



Sen. Martin A. Sandoval

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09700SB2103sam002

LRB097 10200 HEP 53166 a

1 AMENDMENT TO SENATE BILL 2103

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2103, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Automated Traffic Control Systems in  
6 Highway Construction or Maintenance Zones Act is amended by  
7 changing Sections 15, 25, and 30 and by adding Sections 50 and  
8 55 as follows:

9 (625 ILCS 7/15)

10 Sec. 15. Definitions. As used in this Act:

11 (a) "Automated traffic control system" means a  
12 photographic device, radar device, laser device, or other  
13 electrical or mechanical device or devices designed to record  
14 the speed of a vehicle and obtain a clear photograph or other  
15 recorded image of the vehicle, the vehicle operator, and the  
16 vehicle's registration plate while the driver is violating

1 Section 11-605.1 of the Illinois Vehicle Code. The photograph  
2 or other recorded image must also display the time, date, and  
3 location of the violation. A law enforcement officer is not  
4 required to be present or to witness the violation. The term  
5 "automated traffic control system" excludes an automated speed  
6 enforcement system as described in Section 50 of this Act.

7 (b) "Construction or maintenance zone" means an area in  
8 which the Department of Transportation or the Illinois State  
9 Toll Highway Authority has determined that the preexisting  
10 established speed limit through a highway construction or  
11 maintenance project is greater than is reasonable or safe with  
12 respect to the conditions expected to exist in the construction  
13 or maintenance zone and has posted a lower speed limit with a  
14 highway construction or maintenance zone special speed limit  
15 sign in accordance with Section 11-605.1 of the Illinois  
16 Vehicle Code.

17 (c) "Owner" means the person or entity to whom the vehicle  
18 is registered.

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

20 (625 ILCS 7/25)

21 Sec. 25. Limitations on the use of automated traffic  
22 enforcement systems.

23 (a) The Department of State Police must conduct a public  
24 information campaign to inform drivers about the use of  
25 automated traffic control systems in highway construction or

1 maintenance zones before establishing any of those systems. The  
2 information campaign must provide 30 days' notice of the use of  
3 a new automated traffic control system prior to the issuance of  
4 any citations through the automated traffic control system. The  
5 Department of State Police shall adopt rules for implementing  
6 this subsection (a).

7 (b) Signs indicating that speeds are enforced by automated  
8 traffic control systems must be clearly posted in the areas  
9 where the systems are in use. The signs shall contain the  
10 amount of the fine for a violation.

11 (c) Operation of automated traffic control systems is  
12 limited to areas where road construction or maintenance is  
13 occurring.

14 (d) Photographs obtained in this manner may only be used as  
15 evidence in relation to a violation of Section 11-605.1 of the  
16 Illinois Vehicle Code for which the photograph is taken. The  
17 photographs are available only to the owner of the vehicle, the  
18 offender and the offender's attorney, the judiciary, the local  
19 State's Attorney, and law enforcement officials.

20 (e) If the driver of the vehicle cannot be identified  
21 through the photograph, the owner is not liable for the fine,  
22 and the citation may not be counted against the driving record  
23 of the owner. If the driver can be identified, the driver is  
24 liable for the fine, and the violation is counted against his  
25 or her driving record.

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

1 (625 ILCS 7/30)

2 Sec. 30. Requirements for issuance of a citation.

3 (a) The vehicle, vehicle operator, vehicle registration  
4 plate, speed, date, time, and location must be clearly visible  
5 on the photograph or other recorded image of the alleged  
6 violation.

7 (b) A Uniform Traffic Citation must be mailed or otherwise  
8 delivered to the registered owner of the vehicle. If mailed,  
9 the citation must be sent via certified mail within 14 business  
10 days of the alleged violation, return receipt requested.

11 (c) The Uniform Traffic Citation must include:

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

13 (2) the registration number of the vehicle;

14 (3) the offense charged;

15 (4) the time, date, and location of the violation;

16 (5) the first available court date; ~~and~~

17 (6) notice that the basis of the citation is the  
18 photograph or recorded image from the automated traffic  
19 control system; and -

20 (7) a copy of the recorded image or images.

21 (d) The Uniform Traffic Citation issued to the violator  
22 must be accompanied by a written document that lists the  
23 violator's rights and obligations and explains how the violator  
24 can elect to proceed by either paying the fine or challenging  
25 the issuance of the Uniform Traffic Citation.

1 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;  
2 94-814, eff. 1-1-07.)

3 (625 ILCS 7/50 new)

4 Sec. 50. Automated speed enforcement systems.

5 (a) Notwithstanding any other provisions contained in  
6 this Act, a body having jurisdiction over a highway  
7 construction or maintenance zone may install an automated speed  
8 enforcement system within the highway construction or  
9 maintenance zone and impose civil penalties under this Section.

