



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 633

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 633 XXXX by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Pension Code is amended by adding  
6 Sections 3-125.3, 5-168.3, 7-171.1, and 9-169.5 as follows:

7 (40 ILCS 5/3-125.3 new)

8 Sec. 3-125.3. Income from certain fees. Any fees received  
9 by the Fund under Section 20 of the Automated Traffic Control  
10 Systems in Highway Construction or Maintenance Zones Act: (i)  
11 shall not be considered payment of any employer contribution  
12 required under Section 3-125 and shall not be offset against or  
13 paid in lieu of any such required contribution; but (ii) shall  
14 be considered assets of the Fund and shall be considered in  
15 calculating the amount of future required employer  
16 contributions to the Fund.

1 (40 ILCS 5/5-168.3 new)

2 Sec. 5-168.3. Income from certain fees. Any fees received  
3 by the Fund under Section 20 of the Automated Traffic Control  
4 Systems in Highway Construction or Maintenance Zones Act: (i)  
5 shall not be considered payment of any employer contribution  
6 required under Section 5-168 and shall not be offset against or  
7 paid in lieu of any such required contribution; but (ii) shall  
8 be considered assets of the Fund and shall be considered in  
9 calculating the amount of future required employer  
10 contributions to the Fund.

11 (40 ILCS 5/7-171.1 new)

12 Sec. 7-171.1. Income from certain fees. Any fees received  
13 by the Fund under Section 20 of the Automated Traffic Control  
14 Systems in Highway Construction or Maintenance Zones Act from a  
15 participating municipality: (i) shall not be considered  
16 payment of any employer contribution required of that  
17 municipality under Section 7-172 and shall not be offset  
18 against or paid in lieu of any such required contribution; but  
19 (ii) shall be considered assets of the Fund and credited to the  
20 appropriate account of the municipality, and shall be  
21 considered in calculating the amount of that municipality's  
22 future required employer contributions to the Fund.

23 (40 ILCS 5/9-169.5 new)

1       Sec. 9-169.5. Income from certain fees. Any fees received  
2 by the Fund under Section 20 of the Automated Traffic Control  
3 Systems in Highway Construction or Maintenance Zones Act: (i)  
4 shall not be considered payment of any employer contribution  
5 required under Sections 9-169 and 9-170.2, and shall not be  
6 offset against or paid in lieu of any such required  
7 contribution; but (ii) shall be considered assets of the Fund  
8 and shall be considered in calculating the amount of future  
9 required employer contributions to the Fund.

10       Section 10. The Illinois Vehicle Code is amended by  
11 changing Sections 3-704 and 11-605.1 as follows:

12       (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

13       Sec. 3-704. Authority of Secretary of State to suspend or  
14 revoke a registration or certificate of title; authority to  
15 suspend or revoke the registration of a vehicle.

16       (a) The Secretary of State may suspend or revoke the  
17 registration of a vehicle or a certificate of title,  
18 registration card, registration sticker, registration plate,  
19 disability parking decal or device, or any nonresident or other  
20 permit in any of the following events:

21           1. When the Secretary of State is satisfied that such  
22 registration or that such certificate, card, plate,  
23 registration sticker or permit was fraudulently or  
24 erroneously issued;

1           2. When a registered vehicle has been dismantled or  
2 wrecked or is not properly equipped;

3           3. When the Secretary of State determines that any  
4 required fees have not been paid to the Secretary of State,  
5 to the Illinois Commerce Commission, or to the Illinois  
6 Department of Revenue under the Motor Fuel Tax Law, and the  
7 same are not paid upon reasonable notice and demand;

8           4. When a registration card, registration plate,  
9 registration sticker or permit is knowingly displayed upon  
10 a vehicle other than the one for which issued;

11           5. When the Secretary of State determines that the  
12 owner has committed any offense under this Chapter  
13 involving the registration or the certificate, card,  
14 plate, registration sticker or permit to be suspended or  
15 revoked;

