



Rep. Dan Brady

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LRB095 03856 DRH 35263 a

1 AMENDMENT TO HOUSE BILL 1818

2 AMENDMENT NO. _____. Amend House Bill 1818, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Section 2 as follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Public body" means any legislative, executive,
10 administrative, or advisory bodies of the State, state
11 universities and colleges, counties, townships, cities,
12 villages, incorporated towns, school districts and all other
13 municipal corporations, boards, bureaus, committees, or
14 commissions of this State, any subsidiary bodies of any of the
15 foregoing including but not limited to committees and
16 subcommittees which are supported in whole or in part by tax

1 revenue, or which expend tax revenue, and a School Finance
2 Authority created under Article 1E of the School Code. "Public
3 body" does not include a child death review team or the
4 Illinois Child Death Review Teams Executive Council
5 established under the Child Death Review Team Act.

6 (b) "Person" means any individual, corporation,
7 partnership, firm, organization or association, acting
8 individually or as a group.

9 (c) "Public records" means all records, reports, forms,
10 writings, letters, memoranda, books, papers, maps,
11 photographs, microfilms, cards, tapes, recordings, electronic
12 data processing records, recorded information and all other
13 documentary materials, regardless of physical form or
14 characteristics, having been prepared, or having been or being
15 used, received, possessed or under the control of any public
16 body. "Public records" includes, but is expressly not limited
17 to: (i) administrative manuals, procedural rules, and
18 instructions to staff, unless exempted by Section 7(p) of this
19 Act; (ii) final opinions and orders made in the adjudication of
20 cases, except an educational institution's adjudication of
21 student or employee grievance or disciplinary cases; (iii)
22 substantive rules; (iv) statements and interpretations of
23 policy which have been adopted by a public body; (v) final
24 planning policies, recommendations, and decisions; (vi)
25 factual reports, inspection reports, and studies whether
26 prepared by or for the public body; (vii) all information in

1 any account, voucher, or contract dealing with the receipt or
2 expenditure of public or other funds of public bodies; (viii)
3 the names, salaries, titles, and dates of employment of all
4 employees and officers of public bodies; (ix) materials
5 containing opinions concerning the rights of the state, the
6 public, a subdivision of state or a local government, or of any
7 private persons; (x) the name of every official and the final
8 records of voting in all proceedings of public bodies; (xi)
9 applications for any contract, permit, grant, or agreement
10 except as exempted from disclosure by subsection (g) of Section
11 7 of this Act; (xii) each report, document, study, or
12 publication prepared by independent consultants or other
13 independent contractors for the public body; (xiii) all other
14 information required by law to be made available for public
15 inspection or copying; (xiv) information relating to any grant
16 or contract made by or between a public body and another public
17 body or private organization; (xv) waiver documents filed with
18 the State Superintendent of Education or the president of the
19 University of Illinois under Section 30-12.5 of the School
20 Code, concerning nominees for General Assembly scholarships
21 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
22 complaints, results of complaints, and Department of Children
23 and Family Services staff findings of licensing violations at
24 day care facilities, provided that personal and identifying
25 information is not released; ~~and~~ (xvii) records, reports,
26 forms, writings, letters, memoranda, books, papers, and other

1 documentary information, regardless of physical form or
2 characteristics, having been prepared, or having been or being
3 used, received, possessed, or under the control of the Illinois
4 Sports Facilities Authority dealing with the receipt or
5 expenditure of public funds or other funds of the Authority in
6 connection with the reconstruction, renovation, remodeling,
7 extension, or improvement of all or substantially all of an
8 existing "facility" as that term is defined in the Illinois
9 Sports Facilities Authority Act; and (xviii) recorded images
10 made by an automated traffic law enforcement system under
11 Section 11-208.6 of the Illinois Vehicle Code.

12 (d) "Copying" means the reproduction of any public record
13 by means of any photographic, electronic, mechanical or other
14 process, device or means.

15 (e) "Head of the public body" means the president, mayor,
16 chairman, presiding officer, director, superintendent,
17 manager, supervisor or individual otherwise holding primary
18 executive and administrative authority for the public body, or
19 such person's duly authorized designee.

20 (f) "News media" means a newspaper or other periodical
21 issued at regular intervals whether in print or electronic
22 format, a news service whether in print or electronic format, a
23 radio station, a television station, a television network, a
24 community antenna television service, or a person or
25 corporation engaged in making news reels or other motion
26 picture news for public showing.

1 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
2 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
3 7-11-02.)

4 Section 10. 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,
17 that produces a recorded image of a motor vehicle's violation
18 of a provision of this Code or a local ordinance and is
19 designed to obtain a clear recorded image of the vehicle and
20 the vehicle's license plate. The recorded image must also
21 display the time, date, and location of the violation.

