



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3140

Introduced 2/9/2010, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.3
625 ILCS 5/11-208.6

from Ch. 95 1/2, par. 11-208.3

Amends the Illinois Vehicle Code. Provides that an ordinance that provides for the administrative adjudication of automated traffic law enforcement system violations shall require that all determinations by a technician employed or contracted by the municipality or county that a motor vehicle committed a violation must be reviewed and approved by a law enforcement officer. Requires a municipality or county issuing an automated traffic law enforcement system violation to provide a website address to an alleged violator on the notice of violation. Provides that the camera housing of an automated traffic law enforcement camera installed at an intersection must be distinctive in color in order to be visible to approaching traffic. Provides that a municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting signs in dedicated right turn lanes indicating that a complete stop is required prior to making a right turn on red and posting the locations of the systems within the municipality or county on the municipality or county website. Provides that an intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation. Provides that a municipality or county shall make a certified report to the Secretary of State in order to suspend a registered owner's driving privileges whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of 5 automated traffic law enforcement system violations.

LRB096 14552 AJT 30711 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 11-208.3 and 11-208.6 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations
8 of traffic regulations concerning the standing, parking, or
9 condition of vehicles and automated traffic law violations.

10 (a) Any municipality may provide by ordinance for a system
11 of administrative adjudication of vehicular standing and
12 parking violations and vehicle compliance violations as
13 defined in this subsection and automated traffic law violations
14 as defined in Section 11-208.6 or 11-1201.1. The administrative
15 system shall have as its purpose the fair and efficient
16 enforcement of municipal regulations through the
17 administrative adjudication of automated traffic law
18 violations and violations of municipal ordinances regulating
19 the standing and parking of vehicles, the condition and use of
20 vehicle equipment, and the display of municipal wheel tax
21 licenses within the municipality's borders. The administrative
22 system shall only have authority to adjudicate civil offenses
23 carrying fines not in excess of \$500 or requiring the

1 completion of a traffic education program, or both, that occur
2 after the effective date of the ordinance adopting such a
3 system under this Section. For purposes of this Section,
4 "compliance violation" means a violation of a municipal
5 regulation governing the condition or use of equipment on a
6 vehicle or governing the display of a municipal wheel tax
7 license.

8 (b) Any ordinance establishing a system of administrative
9 adjudication under this Section shall provide for:

10 (1) A traffic compliance administrator authorized to
11 adopt, distribute and process parking, compliance, and
12 automated traffic law violation notices and other notices
13 required by this Section, collect money paid as fines and
14 penalties for violation of parking and compliance
15 ordinances and automated traffic law violations, and
16 operate an administrative adjudication system. The traffic
17 compliance administrator also may make a certified report
18 to the Secretary of State under Section 6-306.5.

19 (2) A parking, standing, compliance, or automated
20 traffic law violation notice that shall specify the date,
21 time, and place of violation of a parking, standing,
22 compliance, or automated traffic law regulation; the
23 particular regulation violated; any requirement to
24 complete a traffic education program; the fine and any
25 penalty that may be assessed for late payment or failure to
26 complete a required traffic education program, or both,

1 when so provided by ordinance; the vehicle make and state
2 registration number; and the identification number of the
3 person issuing the notice. With regard to automated traffic
4 law violations, vehicle make shall be specified on the
5 automated traffic law violation notice if the make is
6 available and readily discernible. With regard to
7 municipalities with a population of 1 million or more, it
8 shall be grounds for dismissal of a parking violation if
9 the state registration number or vehicle make specified is
10 incorrect. The violation notice shall state that the
11 completion of any required traffic education program, the
12 payment of any indicated fine, and the payment of any
13 applicable penalty for late payment or failure to complete
14 a required traffic education program, or both, shall
15 operate as a final disposition of the violation. The notice
16 also shall contain information as to the availability of a
17 hearing in which the violation may be contested on its
18 merits. The violation notice shall specify the time and
19 manner in which a hearing may be had.