16           6. When the Secretary of State determines that a  
17 vehicle registered not-for-hire is used or operated  
18 for-hire unlawfully, or used or operated for purposes other  
19 than those authorized;

20           7. When the Secretary of State determines that an owner  
21 of a for-hire motor vehicle has failed to give proof of  
22 financial responsibility as required by this Act;

23           8. When the Secretary determines that the vehicle is  
24 not subject to or eligible for a registration;

25           9. When the Secretary determines that the owner of a  
26 vehicle registered under the mileage weight tax option

1 fails to maintain the records specified by law, or fails to  
2 file the reports required by law, or that such vehicle is  
3 not equipped with an operable and operating speedometer or  
4 odometer;

5 10. When the Secretary of State is so authorized under  
6 any other provision of law;

7 11. When the Secretary of State determines that the  
8 holder of a disability parking decal or device has  
9 committed any offense under Chapter 11 of this Code  
10 involving the use of a disability parking decal or device.

11 (a-5) The Secretary of State may revoke a certificate of  
12 title and registration card and issue a corrected certificate  
13 of title and registration card, at no fee to the vehicle owner  
14 or lienholder, if there is proof that the vehicle  
15 identification number is erroneously shown on the original  
16 certificate of title.

17 (b) The Secretary of State may suspend or revoke the  
18 registration of a vehicle as follows:

19 1. When the Secretary of State determines that the  
20 owner of a vehicle has not paid a civil penalty or a  
21 settlement agreement arising from the violation of rules  
22 adopted under the Illinois Motor Carrier Safety Law or the  
23 Illinois Hazardous Materials Transportation Act or that a  
24 vehicle, regardless of ownership, was the subject of  
25 violations of these rules that resulted in a civil penalty  
26 or settlement agreement which remains unpaid.

1           2. When the Secretary of State determines that a  
2           vehicle registered for a gross weight of more than 16,000  
3           pounds within an affected area is not in compliance with  
4           the provisions of Section 13-109.1 of the Illinois Vehicle  
5           Code.

6           3. When the Secretary of State is notified by the  
7           United States Department of Transportation that a vehicle  
8           is in violation of the Federal Motor Carrier Safety  
9           Regulations, as they are now or hereafter amended, and is  
10          prohibited from operating.

11          (c) The Secretary of State may suspend the registration of  
12          a vehicle when a court finds that the vehicle was used in a  
13          violation of Section 24-3A of the Criminal Code of 1961 or the  
14          Criminal Code of 2012 relating to gunrunning. A suspension of  
15          registration under this subsection (c) may be for a period of  
16          up to 90 days.

17          (d) The Secretary of State shall not renew the registration  
18          of a vehicle when the Secretary finds that the registered owner  
19          of a vehicle used in violation of the Automated Traffic Control  
20          Systems in Highway Construction or Maintenance Zones Act: (1)  
21          has failed to pay any penalty due and owing as a result of 3  
22          violations under the Automated Traffic Control Systems in  
23          Highway Construction or Maintenance Zones Act; or (2) is more  
24          than 30 calendar days in default of a payment plan. The  
25          Secretary of State shall adopt rules to implement this  
26          subsection (d).

1 (Source: P.A. 97-540, eff. 1-1-12; 97-1150, eff. 1-25-13.)

2 (625 ILCS 5/11-605.1)

3 Sec. 11-605.1. Special limit while traveling through a  
4 highway construction or maintenance speed zone.

5 (a) A person may not operate a motor vehicle in a  
6 construction or maintenance speed zone at a speed in excess of  
7 the posted speed limit when workers are present.

8 (a-5) A person may not operate a motor vehicle in a  
9 construction or maintenance speed zone at a speed in excess of  
10 the posted speed limit when workers are not present.

