcement system is installed. However, any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

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

the amount of the fine for violation.

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

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

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

(j) Penalty.

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

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

(Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01; 92-651, eff 7-11-02; 92-814, eff. 1-1-03.)

Sec. 11-1201.5. Automated railroad crossing enforcement system.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical, or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator, and the vehicle registration plate of a vehicle in violation of Section 11-1201 or 11-1425. The photograph or other recorded image shall also display the time, date, and location of the violation.

(b) The Illinois Commerce Commission and the Illinois Department of Transportation may, in cooperation with a local law enforcement agency, establish in any county or municipality an automated railroad grade crossing enforcement system at any railroad grade crossing designated by local authorities. Local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. After the ordinance has been enacted, and before any additional steps toward the establishment of the system are undertaken, the local authorities, the Commission, and the Department must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment.

(c) For each violation of Section 11-1201 or 11-1425 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense

charged, the time, date, and location of the violation, the first available court date, and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents of which is set forth in subsection (e) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

(e) The written notice explaining the alleged violator's rights and obligations must include the following text:

"You have been served with the accompanying Uniform Traffic Citation and cited with having violated Section 11-1201 or 11-1425 of the Illinois Vehicle Code. You can elect to proceed by:

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

(f) If the registered owner of the vehicle was not the operator of the vehicle at the time of the alleged offense, and if the registered owner notifies the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the local law enforcement agency having jurisdiction shall then

issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(g) Evidence.

(1) A certificate alleging that a violation of Section 11-1201 or 11-1425 occurred, sworn to or affirmed by a duly authorized agency, based on inspection of recorded images produced by an automated railroad crossing enforcement system, are evidence of the facts contained in the certificate and are admissible in any proceeding alleging a violation under this Section.

(2) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of Section 11-1201 or 11-1425 of the Illinois Vehicle Code. The photographs may also be made available to governmental agencies for the purpose of a safety analysis of the crossing where the automatic railroad grade crossing enforcement system is installed. However, any photograph or other recorded image evidencing a violation of Section 11-1201 or 11-1425 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

(h) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(i) A county or municipality, including a home rule county or municipality, may not use an automated railroad crossing enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. The regulation of the use of automated railroad crossing enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (i) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

(k) Penalty.

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

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