20 (3) Service of the parking, standing, or compliance
21 violation notice by affixing the original or a facsimile of
22 the notice to an unlawfully parked vehicle or by handing
23 the notice to the operator of a vehicle if he or she is
24 present and service of an automated traffic law violation
25 notice by mail to the address of the registered owner of
26 the cited vehicle as recorded with the Secretary of State

1 within 30 days after the Secretary of State notifies the
2 municipality or county of the identity of the owner of the
3 vehicle, but in no event later than 90 days after the
4 violation. A person authorized by ordinance to issue and
5 serve parking, standing, and compliance violation notices
6 shall certify as to the correctness of the facts entered on
7 the violation notice by signing his or her name to the
8 notice at the time of service or in the case of a notice
9 produced by a computerized device, by signing a single
10 certificate to be kept by the traffic compliance
11 administrator attesting to the correctness of all notices
12 produced by the device while it was under his or her
13 control. In the case of an automated traffic law violation,
14 the ordinance shall require a determination by a technician
15 employed or contracted by the municipality or county that,
16 based on inspection of recorded images, the motor vehicle
17 was being operated in violation of Section 11-208.6 or
18 11-1201.1 or a local ordinance. If the technician
19 determines that the vehicle entered the intersection as
20 part of a funeral procession or in order to yield the
21 right-of-way to an emergency vehicle, a citation shall not
22 be issued. The automated traffic law ordinance shall
23 require that all determinations by a technician that a
24 motor vehicle was being operated in violation of Section
25 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
26 and approved by a law enforcement officer of the

1 municipality or county issuing the violation. The original
2 or a facsimile of the violation notice or, in the case of a
3 notice produced by a computerized device, a printed record
4 generated by the device showing the facts entered on the
5 notice, shall be retained by the traffic compliance
6 administrator, and shall be a record kept in the ordinary
7 course of business. A parking, standing, compliance, or
8 automated traffic law violation notice issued, signed and
9 served in accordance with this Section, a copy of the
10 notice, or the computer generated record shall be prima
11 facie correct and shall be prima facie evidence of the
12 correctness of the facts shown on the notice. The notice,
13 copy, or computer generated record shall be admissible in
14 any subsequent administrative or legal proceedings.

15 (4) An opportunity for a hearing for the registered
16 owner of the vehicle cited in the parking, standing,
17 compliance, or automated traffic law violation notice in
18 which the owner may contest the merits of the alleged
19 violation, and during which formal or technical rules of
20 evidence shall not apply; provided, however, that under
21 Section 11-1306 of this Code the lessee of a vehicle cited
22 in the violation notice likewise shall be provided an
23 opportunity for a hearing of the same kind afforded the
24 registered owner. The hearings shall be recorded, and the
25 person conducting the hearing on behalf of the traffic
26 compliance administrator shall be empowered to administer

1 oaths and to secure by subpoena both the attendance and
2 testimony of witnesses and the production of relevant books
3 and papers. Persons appearing at a hearing under this
4 Section may be represented by counsel at their expense. The
5 ordinance may also provide for internal administrative
6 review following the decision of the hearing officer.

7 (5) Service of additional notices, sent by first class
8 United States mail, postage prepaid, to the address of the
9 registered owner of the cited vehicle as recorded with the
10 Secretary of State or, if any notice to that address is
11 returned as undeliverable, to the last known address
12 recorded in a United States Post Office approved database,
13 or, under Section 11-1306 of this Code, to the lessee of
14 the cited vehicle at the last address known to the lessor
15 of the cited vehicle at the time of lease or, if any notice
16 to that address is returned as undeliverable, to the last
17 known address recorded in a United States Post Office
18 approved database. The service shall be deemed complete as
19 of the date of deposit in the United States mail. The
20 notices shall be in the following sequence and shall
21 include but not be limited to the information specified
22 herein:

23 (i) A second notice of parking, standing, or
24 compliance violation. This notice shall specify the
25 date and location of the violation cited in the
26 parking, standing, or compliance violation notice, the

1 particular regulation violated, the vehicle make and
2 state registration number, any requirement to complete
3 a traffic education program, the fine and any penalty
4 that may be assessed for late payment or failure to
5 complete a traffic education program, or both, when so
6 provided by ordinance, the availability of a hearing in
7 which the violation may be contested on its merits, and
8 the time and manner in which the hearing may be had.
9 The notice of violation shall also state that failure
10 to complete a required traffic education program, to
11 pay the indicated fine and any applicable penalty, or
12 to appear at a hearing on the merits in the time and
13 manner specified, will result in a final determination
14 of violation liability for the cited violation in the
15 amount of the fine or penalty indicated, and that, upon
16 the occurrence of a final determination of violation
17 liability for the failure, and the exhaustion of, or
18 failure to exhaust, available administrative or
19 judicial procedures for review, any incomplete traffic
20 education program or any unpaid fine or penalty, or
21 both, will constitute a debt due and owing the
22 municipality.