11 (b) Nothing in this Chapter prohibits the use of electronic  
12 speed-detecting devices within 500 feet of signs within a  
13 construction or maintenance speed zone as defined by the  
14 Automated Traffic Control Systems in Highway Construction or  
15 Maintenance Zones Act. A violation incurred by use of  
16 electronic speed-detecting devices shall not constitute a  
17 first or subsequent violation of this Section for purposes of  
18 fining or driver's license suspensions indicating the zone, as  
19 ~~defined in this Section, nor shall evidence obtained by use of~~  
20 ~~those devices be inadmissible in any prosecution for speeding,~~  
21 ~~provided the use of the device shall apply only to the~~  
22 ~~enforcement of the speed limit in the construction or~~  
23 ~~maintenance speed zone.~~

24 (c) As used in this Section, a "construction or maintenance  
25 speed zone" is an area in which the Department, Toll Highway

1 Authority, or local agency is preparing for construction or  
2 maintenance, conducting construction or maintenance, or  
3 removing construction or maintenance equipment and materials,  
4 and has posted signage advising drivers that a construction or  
5 maintenance speed zone is being approached, or in which the  
6 Department, Authority, or local agency has posted a lower speed  
7 limit with a highway construction or maintenance speed zone  
8 special speed limit sign after determining that the preexisting  
9 established speed limit through a highway construction or  
10 maintenance project is greater than is reasonable or safe with  
11 respect to the conditions expected to exist in the construction  
12 or maintenance speed zone.

13 If it is determined that the preexisting established speed  
14 limit is safe with respect to the conditions expected to exist  
15 in the construction or maintenance speed zone, additional speed  
16 limit signs which conform to the requirements of this  
17 subsection (c) shall be posted.

18 Highway construction or maintenance speed zone special  
19 speed limit signs shall be of a design approved by the  
20 Department. The signs must give proper due warning that a  
21 construction or maintenance speed zone is being approached and  
22 must indicate the maximum speed limit in effect. The signs also  
23 must state the amount of the potential fines ~~minimum fine~~ for a  
24 violation or automated violation.

25 (d) Except as provided under subsection (d-5), a person who  
26 violates this Section is guilty of a petty offense. Violations

1 of this Section are punishable with a minimum fine of \$250 for  
2 the first violation and a minimum fine of \$750 for the second  
3 or subsequent violation.

4 (d-5) A person committing a violation of this Section is  
5 guilty of aggravated special speed limit while traveling  
6 through a highway construction or maintenance speed zone when  
7 he or she drives a motor vehicle at a speed that is:

8 (1) 26 miles per hour or more but less than 35 miles  
9 per hour in excess of the applicable special speed limit  
10 established under this Section or a similar provision of a  
11 local ordinance and is guilty of a Class B misdemeanor; or

12 (2) 35 miles per hour or more in excess of the  
13 applicable special speed limit established under this  
14 Section or a similar provision of a local ordinance and is  
15 guilty of a Class A misdemeanor.

16 (e) If a fine for a violation of this Section is \$250 or  
17 greater, the person who violated this Section shall be charged  
18 an additional \$125, which shall be deposited into the  
19 Transportation Safety Highway Hire-back Fund in the State  
20 treasury, unless (i) the violation occurred on a highway other  
21 than an interstate highway and (ii) a county police officer  
22 wrote the ticket for the violation, in which case the \$125  
23 shall be deposited into that county's Transportation Safety  
24 Highway Hire-back Fund. In the case of a second or subsequent  
25 violation of this Section, if the fine is \$750 or greater, the  
26 person who violated this Section shall be charged an additional

1 \$250, which shall be deposited into the Transportation Safety  
2 Highway Hire-back Fund in the State treasury, unless (i) the  
3 violation occurred on a highway other than an interstate  
4 highway and (ii) a county police officer wrote the ticket for  
5 the violation, in which case the \$250 shall be deposited into  
6 that county's Transportation Safety Highway Hire-back Fund.

7 (e-5) The Department of State Police and the local county  
8 police department have concurrent jurisdiction over any  
9 violation of this Section that occurs on an interstate highway.

