



Sen. Antonio Muñoz

Filed: 11/27/2012

09700HB1984sam001

LRB097 10578 HEP 72307 a

1 AMENDMENT TO HOUSE BILL 1984

2 AMENDMENT NO. _____. Amend House Bill 1984 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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,

1 that produces a recorded image of a motor vehicle's violation
2 of a provision of this Code or a local ordinance and is
3 designed to obtain a clear recorded image of the vehicle and
4 the vehicle's license plate. The recorded image must also
5 display the time, date, and location of the violation.

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

11 (4) a video recording showing the motor vehicle and, on
12 at least one image or portion of the recording, clearly
13 identifying the registration plate number of the motor
14 vehicle.

15 (b-5) A municipality or county that produces a recorded
16 image of a motor vehicle's violation of a provision of this
17 Code or a local ordinance must make the recorded images of a
18 violation accessible to the alleged violator by providing the
19 alleged violator with a website address, accessible through the
20 Internet.

21 (c) Except as provided under Section 11-208.8 of this Code,
22 a county or municipality, including a home rule county or
23 municipality, may not use an automated traffic law enforcement
24 system to provide recorded images of a motor vehicle for the
25 purpose of recording its speed. Except as provided under
26 Section 11-208.8 of this Code, the regulation of the use of

1 automated traffic law enforcement systems to record vehicle
2 speeds is an exclusive power and function of the State. This
3 subsection (c) is a denial and limitation of home rule powers
4 and functions under subsection (h) of Section 6 of Article VII
5 of the Illinois Constitution.

6 (c-5) A county or municipality, including a home rule
7 county or municipality, may not use an automated traffic law
8 enforcement system to issue violations in instances where the
9 motor vehicle comes to a complete stop and does not enter the
10 intersection, as defined by Section 1-132 of this Code, during
11 the cycle of the red signal indication unless one or more
12 pedestrians or bicyclists are present, even if the motor
13 vehicle stops at a point past a stop line or crosswalk where a
14 driver is required to stop, as specified in subsection (c) of
15 Section 11-306 of this Code or a similar provision of a local
16 ordinance.

17 (c-6) A county, or a municipality with less than 2,000,000
18 inhabitants, including a home rule county or municipality, may
19 not use an automated traffic law enforcement system to issue
20 violations in instances where a motorcyclist enters an
21 intersection against a red signal indication when the red
22 signal fails to change to a green signal within a reasonable
23 period of time not less than 120 seconds because of a signal
24 malfunction or because the signal has failed to detect the
25 arrival of the motorcycle due to the motorcycle's size or
26 weight.

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

11 The notice shall include:

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

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

16 (3) the violation charged;

17 (4) the location where the violation occurred;

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

19 (6) a copy of the recorded images;

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

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

26 (9) a warning that failure to pay the civil penalty, to

1 complete a required traffic education program, or to
2 contest liability in a timely manner is an admission of
3 liability and may result in a suspension of the driving
4 privileges of the registered owner of the vehicle, denial
5 of vehicle registration renewal, or both;

6 (10) a statement that the person may elect to proceed
7 by:

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

10 (B) challenging the charge in court, by mail, or by
11 administrative hearing; and

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

15 (e) If a person charged with a traffic violation, as a
16 result of an automated traffic law enforcement system, does not
17 pay the fine or complete a required traffic education program,
18 or both, or successfully contest the civil penalty resulting
19 from that violation, the Secretary of State shall suspend the
20 driving privileges of the registered owner of the vehicle under
21 Section 6-306.5 of this Code for failing to complete a required
22 traffic education program or to pay any fine or penalty due and
23 owing, or both, as a result of a combination of 5 violations of
24 the automated traffic law enforcement system or the automated
25 speed enforcement system under Section 11-208.8 of this Code.

26 (e-5) If a person charged with a traffic violation, as a

1 result of an automated traffic law enforcement system, does not
2 pay the fine or complete a required traffic education program,
3 or both, or successfully contest the civil penalty resulting
4 from the violation, the Secretary of State may not renew the
5 registration of the vehicle until the registered owner of the
6 vehicle completes a required traffic education program, pays
7 any fine or penalty due and owing, or both.

8 (f) Based on inspection of recorded images produced by an
9 automated traffic law enforcement system, a notice alleging
10 that the violation occurred shall be evidence of the facts
11 contained in the notice and admissible in any proceeding
12 alleging a violation under this Section.

13 (g) Recorded images made by an automatic traffic law
14 enforcement system are confidential and shall be made available
15 only to the alleged violator and governmental and law
16 enforcement agencies for purposes of adjudicating a violation
17 of this Section, for statistical purposes, or for other
18 governmental purposes. Any recorded image evidencing a
19 violation of this Section, however, may be admissible in any
20 proceeding resulting from the issuance of the citation.