23 (ii) A notice of final determination of parking,
24 standing, compliance, or automated traffic law
25 violation liability. This notice shall be sent
26 following a final determination of parking, standing,

1 compliance, or automated traffic law violation
2 liability and the conclusion of judicial review
3 procedures taken under this Section. The notice shall
4 state that the incomplete traffic education program or
5 the unpaid fine or penalty, or both, is a debt due and
6 owing the municipality. The notice shall contain
7 warnings that failure to complete any required traffic
8 education program or to pay any fine or penalty due and
9 owing the municipality, or both, within the time
10 specified may result in the municipality's filing of a
11 petition in the Circuit Court to have the incomplete
12 traffic education program or unpaid fine or penalty, or
13 both, rendered a judgment as provided by this Section,
14 or may result in suspension of the person's drivers
15 license for failure to complete a traffic education
16 program or to pay fines or penalties, or both, for 10
17 or more parking violations under Section 6-306.5 or 5
18 or more automated traffic law violations under Section
19 11-208.6.

20 (6) A notice of impending drivers license suspension.

21 This notice shall be sent to the person liable for failure
22 to complete a required traffic education program or to pay
23 any fine or penalty that remains due and owing, or both, on
24 10 or more parking violations or 5 or more unpaid automated
25 traffic law violations. The notice shall state that failure
26 to complete a required traffic education program or to pay

1 the fine or penalty owing, or both, within 45 days of the
2 notice's date will result in the municipality notifying the
3 Secretary of State that the person is eligible for
4 initiation of suspension proceedings under Section 6-306.5
5 of this Code. The notice shall also state that the person
6 may obtain a photostatic copy of an original ticket
7 imposing a fine or penalty by sending a self addressed,
8 stamped envelope to the municipality along with a request
9 for the photostatic copy. The notice of impending drivers
10 license suspension shall be sent by first class United
11 States mail, postage prepaid, to the address recorded with
12 the Secretary of State or, if any notice to that address is
13 returned as undeliverable, to the last known address
14 recorded in a United States Post Office approved database.

15 (7) Final determinations of violation liability. A
16 final determination of violation liability shall occur
17 following failure to complete the required traffic
18 education program or to pay the fine or penalty, or both,
19 after a hearing officer's determination of violation
20 liability and the exhaustion of or failure to exhaust any
21 administrative review procedures provided by ordinance.
22 Where a person fails to appear at a hearing to contest the
23 alleged violation in the time and manner specified in a
24 prior mailed notice, the hearing officer's determination
25 of violation liability shall become final: (A) upon denial
26 of a timely petition to set aside that determination, or

1 (B) upon expiration of the period for filing the petition
2 without a filing having been made.

3 (8) A petition to set aside a determination of parking,
4 standing, compliance, or automated traffic law violation
5 liability that may be filed by a person owing an unpaid
6 fine or penalty. A petition to set aside a determination of
7 liability may also be filed by a person required to
8 complete a traffic education program. The petition shall be
9 filed with and ruled upon by the traffic compliance
10 administrator in the manner and within the time specified
11 by ordinance. The grounds for the petition may be limited
12 to: (A) the person not having been the owner or lessee of
13 the cited vehicle on the date the violation notice was
14 issued, (B) the person having already completed the
15 required traffic education program or paid the fine or
16 penalty, or both, for the violation in question, and (C)
17 excusable failure to appear at or request a new date for a
18 hearing. With regard to municipalities with a population of
19 1 million or more, it shall be grounds for dismissal of a
20 parking violation if the state registration number, or
21 vehicle make if specified, is incorrect. After the
22 determination of parking, standing, compliance, or
23 automated traffic law violation liability has been set
24 aside upon a showing of just cause, the registered owner
25 shall be provided with a hearing on the merits for that
26 violation.