10 (f) The Transportation Safety Highway Hire-back Fund,  
11 which was created by Public Act 92-619, shall continue to be a  
12 special fund in the State treasury. Subject to appropriation by  
13 the General Assembly and approval by the Secretary, the  
14 Secretary of Transportation shall use all moneys in the  
15 Transportation Safety Highway Hire-back Fund to hire off-duty  
16 Department of State Police officers to monitor construction or  
17 maintenance zones, and to provide additional policing as  
18 determined by the Director of the Department of State Police,  
19 including State Police cadet training.

20 (f-5) Each county shall create a Transportation Safety  
21 Highway Hire-back Fund. The county shall use the moneys in its  
22 Transportation Safety Highway Hire-back Fund to hire off-duty  
23 county police officers to monitor construction or maintenance  
24 zones in that county on highways other than interstate  
25 highways, and to provide additional policing as determined by  
26 the sheriff. The county, in its discretion, may also use a

1 portion of the moneys in its Transportation Safety Highway  
2 Hire-back Fund to purchase equipment for county law enforcement  
3 and fund the production of materials to educate drivers on  
4 construction zone safe driving habits.

5 (f-10) Each local agency operating an automated control  
6 system under the Automated Traffic Control Systems in Highway  
7 Construction or Maintenance Zones Act may create a  
8 Transportation Safety Highway Hire-back Fund to hire off-duty  
9 law enforcement officers to monitor construction or  
10 maintenance zones within that agency's jurisdiction and  
11 provide additional policing within that agency's jurisdiction.

12 (g) For a second or subsequent violation of this Section  
13 within 2 years of the date of the previous violation, the  
14 Secretary of State shall suspend the driver's license of the  
15 violator for a period of 90 days. This suspension shall only be  
16 imposed if the current violation of this Section and at least  
17 one prior violation of this Section occurred during a period  
18 when workers were present in the construction or maintenance  
19 zone.

20 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,  
21 eff. 1-1-16; revised 10-15-15.)

22 Section 15. The Automated Traffic Control Systems in  
23 Highway Construction or Maintenance Zones Act is amended by  
24 changing Sections 10, 15, 20, 25, 30, 35, and 40 as follows:

1 (625 ILCS 7/10)

2 Sec. 10. Establishment of automated traffic control  
3 systems. The Department of State Police or local agency with  
4 jurisdiction may establish and enforce an automated traffic  
5 control system in any construction or maintenance zone  
6 established by the Department of Transportation, ~~or the~~  
7 Illinois State Toll Highway Authority, or local agency with  
8 jurisdiction. The Department of State Police or local agency  
9 shall operate a technically advanced system in terms of image  
10 or video recording capabilities in combination with vehicle  
11 detection sensors. The Department of State Police shall create  
12 rules for the establishment, compatibility, and enforcement of  
13 an automated traffic control system under this Act, and shall  
14 review and send notice of any violation of this Act. The State,  
15 county, or local agency with jurisdiction shall be responsible  
16 for entering into contracts with vendors for the installation,  
17 maintenance, and operation of the automated traffic control  
18 system. The State Police shall review all the evidence of  
19 potential violations, make violation determinations, and send  
20 out all notices of violations. An automated traffic control  
21 system may operate only during those periods when workers are  
22 present in the construction or maintenance zone. In any  
23 prosecution based upon evidence obtained through an automated  
24 traffic control system established under this Act, the State  
25 must prove that one or more workers were present in the  
26 construction or maintenance zone when the violation occurred.

