

SB2647



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2647

Introduced 2/8/2018, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-141.5 new
625 ILCS 5/11-208

from Ch. 95 1/2, par. 11-208

Amends the Illinois Vehicle Code. Defines "manual traffic law enforcement system". Provides that the provisions of the Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from allowing and regulating the use of a manual traffic law enforcement system. Effective immediately.

LRB100 18336 LNS 33542 b

A BILL FOR

1 AN ACT concerning 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 changing
5 Section 11-208 and by adding Section 1-141.5 as follows:

6 (625 ILCS 5/1-141.5 new)

7 Sec. 1-141.5. Manual traffic law enforcement system. A
8 digital imaging device capable of capturing high resolution
9 images and videos of vehicle, in violation of this Code or a
10 similar provision of a local ordinance, that requires a law
11 enforcement officer to be present to operate the device to
12 obtain the recorded images.

13 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

14 (Text of Section before amendment by P.A. 100-352)

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

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

20 1. Regulating the standing or parking of vehicles,
21 except as limited by Sections 11-1306 and 11-1307 of this
22 Act;

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

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

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

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

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

18 7. Restricting the use of highways as authorized in
19 Chapter 15;

20 8. Regulating the operation of bicycles, low-speed
21 electric bicycles, and low-speed gas bicycles, and
22 requiring the registration and licensing of same,
23 including the requirement of a registration fee;

24 9. Regulating or prohibiting the turning of vehicles or
25 specified types of vehicles at intersections;

26 10. Altering the speed limits as authorized in Section

1 11-604;

2 11. Prohibiting U-turns;

3 12. Prohibiting pedestrian crossings at other than
4 designated and marked crosswalks or at intersections;

5 13. Prohibiting parking during snow removal operation;

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

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

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

19 or;

20 (17) Allowing and regulating the use of a manual
21 traffic law enforcement system.

22 (b) No ordinance or regulation enacted under paragraph
23 ~~subsections~~ 1, 4, 5, 6, 7, 9, 10, 11 or 13 of subsection
24 ~~paragraph~~ (a) shall be effective until signs giving reasonable
25 notice of such local traffic regulations are posted.

26 (c) The provisions of this Code shall not prevent any

1 municipality having a population of 500,000 or more inhabitants
2 from prohibiting any person from driving or operating any motor
3 vehicle upon the roadways of such municipality with headlamps
4 on high beam or bright.

5 (d) The provisions of this Code shall not be deemed to
6 prevent local authorities within the reasonable exercise of
7 their police power from prohibiting, on private property, the
8 unauthorized use of parking spaces reserved for persons with
9 disabilities.

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

1 (e-5) The City of Chicago may enact an ordinance providing
2 for a noise monitoring system upon any portion of the roadway
3 known as Lake Shore Drive. Twelve months after the installation
4 of the noise monitoring system, and any time after the first
5 report as the City deems necessary, the City of Chicago shall
6 prepare a noise monitoring report with the data collected from
7 the system and shall, upon request, make the report available
8 to the public. For purposes of this subsection (e-5), "noise
9 monitoring system" means an automated noise monitor capable of
10 recording noise levels 24 hours per day and 365 days per year
11 with computer equipment sufficient to process the data.

12 (f) A municipality or county designated in Section 11-208.6
13 may enact an ordinance providing for an automated traffic law
14 enforcement system to enforce violations of this Code or a
15 similar provision of a local ordinance and imposing liability
16 on a registered owner or lessee of a vehicle used in such a
17 violation.

18 (g) A municipality or county, as provided in Section
19 11-1201.1, may enact an ordinance providing for an automated
20 traffic law enforcement system to enforce violations of Section
21 11-1201 of this Code or a similar provision of a local
22 ordinance and imposing liability on a registered owner of a
23 vehicle used in such a violation.

24 (h) A municipality designated in Section 11-208.8 may enact
25 an ordinance providing for an automated speed enforcement
26 system to enforce violations of Article VI of Chapter 11 of

1 this Code or a similar provision of a local ordinance.

2 (i) A municipality or county designated in Section 11-208.9
3 may enact an ordinance providing for an automated traffic law
4 enforcement system to enforce violations of Section 11-1414 of
5 this Code or a similar provision of a local ordinance and
6 imposing liability on a registered owner or lessee of a vehicle
7 used in such a violation.

8 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;
9 100-257, eff. 8-22-17; revised 10-6-17.)

