



Rep. Arthur L. Turner

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1 AMENDMENT TO SENATE BILL 753

2 AMENDMENT NO. _____. Amend Senate Bill 753 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 3 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

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

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

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

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

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

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

1 characteristics, having been prepared, or having been or being
2 used, received, possessed, or under the control of the Illinois
3 Sports Facilities Authority dealing with the receipt or
4 expenditure of public funds or other funds of the Authority in
5 connection with the reconstruction, renovation, remodeling,
6 extension, or improvement of all or substantially all of an
7 existing "facility" as that term is defined in the Illinois
8 Sports Facilities Authority Act; (xviii) all photographs and
9 recorded images made by any surveillance camera operated and
10 maintained by a public body; and (xix) recorded images made by
11 an automated traffic law enforcement system under Section
12 11-208.6 of the Illinois Vehicle Code.

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

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

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

1 picture news for public showing.

2 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
3 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
4 7-11-02.)

5 (5 ILCS 140/3) (from Ch. 116, par. 203)

6 Sec. 3. (a) Each public body shall make available to any
7 person for inspection or copying all public records, except as
8 otherwise provided in Section 7 of this Act. Notwithstanding
9 any other law, a public body may not grant to any person or
10 entity, whether by contract, license, or otherwise, the
11 exclusive right to access and disseminate any public record as
12 defined in this Act.

13 (b) Subject to the fee provisions of Section 6 of this Act,
14 each public body shall promptly provide, to any person who
15 submits a written request, a copy of any public record required
16 to be disclosed by subsection (a) of this Section and shall
17 certify such copy if so requested.

18 (c) Each public body shall, promptly, either comply with or
19 deny a written request for public records within 7 working days
20 after its receipt. Denial shall be by letter as provided in
21 Section 9 of this Act. Failure to respond to a written request
22 within 7 working days after its receipt shall be considered a
23 denial of the request.

24 (d) The time limits prescribed in paragraph (c) of this
25 Section may be extended in each case for not more than 7

1 additional working days for any of the following reasons:

2 (i) the requested records are stored in whole or in
3 part at other locations than the office having charge of
4 the requested records;

5 (ii) the request requires the collection of a
6 substantial number of specified records;

7 (iii) the request is couched in categorical terms and
8 requires an extensive search for the records responsive to
9 it;

10 (iv) the requested records have not been located in the
11 course of routine search and additional efforts are being
12 made to locate them;

13 (v) the requested records require examination and
14 evaluation by personnel having the necessary competence
15 and discretion to determine if they are exempt from
16 disclosure under Section 7 of this Act or should be
17 revealed only with appropriate deletions;

18 (vi) the request for records cannot be complied with by
19 the public body within the time limits prescribed by
20 paragraph (c) of this Section without unduly burdening or
21 interfering with the operations of the public body;

22 (vii) there is a need for consultation, which shall be
23 conducted with all practicable speed, with another public
24 body or among two or more components of a public body
25 having a substantial interest in the determination or in
26 the subject matter of the request.

1 (e) When additional time is required for any of the above
2 reasons, the public body shall notify by letter the person
3 making the written request within the time limits specified by
4 paragraph (c) of this Section of the reasons for the delay and
5 the date by which the records will be made available or denial
6 will be forthcoming. In no instance, may the delay in
7 processing last longer than 7 working days. A failure to render
8 a decision within 7 working days shall be considered a denial
9 of the request.

10 (f) Requests calling for all records falling within a
11 category shall be complied with unless compliance with the
12 request would be unduly burdensome for the complying public
13 body and there is no way to narrow the request and the burden
14 on the public body outweighs the public interest in the
15 information. Before invoking this exemption, the public body
16 shall extend to the person making the request an opportunity to
17 confer with it in an attempt to reduce the request to
18 manageable proportions. If any body responds to a categorical
19 request by stating that compliance would unduly burden its
20 operation and the conditions described above are met, it shall
21 do so in writing, specifying the reasons why it would be unduly
22 burdensome and the extent to which compliance will so burden
23 the operations of the public body. Such a response shall be
24 treated as a denial of the request for information. Repeated
25 requests for the same public records by the same person shall
26 be deemed unduly burdensome under this provision.