1 (9) Procedures for non-residents. Procedures by which
2 persons who are not residents of the municipality may
3 contest the merits of the alleged violation without
4 attending a hearing.

5 (10) A schedule of civil fines for violations of
6 vehicular standing, parking, compliance, or automated
7 traffic law regulations enacted by ordinance pursuant to
8 this Section, and a schedule of penalties for late payment
9 of the fines or failure to complete required traffic
10 education programs, provided, however, that the total
11 amount of the fine and penalty for any one violation shall
12 not exceed \$250, except as provided in subsection (c) of
13 Section 11-1301.3 of this Code.

14 (11) Other provisions as are necessary and proper to
15 carry into effect the powers granted and purposes stated in
16 this Section.

17 (c) Any municipality establishing vehicular standing,
18 parking, compliance, or automated traffic law regulations
19 under this Section may also provide by ordinance for a program
20 of vehicle immobilization for the purpose of facilitating
21 enforcement of those regulations. The program of vehicle
22 immobilization shall provide for immobilizing any eligible
23 vehicle upon the public way by presence of a restraint in a
24 manner to prevent operation of the vehicle. Any ordinance
25 establishing a program of vehicle immobilization under this
26 Section shall provide:

1 (1) Criteria for the designation of vehicles eligible
2 for immobilization. A vehicle shall be eligible for
3 immobilization when the registered owner of the vehicle has
4 accumulated the number of incomplete traffic education
5 programs or unpaid final determinations of parking,
6 standing, compliance, or automated traffic law violation
7 liability, or both, as determined by ordinance.

8 (2) A notice of impending vehicle immobilization and a
9 right to a hearing to challenge the validity of the notice
10 by disproving liability for the incomplete traffic
11 education programs or unpaid final determinations of
12 parking, standing, compliance, or automated traffic law
13 violation liability, or both, listed on the notice.

14 (3) The right to a prompt hearing after a vehicle has
15 been immobilized or subsequently towed without the
16 completion of the required traffic education program or
17 payment of the outstanding fines and penalties on parking,
18 standing, compliance, or automated traffic law violations,
19 or both, for which final determinations have been issued.
20 An order issued after the hearing is a final administrative
21 decision within the meaning of Section 3-101 of the Code of
22 Civil Procedure.

23 (4) A post immobilization and post-towing notice
24 advising the registered owner of the vehicle of the right
25 to a hearing to challenge the validity of the impoundment.

26 (d) Judicial review of final determinations of parking,

1 standing, compliance, or automated traffic law violations and
2 final administrative decisions issued after hearings regarding
3 vehicle immobilization and impoundment made under this Section
4 shall be subject to the provisions of the Administrative Review
5 Law.

6 (e) Any fine, penalty, incomplete traffic education
7 program, or part of any fine or any penalty remaining unpaid
8 after the exhaustion of, or the failure to exhaust,
9 administrative remedies created under this Section and the
10 conclusion of any judicial review procedures shall be a debt
11 due and owing the municipality and, as such, may be collected
12 in accordance with applicable law. Completion of any required
13 traffic education program and payment in full of any fine or
14 penalty resulting from a standing, parking, compliance, or
15 automated traffic law violation shall constitute a final
16 disposition of that violation.

17 (f) After the expiration of the period within which
18 judicial review may be sought for a final determination of
19 parking, standing, compliance, or automated traffic law
20 violation, the municipality may commence a proceeding in the
21 Circuit Court for purposes of obtaining a judgment on the final
22 determination of violation. Nothing in this Section shall
23 prevent a municipality from consolidating multiple final
24 determinations of parking, standing, compliance, or automated
25 traffic law violations against a person in a proceeding. Upon
26 commencement of the action, the municipality shall file a

