

SB2103



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2103

Introduced 2/10/2011, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning automated traffic law enforcement systems.

LRB097 10200 HEP 50393 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-208.6 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 ~~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:

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

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

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

23 (c-5) A county or municipality, including a home rule
24 county or municipality, may not use an automated traffic law
25 enforcement system to issue violations in instances where the
26 motor vehicle comes to a complete stop and does not enter the

1 intersection, as defined by Section 1-132 of this Code, during
2 the cycle of the red signal indication unless one or more
3 pedestrians or bicyclists are present, even if the motor
4 vehicle stops at a point past a stop line or crosswalk where a
5 driver is required to stop, as specified in subsection (c) of
6 Section 11-306 of this Code or a similar provision of a local
7 ordinance.

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

18 The notice shall include:

19 (1) the name and address of the registered owner of the
20 vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the location where the violation occurred;

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

26 (6) a copy of the recorded images;

1 (7) the amount of the civil penalty imposed and the
2 requirements of any traffic education program imposed and
3 the date by which the civil penalty should be paid and the
4 traffic education program should be completed;

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

7 (9) a warning that failure to pay the civil penalty, to
8 complete a required traffic education program, or to
9 contest liability in a timely manner is an admission of
10 liability and may result in a suspension of the driving
11 privileges of the registered owner of the vehicle;

12 (10) a statement that the person may elect to proceed
13 by:

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

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

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

21 (e) If a person charged with a traffic violation, as a
22 result of an automated traffic law enforcement system, does not
23 pay the fine or complete a required traffic education program,
24 or both, or successfully contest the civil penalty resulting
25 from that violation, the Secretary of State shall suspend the
26 driving privileges of the registered owner of the vehicle under

1 Section 6-306.5 of this Code for failing to complete a required
2 traffic education program or to pay any fine or penalty due and
3 owing, or both, as a result of 5 violations of the automated
4 traffic law enforcement system.

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

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

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

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

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

1 part of a funeral procession; and

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

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

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

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

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

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

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

23 (k-5) An intersection equipped with an automated traffic
24 law enforcement system must have a yellow change interval that
25 conforms with the Illinois Manual on Uniform Traffic Control
26 Devices (IMUTCD) published by the Illinois Department of

1 Transportation.

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

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

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

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

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

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

23 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11.)