1 (g) Each public body may promulgate rules and regulations
2 in conformity with the provisions of this Section pertaining to
3 the availability of records and procedures to be followed,
4 including:

5 (i) the times and places where such records will be
6 made available, and

7 (ii) the persons from whom such records may be
8 obtained.

9 (h) A public body must retain all surveillance photographs
10 and recorded images described in item (c)(xviii) of Section 3
11 for at least 2 years, and longer if otherwise required by law,
12 and make those photographs and images available as long as so
13 retained.

14 (Source: P.A. 90-206, eff. 7-25-97.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Sections 11-208.6, 11-1201.1, and 11-1201.5 as
17 follows:

18 (625 ILCS 5/11-208.6)

19 Sec. 11-208.6. Automated traffic law enforcement system.

20 (a) As used in this Section, "automated traffic law
21 enforcement system" means a device with one or more motor
22 vehicle sensors working in conjunction with a red light signal
23 to produce recorded images of motor vehicles entering an
24 intersection against a red signal indication in violation of

1 Section 11-306 of this Code or a similar provision of a local
2 ordinance.

3 An automated traffic law enforcement system is a system, in
4 a municipality or county operated by a governmental agency,
5 that produces a recorded image of a motor vehicle's violation
6 of a provision of this Code or a local ordinance and is
7 designed to obtain a clear recorded image of the vehicle and
8 the vehicle's license plate. The recorded image must also
9 display the time, date, and location of the violation.

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

12 (1) 2 or more photographs;

13 (2) 2 or more microphotographs;

14 (3) 2 or more electronic images; or

15 (4) a video recording showing the motor vehicle and, on
16 at least one image or portion of the recording, clearly
17 identifying the registration plate number of the motor
18 vehicle.

19 (c) A county or municipality, including a home rule county
20 or municipality, may not use an automated traffic law
21 enforcement system to provide recorded images of a motor
22 vehicle for the purpose of recording its speed. The regulation
23 of the use of automated traffic law enforcement systems to
24 record vehicle speeds is an exclusive power and function of the
25 State. This subsection (c) is a denial and limitation of home
26 rule powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

2 (c-1) A county or municipality, including a home rule
3 county or municipality, may not use an automated traffic law
4 enforcement system as a basis for charging a person facing a
5 steady red light with a traffic violation for turning right, or
6 for turning left from a one-way street onto another one-way
7 street, regardless of whether or not the turn is permitted
8 under paragraph 3 of subsection (c) of Section 11-306 of this
9 Code. This subsection (c-1) is a denial and limitation of home
10 rule powers and functions under subsection (h) of Section 6 of
11 Article VII of the Illinois Constitution.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automatic traffic law
14 enforcement system, the county or municipality having
15 jurisdiction shall issue a written notice of the violation to
16 the registered owner of the vehicle as the alleged violator.
17 The notice shall be delivered to the registered owner of the
18 vehicle, by mail, within 30 days after the Secretary of State
19 notifies the municipality or county of the identity of the
20 owner of the vehicle, but in no event later than 90 days after
21 the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of the
24 vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
6 date by which the civil penalty should be paid;
- 7 (8) a statement that recorded images are evidence of a
8 violation of a red light signal;
- 9 (9) a warning that failure to pay the civil penalty or
10 to contest liability in a timely manner is an admission of
11 liability and may result in a suspension of the driving
12 privileges of the registered owner of the vehicle; and
- 13 (10) a statement that the person may elect to proceed
14 by:
- 15 (A) paying the fine; or
- 16 (B) challenging the charge in court, by mail, or by
17 administrative hearing.
- 18 (e) If a person charged with a traffic violation, as a
19 result of an automated traffic law enforcement system, does not
20 pay or successfully contest the civil penalty resulting from
21 that violation, the Secretary of State shall suspend the
22 driving privileges of the registered owner of the vehicle under
23 Section 6-306.5 of this Code for failing to pay any fine or
24 penalty due and owing as a result of 5 violations of the
25 automated traffic law enforcement system.
- 26 (f) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging
2 that the violation occurred shall be evidence of the facts
3 contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (g) Except as otherwise provided in subsection (g-1),
6 recorded ~~Recorded~~ images made by an automatic traffic law
7 enforcement system are confidential and shall be made available
8 only to the alleged violator and governmental and law
9 enforcement agencies for purposes of adjudicating a violation
10 of this Section, for statistical purposes, or for other
11 governmental purposes. Any recorded image evidencing a
12 violation of this Section, however, may be admissible in any
13 proceeding resulting from the issuance of the citation.