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 7/15)

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

5 ~~(a) "Automated traffic control system" means any system~~  
6 ~~with image or video recording capabilities in combination with~~  
7 ~~vehicle detection sensors that accurately measures a vehicle's~~  
8 ~~speed while recording a clear image or video of the vehicle and~~  
9 ~~the vehicle's front and rear registration plates while the~~  
10 ~~driver is violating Section 20 of this Act. a photographic~~  
11 ~~device, radar device, laser device, or other electrical or~~  
12 ~~mechanical device or devices designed to record the speed of a~~  
13 ~~vehicle and obtain a clear photograph or other recorded image~~  
14 ~~of the vehicle, the vehicle operator, and the vehicle's~~  
15 ~~registration plate while the driver is violating Section~~  
16 ~~11-605.1 of the Illinois Vehicle Code. The photograph or other~~  
17 ~~recorded image must also display the time, date, and location~~  
18 ~~of the violation. A law enforcement officer is not required to~~  
19 ~~be present or to witness the violation.~~

20 ~~(b) "Construction or maintenance zone" means an area in~~  
21 ~~which the Department of Transportation, or the Illinois State~~  
22 ~~Toll Highway Authority, or local agency with jurisdiction is~~  
23 ~~preparing for construction or maintenance, conducting~~  
24 ~~construction or maintenance, or removing construction or~~  
25 ~~maintenance equipment and materials, and has determined that~~

1 the preexisting established speed limit through a highway  
2 construction or maintenance project is greater than is  
3 reasonable or safe with respect to the conditions expected to  
4 exist in the construction or maintenance zone and has posted a  
5 lower speed limit with a highway construction or maintenance  
6 zone special speed limit sign in accordance with Section  
7 11-605.1 of the Illinois Vehicle Code.

8 "Local agency with jurisdiction" means the municipality or  
9 county conducting enforcement under this Act. Local agency  
10 enforcement is limited to all or any portion of a State highway  
11 or road where speed limits exceed 40 miles per hour before  
12 establishment of a construction or maintenance zone.

13 ~~(e)~~ "Owner" means the person or entity to whom the vehicle  
14 is registered.

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

16 (625 ILCS 7/20)

17 Sec. 20. Civil violation; penalties; vehicle registration  
18 non-renewal Penalties.

19 (a) A motor vehicle may not operate in a construction or  
20 maintenance zone at a speed in excess of the posted speed  
21 limit. The registered owner of a motor vehicle operated in  
22 violation of this Section when the violation is recorded by an  
23 automated traffic control system shall be subject to the  
24 following penalties:

25 (1) if the recorded speed is less than 10 miles per

1 hour over the posted speed limit, a civil penalty may not  
2 be imposed under this Act; however, the Department of State  
3 Police may send a speed violation warning notice to the  
4 registered owner of the vehicle, in the same manner that a  
5 Notice of Violation is sent under this Act;

6 (2) if the recorded speed is at least 10 miles per hour  
7 but less than 20 miles per hour over the posted speed  
8 limit, a civil penalty of \$50 is imposed, and if the  
9 penalty is not paid in a timely manner an additional  
10 penalty of \$50 is imposed; or

11 (3) if the recorded speed is 20 miles per hour or more  
12 over the posted speed limit, a civil penalty of \$100 is  
13 imposed, and if the penalty is not paid in a timely manner  
14 an additional penalty of \$100 is imposed.

15 (b) A violation of this Section is a civil penalty, and not  
16 a violation of a traffic regulation governing the movement of  
17 vehicles and may not be recorded on the driving record of the  
18 owner of the vehicle.

19 (c) In addition to the penalties imposed under this  
20 Section, the Secretary of State shall not renew the vehicle  
21 registration of the registered owner of a vehicle operated in  
22 violation of this Section, if the owner: (1) has failed to pay  
23 any penalty due and owing as a result of 3 violations of this  
24 Section; or (2) is more than 30 calendar days in default of a  
25 payment plan. The Secretary of State shall adopt rules to  
26 implement this Section.

1       (d) Forty percent of the penalties collected under an  
2 automated traffic control system established by a local agency  
3 shall be deposited into the pension fund or retirement system  
4 that local law enforcement officers contribute to, within 30  
5 days of receipt of the money, as determined by the county  
6 sheriff or the chief of police of the local agency with  
7 jurisdiction.

8       (d-5) Forty percent of the penalties collected under an  
9 automated traffic control system established by the Department  
10 of State Police, the Department of Transportation, or the  
11 Illinois State Toll Highway Authority, shall be deposited into  
12 the State Police Merit Board Public Safety Fund for  
13 distribution under Section 7.2 of the State Police Act.