1 certified copy or record of the final determination of parking,
2 standing, compliance, or automated traffic law violation,
3 which shall be accompanied by a certification that recites
4 facts sufficient to show that the final determination of
5 violation was issued in accordance with this Section and the
6 applicable municipal ordinance. Service of the summons and a
7 copy of the petition may be by any method provided by Section
8 2-203 of the Code of Civil Procedure or by certified mail,
9 return receipt requested, provided that the total amount of
10 fines and penalties for final determinations of parking,
11 standing, compliance, or automated traffic law violations does
12 not exceed \$2500. If the court is satisfied that the final
13 determination of parking, standing, compliance, or automated
14 traffic law violation was entered in accordance with the
15 requirements of this Section and the applicable municipal
16 ordinance, and that the registered owner or the lessee, as the
17 case may be, had an opportunity for an administrative hearing
18 and for judicial review as provided in this Section, the court
19 shall render judgment in favor of the municipality and against
20 the registered owner or the lessee for the amount indicated in
21 the final determination of parking, standing, compliance, or
22 automated traffic law violation, plus costs. The judgment shall
23 have the same effect and may be enforced in the same manner as
24 other judgments for the recovery of money.

25 (g) The fee for participating in a traffic education
26 program under this Section shall not exceed \$25.

1 A low-income individual required to complete a traffic
2 education program under this Section who provides proof of
3 eligibility for the federal earned income tax credit under
4 Section 32 of the Internal Revenue Code or the Illinois earned
5 income tax credit under Section 212 of the Illinois Income Tax
6 Act shall not be required to pay any fee for participating in a
7 required traffic education program.

8 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;
9 96-478, eff. 1-1-10; revised 9-4-09.)

10 (625 ILCS 5/11-208.6)

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

12 (a) As used in this Section, "automated traffic law
13 enforcement system" means a device with one or more motor
14 vehicle sensors working in conjunction with a red light signal
15 to produce recorded images of motor vehicles entering an
16 intersection against a red signal indication in violation of
17 Section 11-306 of this Code or a similar provision of a local
18 ordinance.

19 An automated traffic law enforcement system is a system, in
20 a municipality or county operated by a governmental agency,
21 that produces a recorded image of a motor vehicle's violation
22 of a provision of this Code or a local ordinance and is
23 designed to obtain a clear recorded image of the vehicle and
24 the vehicle's license plate. The recorded image must also
25 display the time, date, and location of the violation.

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

3 (1) 2 or more photographs;

4 (2) 2 or more microphotographs;

5 (3) 2 or more electronic images; or

6 (4) a video recording showing the motor vehicle and, on
7 at least one image or portion of the recording, clearly
8 identifying the registration plate number of the motor
9 vehicle.

10 (b-5) A municipality or county operated by a governmental
11 agency, that produces a recorded image of a motor vehicle's
12 violation of a provision of this Code or a local ordinance must
13 make the recorded images of a violation accessible to the
14 alleged violator by providing the alleged violator with a
15 website address, accessible through the Internet.

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

25 (d) For each violation of a provision of this Code or a
26 local ordinance recorded by an automatic traffic law

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

9 The notice shall include:

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

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

14 (3) the violation charged;

15 (4) the location where the violation occurred;

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

17 (6) a copy of the recorded images;

18 (7) the amount of the civil penalty imposed and the
19 requirements of any traffic education program imposed and
20 the date by which the civil penalty should be paid and the
21 traffic education program should be completed;

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

24 (9) a warning that failure to pay the civil penalty, to
25 complete a required traffic education program, or to
26 contest liability in a timely manner is an admission of

1 liability and may result in a suspension of the driving
2 privileges of the registered owner of the vehicle; ~~and~~

3 (10) a statement that the person may elect to proceed
4 by:

5 (A) paying the fine, completing a required traffic
6 education program, or both; or

7 (B) challenging the charge in court, by mail, or by
8 administrative hearing; and ~~or~~

9 (11) a website address, accessible through the
10 Internet, where the person may view the recorded images of
11 the violation.

12 (e) If a person charged with a traffic violation, as a
13 result of an automated traffic law enforcement system, does not
14 pay the fine or complete a required traffic education program,
15 or both, or successfully contest the civil penalty resulting
16 from that violation, the Secretary of State shall suspend the
17 driving privileges of the registered owner of the vehicle under
18 Section 6-306.5 of this Code for failing to complete a required
19 traffic education program or to pay any fine or penalty due and
20 owing, or both, as a result of 5 violations of the automated
21 traffic law enforcement system.