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

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

19 (1) that the motor vehicle or registration plates of
20 the motor vehicle were stolen before the violation occurred
21 and not under the control of or in the possession of the
22 owner at the time of the violation;

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

1 (3) any other evidence or issues provided by municipal
2 or county ordinance.

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

10 (j) Unless the driver of the motor vehicle received a
11 Uniform Traffic Citation from a police officer at the time of
12 the violation, the motor vehicle owner is subject to a civil
13 penalty not exceeding \$100, plus an additional penalty of not
14 more than \$100 for failure to pay the original penalty 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 (k) An intersection equipped with an automated traffic law
22 enforcement system must be posted with a sign visible to
23 approaching traffic indicating that the intersection is being
24 monitored by an automated traffic law enforcement system.

25 (l) The compensation paid for an automated traffic law
26 enforcement system must be based on the value of the equipment

1 or the services provided and may not be based on the number of
2 traffic citations issued or the revenue generated by the
3 system.

4 (m) This Section applies only to the counties of Champaign,
5 Cook, DeKalb, DuPage, Kane, Kankakee, Lake, La Salle, Madison,
6 McHenry, McLean, Peoria, St. Clair, Sangamon, Vermilion, and
7 Will, and Winnebago and to municipalities located within those
8 counties.

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

10 (625 ILCS 5/11-1201.1)

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

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

23 (b) Commencing on January 1, 1996, the Illinois Commerce
24 Commission and the Commuter Rail Board of the Regional
25 Transportation Authority shall, in cooperation with local law

1 enforcement agencies, establish a 5 year pilot program within a
2 county with a population of between 750,000 and 1,000,000 using
3 an automated railroad grade crossing enforcement system. The
4 Commission shall determine the 3 railroad grade crossings
5 within that county that pose the greatest threat to human life
6 based upon the number of accidents and fatalities at the
7 crossings during the past 5 years and with approval of the
8 local law enforcement agency equip the crossings with an
9 automated railroad grade crossing enforcement system.

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

20 (c) For each violation of Section 11-1201 recorded by an
21 automatic railroad grade crossing system, the local law
22 enforcement agency having jurisdiction shall issue a written
23 Uniform Traffic Citation of the violation to the registered
24 owner of the vehicle as the alleged violator. The Uniform
25 Traffic Citation shall be delivered to the registered owner of
26 the vehicle, by mail, within 30 days of the violation. The

1 Uniform Traffic Citation shall include the name and address of
2 vehicle owner, the vehicle registration number, the offense
3 charged, the time, date, and location of the violation, the
4 first available court date and that the basis of the citation
5 is the photograph or other recorded image from the automated
6 railroad grade crossing enforcement system.

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

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

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

18 1. Paying the fine; or
19 2. Challenging the issuance of the Uniform Traffic
20 Citation in court; or

21 3. If you were not the operator of the vehicle at the
22 time of the alleged offense, notifying in writing the local
23 law enforcement agency that issued the Uniform Traffic
24 Citation of the number of the Uniform Traffic Citation
25 received and the name and address of the person operating
26 the vehicle at the time of the alleged offense. If you fail

1 to so notify in writing the local law enforcement agency of
2 the name and address of the operator of the vehicle at the
3 time of the alleged offense, you may be presumed to have
4 been the operator of the vehicle at the time of the alleged
5 offense."

6 (d-2) If the registered owner of the vehicle was not the
7 operator of the vehicle at the time of the alleged offense, and
8 if the registered owner notifies the local law enforcement
9 agency having jurisdiction of the name and address of the
10 operator of the vehicle at the time of the alleged offense, the
11 local law enforcement agency having jurisdiction shall then
12 issue a written Uniform Traffic Citation to the person alleged
13 by the registered owner to have been the operator of the
14 vehicle at the time of the alleged offense. If the registered
15 owner fails to notify in writing the local law enforcement
16 agency having jurisdiction of the name and address of the
17 operator of the vehicle at the time of the alleged offense, the
18 registered owner may be presumed to have been the operator of
19 the vehicle at the time of the alleged offense.