14       (e) Ten percent of the penalties collected under an  
15 automated traffic control system established by the Department  
16 of State Police, the Department of Transportation, or the  
17 Illinois State Toll Highway Authority, shall be deposited into  
18 the State Transportation Safety Highway Hire-back Fund. Ten  
19 percent of the penalties collected under an automated traffic  
20 control system established by a local agency with jurisdiction  
21 shall be deposited as follows: 5% into the Transportation  
22 Safety Highway Hire-back Fund of the local agency with  
23 jurisdiction, if a fund exists, and 5% into the State  
24 Transportation Safety Highway Hire-back Fund. If the local  
25 agency with jurisdiction does not have a Transportation Safety  
26 Highway Hire-back Fund, then 10% of the penalties collected

1 under an automated traffic control system established by a  
2 local agency with jurisdiction shall be deposited into the  
3 State Transportation Safety Highway Hire-back Fund. The funds  
4 deposited into the State Transportation Safety Highway  
5 Hire-back Fund or the Transportation Safety Highway Hire-back  
6 Fund of the local agency with jurisdiction under this  
7 subsection (e) shall be used to hire off-duty Department of  
8 State Police or local agency officers to monitor construction  
9 or maintenance zones and provide for additional policing. The  
10 Department of State Police may recover enforcement and  
11 administrative costs from enforcement penalties collected  
12 under this Act, but the amount collected shall not exceed 10%  
13 of the total penalties collected under this Act. A local agency  
14 with jurisdiction may establish a Safety Highway Hire-back Fund  
15 to receive revenues under this Section. The Department of State  
16 Police shall adopt rules to implement this subsection (e).

17 (f) The Department of State Police and the Department of  
18 Transportation shall jointly conduct an annual statistical  
19 analysis to assess the safety impact of the system. The  
20 statistical analysis shall be based upon the best available  
21 crash, traffic, and other data, and shall cover a period of  
22 time before and after the installation of the system sufficient  
23 to provide a statistically valid comparison of the safety  
24 impact. The statistical analysis required by this subsection  
25 (f) shall be made available to the public and shall be  
26 published on the websites of the Department of State Police and

1 the Department of Transportation.

2 (g) The Secretary of State and Department of State Police  
3 shall adopt rules for collection of penalties, conduct of  
4 administrative proceedings, and other rules necessary to  
5 implement this Act. The rules adopted must allow for a 60-day  
6 period to pay a penalty or challenge each attested Notice of  
7 Violation.

8 ~~The penalties for and consequences of a traffic violation~~  
9 ~~recorded by an automated traffic control system are the same as~~  
10 ~~for any similar violation of the Illinois Vehicle Code.~~

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

12 (625 ILCS 7/25)

13 Sec. 25. Limitations on the use of automated traffic  
14 control ~~enforcement~~ systems.

15 (a) The Department of State Police or local agency with  
16 jurisdiction must conduct a public information campaign to  
17 inform drivers about the use of automated traffic control  
18 systems in highway construction or maintenance zones,  
19 including but not limited to speed restrictions under Sections  
20 11-601.5 and 11-605.1 of the Illinois Vehicle Code and  
21 penalties for injuring or killing a worker in a highway  
22 construction or maintenance zone under Section 11-908 of the  
23 Illinois Vehicle Code before establishing any of those systems.  
24 The Department of State Police shall adopt rules for  
25 implementing this subsection (a).

1 (b) Signs indicating that speeds are enforced by automated  
2 traffic control systems must be clearly and conspicuously  
3 posted in the areas where the systems are in use.

4 (c) Operation of automated traffic control systems is  
5 limited to established ~~areas where~~ road construction or  
6 maintenance zones ~~is occurring~~.