10 (b) As used in this Section:

11 "Automated speed enforcement system" means a photographic  
12 device, radar device, laser device, or other electrical or  
13 mechanical device or devices installed in a highway  
14 construction or maintenance zone designed to record the speed  
15 of a vehicle and obtain a clear photograph or other recorded  
16 image of the vehicle and the vehicle's registration plate while  
17 the driver is violating Section 11-605.1 of the Illinois  
18 Vehicle Code. The recorded image must also display the time,  
19 date, and location of the violation. A law enforcement officer  
20 is not required to be present or to witness the violation.

21 "Owner" means the person or entity to whom the vehicle is  
22 registered.

23 "Recorded image" means images recorded by an automated  
24 speed enforcement system on:

25 (1) 2 or more photographs;

1           (2) 2 or more microphotographs;

2           (3) 2 or more electronic images; or

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

7           (c) A body having jurisdiction over the highway  
8           construction or maintenance zone that produces a recorded image  
9           of a motor vehicle's violation of a provision of this Section  
10           must make the recorded images of a violation accessible to the  
11           alleged violator by providing the alleged violator with a  
12           website address, accessible through the Internet.

13           (d) Notwithstanding any other consequence imposed for any  
14           similar violation of the Illinois Vehicle Code, the penalty for  
15           and consequence of a traffic violation recorded by an automated  
16           speed enforcement system is a civil fine of \$100. Unless the  
17           driver of the motor vehicle received a Uniform Traffic  
18           Citation, the motor vehicle owner is subject to the civil  
19           penalty under this subsection (c), plus an additional penalty  
20           of not more than \$100 for failure to pay the original penalty  
21           in a timely manner, if the motor vehicle is recorded by an  
22           automated speed enforcement system. A violation for which a  
23           civil penalty is imposed under this Section is not a violation  
24           of a traffic regulation governing the movement of vehicles and  
25           may not be recorded on the driving record of the owner of the  
26           vehicle.

1       (e) For each violation of a provision of this Section  
2 recorded by an automated speed enforcement system, the body  
3 having jurisdiction shall issue a written notice of the  
4 violation to the registered owner of the vehicle as the alleged  
5 violator. The notice shall be delivered to the registered owner  
6 of the vehicle, by mail, within 30 days after the Secretary of  
7 State notifies the body having jurisdiction of the identity of  
8 the owner of the vehicle, but in no event later than 90 days  
9 after the violation.

10       (f) The notice shall include:

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

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

15           (3) the violation charged;

16           (4) the date, time, and location where the violation  
17 occurred;

18           (5) a copy of the recorded image or images;

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

21           (7) a statement that recorded images are evidence of a  
22 violation of a speed restriction;

23           (8) a statement that the person may elect to proceed  
24 by:

25                   (A) paying the fine; or

26                   (B) challenging the charge in court, by mail, or by

1 administrative hearing; and

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

5 (g) Based on inspection of recorded images produced by an  
6 automated speed enforcement system, a notice alleging that the  
7 violation occurred shall be evidence of the facts contained in  
8 the notice and admissible in any proceeding alleging a  
9 violation under the Illinois Vehicle Code.

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

18 (i) 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 motor vehicle received a  
25 Uniform Traffic Citation for the same offence; and

26 (3) any other evidence or issues provided by



1       administrative rule.

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

9       (k) A road equipped with an automated speed enforcement  
10 system shall be posted with a sign that is visible to  
11 approaching traffic stating that vehicle speeds are being  
12 photo-enforced.

13       (l) A road where a new automated speed enforcement system  
14 is installed shall be posted with signs providing 30 days  
15 notice of the use of a new automated speed enforcement system  
16 prior to the issuance of any citations through the automated  
17 speed enforcement system.

18       (m) The compensation paid for an automated speed  
19 enforcement system must be based on the value of the equipment  
20 or the services provided and may not be based on the number of  
21 traffic citations issued or the revenue generated by the  
22 system.

23       (n) The Illinois Department of Transportation shall adopt  
24 rules to implement the administrative adjudication of  
25 violations under this Section.

1 (625 ILCS 7/55 new)

2 Sec. 55. Construction of Act. If any Section, sentence,  
3 clause, or part of this Act is for any reason held to be  
4 unconstitutional, such decision shall not affect the remaining  
5 portions of this Act. The General Assembly hereby declares that  
6 it would have passed this Act, and each Section, sentence,  
7 clause, or part thereof, irrespective of the fact that one or  
8 more Sections, sentences, clauses, or parts might be declared  
9 unconstitutional."