20 (e) Evidence.

21 (i) A certificate alleging that a violation of Section
22 11-1201 occurred, sworn to or affirmed by a duly authorized
23 agency, based on inspection of recorded images produced by
24 an automated railroad crossing enforcement system are
25 evidence of the facts contained in the certificate and are
26 admissible in any proceeding alleging a violation under

1 this Section.

2 (ii) Except as otherwise provided in item (iii),
3 photographs ~~Photographs~~ or recorded images made by an
4 automatic railroad grade crossing enforcement system are
5 confidential and shall be made available only to the
6 alleged violator and governmental and law enforcement
7 agencies for purposes of adjudicating a violation of
8 Section 11-1201 of the Illinois Vehicle Code. The
9 photographs may also be made available to governmental
10 agencies for the purpose of a safety analysis of the
11 crossing where the automatic railroad grade crossing
12 enforcement system is installed. However, any photograph
13 or other recorded image evidencing a violation of Section
14 11-1201 shall be admissible in any proceeding resulting
15 from the issuance of the Uniform Traffic Citation when
16 there is reasonable and sufficient proof of the accuracy of
17 the camera or electronic instrument recording the image.
18 There is a rebuttable presumption that the photograph or
19 recorded image is accurate if the camera or electronic
20 recording instrument was in good working order at the
21 beginning and the end of the day of the alleged offense.

22 (iii) Notwithstanding item (ii), photographs or
23 recorded images made by an automatic railroad grade
24 crossing enforcement system may be obtained under the
25 Freedom of Information Act.

26 (f) Rail crossings equipped with an automatic railroad

1 grade crossing enforcement system shall be posted with a sign
2 visible to approaching traffic stating that the railroad grade
3 crossing is being monitored, that citations will be issued, and
4 the amount of the fine for violation.

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

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

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

26 (j) Penalty.

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

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

10 (Source: P.A. 94-771, eff. 1-1-07.)

11 (625 ILCS 5/11-1201.5)

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

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

24 (b) The Illinois Commerce Commission and the Illinois
25 Department of Transportation may, in cooperation with a local

1 law enforcement agency, establish in any county or municipality
2 an automated railroad grade crossing enforcement system at any
3 railroad grade crossing designated by local authorities. Local
4 authorities desiring the establishment of an automated
5 railroad crossing enforcement system must initiate the process
6 by enacting a local ordinance requesting the creation of such a
7 system. After the ordinance has been enacted, and before any
8 additional steps toward the establishment of the system are
9 undertaken, the local authorities, the Commission, and the
10 Department must agree to a plan for obtaining, from any
11 combination of federal, State, and local funding sources, the
12 moneys required for the purchase and installation of any
13 necessary equipment.

14 (c) For each violation of Section 11-1201 or 11-1425
15 recorded by an automatic railroad grade crossing system, the
16 local law enforcement agency having jurisdiction shall issue a
17 written Uniform Traffic Citation of the violation to the
18 registered owner of the vehicle as the alleged violator. The
19 Uniform Traffic Citation shall be delivered to the registered
20 owner of the vehicle, by mail, within 30 days of the violation.
21 The Uniform Traffic Citation shall include the name and address
22 of vehicle owner, the vehicle registration number, the offense
23 charged, the time, date, and location of the violation, the
24 first available court date, and that the basis of the citation
25 is the photograph or other recorded image from the automated
26 railroad grade crossing enforcement system.

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

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

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

13 1. Paying the fine; or

14 2. Challenging the issuance of the Uniform Traffic
15 Citation in court; or

16 3. If you were not the operator of the vehicle at the
17 time of the alleged offense, notifying in writing the local
18 law enforcement agency that issued the Uniform Traffic
19 Citation of the number of the Uniform Traffic Citation
20 received and the name and address of the person operating
21 the vehicle at the time of the alleged offense. If you fail
22 to so notify in writing the local law enforcement agency of
23 the name and address of the operator of the vehicle at the
24 time of the alleged offense, you may be presumed to have
25 been the operator of the vehicle at the time of the alleged
26 offense."