22 (b) As used in this Section, "recorded images" means images
23 recorded by an automated traffic law enforcement system on:

24 (1) 2 or more photographs;

- 1 (2) 2 or more microphotographs;
- 2 (3) 2 or more electronic images; or
- 3 (4) a video recording showing the motor vehicle and, on
- 4 at least one image or portion of the recording, clearly
- 5 identifying the registration plate number of the motor
- 6 vehicle.

7 (c) A county or municipality, including a home rule county

8 or municipality, may not use an automated traffic law

9 enforcement system to provide recorded images of a motor

10 vehicle for the purpose of recording its speed. The regulation

11 of the use of automated traffic law enforcement systems to

12 record vehicle speeds is an exclusive power and function of the

13 State. This subsection (c) is a denial and limitation of home

14 rule powers and functions under subsection (h) of Section 6 of

15 Article VII of the Illinois Constitution.

16 (c-1) A county or municipality, including a home rule

17 county or municipality, may not use an automated traffic law

18 enforcement system as a basis for charging a person facing a

19 steady red light with a traffic violation for turning right, or

20 for turning left from a one-way street onto another one-way

21 street, regardless of whether or not the turn is permitted

22 under paragraph 3 of subsection (c) of Section 11-306 of this

23 Code. This subsection (c-1) is a denial and limitation of home

24 rule powers and functions under subsection (h) of Section 6 of

25 Article VII of the Illinois Constitution.

26 (d) For each violation of a provision of this Code or a

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

10 The notice shall include:

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

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

15 (3) the violation charged;

16 (4) the location where the violation occurred;

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

18 (6) a copy of the recorded images;

19 (7) the amount of the civil penalty imposed and the
20 date by which the civil penalty should be paid;

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

23 (9) a warning that failure to pay the civil penalty or
24 to contest liability in a timely manner is an admission of
25 liability and may result in a suspension of the driving
26 privileges of the registered owner of the vehicle; and

1 (10) a statement that the person may elect to proceed
2 by:

3 (A) paying the fine; or

4 (B) challenging the charge in court, by mail, or by
5 administrative hearing.

6 (e) If a person charged with a traffic violation, as a
7 result of an automated traffic law enforcement system, does not
8 pay or successfully contest the civil penalty resulting from
9 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 pay any fine or
12 penalty due and owing as a result of 5 violations of the
13 automated traffic law enforcement system.

14 (f) Based on inspection of recorded images produced by an
15 automated traffic law enforcement system, a notice alleging
16 that the violation occurred shall be evidence of the facts
17 contained in the notice and admissible in any proceeding
18 alleging a violation under this Section.

19 (g) Except as otherwise provided in subsection (g-1),
20 recorded ~~Recorded~~ images made by an automatic traffic law
21 enforcement system are confidential and shall be made available
22 only to the alleged violator and governmental and law
23 enforcement agencies for purposes of adjudicating a violation
24 of this Section, for statistical purposes, or for other
25 governmental purposes. Any recorded image evidencing a
26 violation of this Section, however, may be admissible in any

1 proceeding resulting from the issuance of the citation.

2 (g-1) Notwithstanding subsection (g), recorded images made
3 by an automated traffic law enforcement system may be obtained
4 under the Freedom of Information Act.

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

7 (1) that the motor vehicle or registration plates of
8 the motor vehicle were stolen before the violation occurred
9 and not under the control of or in the possession of the
10 owner at the time of the violation;

11 (2) that the driver of the vehicle passed through the
12 intersection when the light was red either (i) in order to
13 yield the right-of-way to an emergency vehicle or (ii) as
14 part of a funeral procession; and

15 (3) any other evidence or issues provided by municipal
16 or county ordinance.

17 (i) To demonstrate that the motor vehicle or the
18 registration plates were stolen before the violation occurred
19 and were not under the control or possession of the owner at
20 the time of the violation, the owner must submit proof that a
21 report concerning the stolen motor vehicle or registration
22 plates was filed with a law enforcement agency in a timely
23 manner.

24 (j) Unless the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer at the time of
26 the violation, the motor vehicle owner is subject to a civil

1 penalty not exceeding \$100, plus an additional penalty of not
2 more than \$100 for failure to pay the original penalty 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 (k) An intersection equipped with an automated traffic law
10 enforcement system must be posted with a sign visible to
11 approaching traffic indicating that the intersection is being
12 monitored by an automated traffic law enforcement system.

13 (l) The compensation paid for an automated traffic law
14 enforcement system must be based on the value of the equipment
15 or the services provided and may not be based on the number of
16 traffic citations issued or the revenue generated by the
17 system.

18 (m) This Section applies only to the counties of Champaign,
19 Cook, DeKalb, DuPage, Kane, Kankakee, Lake, La Salle, Madison,
20 McHenry, McLean, Peoria, St. Clair, Sangamon, Vermilion, ~~and~~
21 Will, and Winnebago and to municipalities located within those
22 counties.

23 (Source: P.A. 94-795, eff. 5-22-06.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."