10 (Text of Section after amendment by P.A. 100-352)

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

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

16 1. Regulating the standing or parking of vehicles,
17 except as limited by Sections 11-1306 and 11-1307 of this
18 Act;

19 2. Regulating traffic by means of police officers or
20 traffic control signals;

21 3. Regulating or prohibiting processions or
22 assemblages on the highways; and certifying persons to
23 control traffic for processions or assemblages;

24 4. Designating particular highways as one-way highways
25 and requiring that all vehicles thereon be moved in one

1 specific direction;

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

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

11 7. Restricting the use of highways as authorized in
12 Chapter 15;

13 8. Regulating the operation of bicycles, low-speed
14 electric bicycles, and low-speed gas bicycles, and
15 requiring the registration and licensing of same,
16 including the requirement of a registration fee;

17 9. Regulating or prohibiting the turning of vehicles or
18 specified types of vehicles at intersections;

19 10. Altering the speed limits as authorized in Section
20 11-604;

21 11. Prohibiting U-turns;

22 12. Prohibiting pedestrian crossings at other than
23 designated and marked crosswalks or at intersections;

24 13. Prohibiting parking during snow removal operation;

25 14. Imposing fines in accordance with Section
26 11-1301.3 as penalties for use of any parking place

1 reserved for persons with disabilities, as defined by
2 Section 1-159.1, or veterans with disabilities by any
3 person using a motor vehicle not bearing registration
4 plates specified in Section 11-1301.1 or a special decal or
5 device as defined in Section 11-1301.2 as evidence that the
6 vehicle is operated by or for a person with disabilities or
7 a veteran with a disability;

8 15. Adopting such other traffic regulations as are
9 specifically authorized by this Code; ~~or~~

10 16. Enforcing the provisions of subsection (f) of
11 Section 3-413 of this Code or a similar local ordinance;
12 or-

13 (17) Allowing and regulating the use of a manual
14 traffic law and distracted driver enforcement system.

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

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

24 (d) The provisions of this Code shall not be deemed to
25 prevent local authorities within the reasonable exercise of
26 their police power from prohibiting, on private property, the

1 unauthorized use of parking spaces reserved for persons with
2 disabilities.

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

20 (e-5) The City of Chicago may enact an ordinance providing
21 for a noise monitoring system upon any portion of the roadway
22 known as Lake Shore Drive. Twelve months after the installation
23 of the noise monitoring system, and any time after the first
24 report as the City deems necessary, the City of Chicago shall
25 prepare a noise monitoring report with the data collected from
26 the system and shall, upon request, make the report available

1 to the public. For purposes of this subsection (e-5), "noise
2 monitoring system" means an automated noise monitor capable of
3 recording noise levels 24 hours per day and 365 days per year
4 with computer equipment sufficient to process the data.

5 (e-10) ~~(e-5)~~ A unit of local government, including a home
6 rule unit, may not enact an ordinance prohibiting the use of
7 Automated Driving System equipped vehicles on its roadways.
8 Nothing in this subsection (e-10) ~~(e-5)~~ shall affect the
9 authority of a unit of local government to regulate Automated
10 Driving System equipped vehicles for traffic control purposes.
11 No unit of local government, including a home rule unit, may
12 regulate Automated Driving System equipped vehicles in a manner
13 inconsistent with this Code. For purposes of this subsection
14 (e-10) ~~(e-5)~~, "Automated Driving System equipped vehicle"
15 means any vehicle equipped with an Automated Driving System of
16 hardware and software that are collectively capable of
17 performing the entire dynamic driving task on a sustained
18 basis, regardless of whether it is limited to a specific
19 operational domain. This subsection (e-10) ~~(e-5)~~ is a
20 limitation under subsection (i) of Section 6 of Article VII of
21 the Illinois Constitution on the concurrent exercise by home
22 rule units of powers and functions exercised by the State.

23 (f) A municipality or county designated in Section 11-208.6
24 may enact an ordinance providing for an automated traffic law
25 enforcement system to enforce violations of this Code or a
26 similar provision of a local ordinance and imposing liability

1 on a registered owner or lessee of a vehicle used in such a
2 violation.

3 (g) A municipality or county, as provided in Section
4 11-1201.1, may enact an ordinance providing for an automated
5 traffic law enforcement system to enforce violations of Section
6 11-1201 of this Code or a similar provision of a local
7 ordinance and imposing liability on a registered owner of a
8 vehicle used in such a violation.

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

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

19 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;
20 100-257, eff. 8-22-17; 100-352, eff. 6-1-18; revised 10-6-17.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.