22 (f) Based on inspection of recorded images produced by an
23 automated traffic law enforcement system, a notice alleging
24 that the violation occurred shall be evidence of the facts
25 contained in the notice and admissible in any proceeding
26 alleging a violation under this Section.

1 (g) Recorded images made by an automatic traffic law
2 enforcement system are confidential and shall be made available
3 only to the alleged violator and governmental and law
4 enforcement agencies for purposes of adjudicating a violation
5 of this Section, for statistical purposes, or for other
6 governmental purposes. Any recorded image evidencing a
7 violation of this Section, however, may be admissible in any
8 proceeding resulting from the issuance of the citation.

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

11 (1) that the motor vehicle or registration plates of
12 the motor vehicle were stolen before the violation occurred
13 and not under the control of or in the possession of the
14 owner at the time of the violation;

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

19 (3) any other evidence or issues provided by municipal
20 or county ordinance.

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

1 manner.

2 (j) Unless the driver of the motor vehicle received a
3 Uniform Traffic Citation from a police officer at the time of
4 the violation, the motor vehicle owner is subject to a civil
5 penalty not exceeding \$100 or the completion of a traffic
6 education program, or both, plus an additional penalty of not
7 more than \$100 for failure to pay the original penalty or to
8 complete a required traffic education program, or both, in a
9 timely manner, if the motor vehicle is recorded by an automated
10 traffic law enforcement system. A violation for which a civil
11 penalty is imposed under this Section is not a violation of a
12 traffic regulation governing the movement of vehicles and may
13 not be recorded on the driving record of the owner of the
14 vehicle.

15 (j-3) A registered owner who is a holder of a valid
16 commercial driver's license is not required to complete a
17 traffic education program.

18 (j-5) For purposes of the required traffic education
19 program only, a registered owner may submit an affidavit to the
20 court or hearing officer swearing that at the time of the
21 alleged violation, the vehicle was in the custody and control
22 of another person. The affidavit must identify the person in
23 custody and control of the vehicle, including the person's name
24 and current address. The person in custody and control of the
25 vehicle at the time of the violation is required to complete
26 the required traffic education program. If the person in

1 custody and control of the vehicle at the time of the violation
2 completes the required traffic education program, the
3 registered owner of the vehicle is not required to complete a
4 traffic education program.

5 (k) An intersection equipped with an automated traffic law
6 enforcement system must be posted with a sign visible to
7 approaching traffic indicating that the intersection is being
8 monitored by an automated traffic law enforcement system. The
9 camera housing of an automated traffic law enforcement camera
10 installed at an intersection pursuant to this Section must be
11 distinctive in color in order to be visible to approaching
12 traffic.

13 (k-3) A municipality or county that has one or more
14 intersections equipped with an automated traffic law
15 enforcement system must provide notice to drivers by (1)
16 posting signs in dedicated right turn lanes indicating that a
17 complete stop is required prior to making a right turn on red
18 and (2) posting the locations of automated traffic law systems
19 within the municipality or county on the municipality or county
20 website.

21 (k-5) An intersection equipped with an automated traffic
22 law enforcement system must have a yellow change interval that
23 conforms with Section 4D.10 of the Manual on Uniform Traffic
24 Control Devices (MUTCD) published by the U.S. Department of
25 Transportation.

26 (l) The compensation paid for an automated traffic law

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

5 (m) This Section applies only to the counties of Cook,
6 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
7 to municipalities located within those counties.

8 (n) The fee for participating in a traffic education
9 program under this Section shall not exceed \$25.

10 A low-income individual required to complete a traffic
11 education program under this Section who provides proof of
12 eligibility for the federal earned income tax credit under
13 Section 32 of the Internal Revenue Code or the Illinois earned
14 income tax credit under Section 212 of the Illinois Income Tax
15 Act shall not be required to pay any fee for participating in a
16 required traffic education program.

17 (o) A municipality or county shall make a certified report
18 to the Secretary of State pursuant to Section 6-306.5 of this
19 Code whenever a registered owner of a vehicle has failed to pay
20 any fine or penalty due and owing as a result of 5 offenses for
21 automated traffic law violations.

22 (Source: P.A. 96-288, eff. 8-11-09.)