1 (f) If the registered owner of the vehicle was not the
2 operator of the vehicle at the time of the alleged offense, and
3 if the registered owner notifies the local law enforcement
4 agency having jurisdiction of the name and address of the
5 operator of the vehicle at the time of the alleged offense, the
6 local law enforcement agency having jurisdiction shall then
7 issue a written Uniform Traffic Citation to the person alleged
8 by the registered owner to have been the operator of the
9 vehicle at the time of the alleged offense. If the registered
10 owner fails to notify in writing the local law enforcement
11 agency having jurisdiction of the name and address of the
12 operator of the vehicle at the time of the alleged offense, the
13 registered owner may be presumed to have been the operator of
14 the vehicle at the time of the alleged offense.

15 (g) Evidence.

16 (1) A certificate alleging that a violation of Section
17 11-1201 or 11-1425 occurred, sworn to or affirmed by a duly
18 authorized agency, based on inspection of recorded images
19 produced by an automated railroad crossing enforcement
20 system, are evidence of the facts contained in the
21 certificate and are admissible in any proceeding alleging a
22 violation under this Section.

23 (2) Except as otherwise provided in paragraph (3),
24 photographs ~~Photographs~~ or recorded images made by an
25 automatic railroad grade crossing enforcement system are
26 confidential and shall be made available only to the

1 alleged violator and governmental and law enforcement
2 agencies for purposes of adjudicating a violation of
3 Section 11-1201 or 11-1425 of the Illinois Vehicle Code.
4 The photographs may also be made available to governmental
5 agencies for the purpose of a safety analysis of the
6 crossing where the automatic railroad grade crossing
7 enforcement system is installed. However, any photograph
8 or other recorded image evidencing a violation of Section
9 11-1201 or 11-1425 shall be admissible in any proceeding
10 resulting from the issuance of the Uniform Traffic Citation
11 when there is reasonable and sufficient proof of the
12 accuracy of the camera or electronic instrument recording
13 the image. There is a rebuttable presumption that the
14 photograph or recorded image is accurate if the camera or
15 electronic recording instrument was in good working order
16 at the beginning and the end of the day of the alleged
17 offense.

18 (3) Notwithstanding paragraph (2), photographs or
19 recorded images made by an automatic railroad grade
20 crossing enforcement system may be obtained under the
21 Freedom of Information Act.

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

1 (i) A county or municipality, including a home rule county
2 or municipality, may not use an automated railroad crossing
3 enforcement system to provide recorded images of a motor
4 vehicle for the purpose of recording its speed. The regulation
5 of the use of automated railroad crossing enforcement systems
6 to record vehicle speeds is an exclusive power and function of
7 the State. This subsection (i) is a denial and limitation of
8 home rule powers and functions under subsection (h) of Section
9 6 of Article VII of the Illinois Constitution.

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

17 (k) Penalty.

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

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

1 (Source: P.A. 94-771, eff. 1-1-07.)

2 Section 15. The Automated Traffic Control Systems in
3 Highway Construction or Maintenance Zones Act is amended by
4 changing Section 40 as follows:

5 (625 ILCS 7/40)

6 Sec. 40. Admissibility of recorded images.

7 (a) Except as provided in Section 45, any photograph or
8 other recorded image evidencing a violation of Section 11-605.1
9 of the Illinois Vehicle Code is admissible in any proceeding
10 resulting from the issuance of the Uniform Traffic Citation.
11 Except as otherwise provided in subsection (b), photographs
12 ~~Photographs~~ or recorded images made by an automatic traffic
13 control system are confidential and shall be made available
14 only to the defendant and to governmental or law enforcement
15 agencies within the jurisdiction for the purposes of
16 adjudicating a driving violation.

17 (b) Notwithstanding subsection (a), photographs or
18 recorded images made by an automatic traffic control system may
19 be obtained under the Freedom of Information Act.

20 (Source: P.A. 93-947, eff. 8-19-04.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."