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

23 (1) that the motor vehicle or registration plates of
24 the motor vehicle were stolen before the violation occurred
25 and not under the control of or in the possession of the
26 owner at the time of the violation;

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

5 (3) any other evidence or issues provided by municipal
6 or county ordinance.

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

14 (j) Unless the driver of the motor vehicle received a
15 Uniform Traffic Citation from a police officer at the time of
16 the violation, the motor vehicle owner is subject to a civil
17 penalty not exceeding \$100 or the completion of a traffic
18 education program, or both, plus an additional penalty of not
19 more than \$100 for failure to pay the original penalty or to
20 complete a required traffic education program, or both, in a
21 timely manner, if the motor vehicle is recorded by an automated
22 traffic law enforcement system. A violation for which a civil
23 penalty is imposed under this Section is not a violation of a
24 traffic regulation governing the movement of vehicles and may
25 not be recorded on the driving record of the owner of the
26 vehicle.

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

4 (j-5) For purposes of the required traffic education
5 program only, a registered owner may submit an affidavit to the
6 court or hearing officer swearing that at the time of the
7 alleged violation, the vehicle was in the custody and control
8 of another person. The affidavit must identify the person in
9 custody and control of the vehicle, including the person's name
10 and current address. The person in custody and control of the
11 vehicle at the time of the violation is required to complete
12 the required traffic education program. If the person in
13 custody and control of the vehicle at the time of the violation
14 completes the required traffic education program, the
15 registered owner of the vehicle is not required to complete a
16 traffic education program.

17 (k) An intersection equipped with an automated traffic law
18 enforcement system must be posted with a sign visible to
19 approaching traffic indicating that the intersection is being
20 monitored by an automated traffic law enforcement system.

21 (k-3) A municipality or county that has one or more
22 intersections equipped with an automated traffic law
23 enforcement system must provide notice to drivers by posting
24 the locations of automated traffic law systems on the
25 municipality or county website.

26 (k-5) An intersection equipped with an automated traffic

1 law enforcement system must have a yellow change interval that
2 conforms with the Illinois Manual on Uniform Traffic Control
3 Devices (IMUTCD) published by the Illinois Department of
4 Transportation.

5 (k-7) A municipality or county operating an automated
6 traffic law enforcement system shall conduct a statistical
7 analysis to assess the safety impact of each automated traffic
8 law enforcement system at an intersection following
9 installation of the system. The statistical analysis shall be
10 based upon the best available crash, traffic, and other data,
11 and shall cover a period of time before and after installation
12 of the system sufficient to provide a statistically valid
13 comparison of safety impact. The statistical analysis shall be
14 consistent with professional judgment and acceptable industry
15 practice. The statistical analysis also shall be consistent
16 with the data required for valid comparisons of before and
17 after conditions and shall be conducted within a reasonable
18 period following the installation of the automated traffic law
19 enforcement system. The statistical analysis required by this
20 subsection (k-7) shall be made available to the public and
21 shall be published on the website of the municipality or
22 county. If the statistical analysis for the 36 month period
23 following installation of the system indicates that there has
24 been an increase in the rate of accidents at the approach to
25 the intersection monitored by the system, the municipality or
26 county shall undertake additional studies to determine the

1 cause and severity of the accidents, and may take any action
2 that it determines is necessary or appropriate to reduce the
3 number or severity of the accidents at that intersection.

4 (l) The compensation paid for an automated traffic law
5 enforcement system must be based on the value of the equipment
6 or the services provided and may not be based on the number of
7 traffic citations issued or the revenue generated by the
8 system.

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

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

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

21 (o) A municipality or county shall make a certified report
22 to the Secretary of State pursuant to Section 6-306.5 of this
23 Code whenever a registered owner of a vehicle has failed to pay
24 any fine or penalty due and owing as a result of a combination
25 of 5 offenses for automated traffic law or speed enforcement
26 system violations.

1 (p) No person who is the lessor of a motor vehicle pursuant
2 to a written lease agreement shall be liable for an automated
3 speed or traffic law enforcement system violation involving
4 such motor vehicle during the period of the lease; provided
5 that upon the request of the appropriate authority received
6 within 120 days after the violation occurred, the lessor
7 provides within 60 days after such receipt the name and address
8 of the lessee. The drivers license number of a lessee may be
9 subsequently individually requested by the appropriate
10 authority if needed for enforcement of this Section.

11 Upon the provision of information by the lessor pursuant to
12 this subsection, the county or municipality may issue the
13 violation to the lessee of the vehicle in the same manner as it
14 would issue a violation to a registered owner of a vehicle
15 pursuant to this Section, and the lessee may be held liable for
16 the violation.

17 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;
18 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672, eff. 7-1-12;
19 97-762, eff. 7-6-12; revised 7-16-12.)".