7 (d) Photographs or other recorded images obtained in this  
8 manner may only be used as evidence in relation to a violation  
9 of this Act or Section 11-605.1 of the Illinois Vehicle Code  
10 ~~for which the photograph is taken. For the purposes of this~~  
11 Act, the ~~The~~ photographs or other recorded images are available  
12 only to the owner of the vehicle, the driver of the vehicle,  
13 the lessee of the vehicle, ~~the offender and the offender's~~  
14 attorney of the owner or driver or lessee, hearing officer,  
15 relevant Secretary of State personnel ~~the judiciary, the local~~  
16 ~~State's Attorney,~~ and law enforcement officials.

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

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

24 (625 ILCS 7/30)

25 Sec. 30. Requirements for issuance of a Notice of Violation

1 ~~citation.~~

2 (a) The vehicle, ~~vehicle operator,~~ vehicle registration  
3 plate, speed, date, time, and location must be clearly visible  
4 on the photograph or other recorded image of the alleged  
5 violation. The Department of State Police must review and  
6 approve the photograph or other recorded image for compliance  
7 with this subsection. The Department of State Police shall  
8 adopt rules for: (1) coordination of enforcement efforts with  
9 State agencies, local agencies with jurisdiction, and the  
10 Secretary of State; (2) notices to motorists; and (3) review  
11 and approval of photographs or other recorded images from  
12 automated traffic control systems established by the  
13 Department or a local agency with jurisdiction. The rules may  
14 provide that the review and approval of the photograph or other  
15 recorded image under this subsection may be conducted by a  
16 Department employee other than a sworn law enforcement officer.

17 (b) A Notice of Violation ~~Uniform Traffic Citation~~ must be  
18 mailed by first class United States mail with postage prepaid  
19 ~~or otherwise delivered~~ to the registered owner of the vehicle  ~~.~~  
20 ~~If mailed, the citation must be sent via certified mail within~~  
21 14 business days of the alleged violation, ~~return receipt~~  
22 ~~requested.~~

23 (c) The Notice of Violation ~~Uniform Traffic Citation~~ must  
24 include:

- 25 (1) the name and address of the vehicle owner;  
26 (2) the registration number of the vehicle;

- 1           (3) the violation ~~offense~~ charged;
- 2           (4) the time, date, and location of the violation;
- 3           (5) (blank) ~~the first available court date;~~ and
- 4           (6) notice that the basis of the violation ~~citation~~ is
- 5 the photograph or recorded image from the automated traffic
- 6 control system;  ~~-~~
- 7           (7) a copy of the recorded image or images and a
- 8 statement that the violation occurred in a construction or
- 9 maintenance zone, as defined by Section 15 of this Act;
- 10          (8) the amount of the civil penalty imposed and the
- 11 date by which the civil penalty should be paid;
- 12          (9) a statement that recorded images are evidence of a
- 13 violation of a speed restriction;
- 14          (10) a warning that failure to pay the civil penalty in
- 15 a timely manner is an admission of liability and may result
- 16 in the non-renewal of the vehicle registration of the owner
- 17 of the vehicle;
- 18          (11) a statement that the person may elect to proceed
- 19 by:
- 20                 (A) paying the fine;
- 21                 (B) challenging the charge by mail or by
- 22 administrative hearing; or
- 23                 (C) challenging the charge by any administrative
- 24 rule adopted by the Secretary of State under this Act;
- 25 and
- 26          (12) a website address where the owner may view the

1 recorded images of the violation.

2 (d) The Notice of Violation ~~Uniform Traffic Citation~~ issued  
3 to the owner ~~violation~~ must be a single sheet. ~~accompanied by a~~  
4 ~~written document that lists the violator's rights and~~  
5 ~~obligations and explains how the violator can elect to proceed~~  
6 ~~by either paying the fine or challenging the issuance of the~~  
7 The written document must also include on the backside of the  
8 sheet information on penalties for injuring or killing a worker  
9 in a highway construction or maintenance zone ~~Uniform Traffic~~  
10 ~~Citation.~~

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

13 (625 ILCS 7/35)

14 Sec. 35. Response to issuance of a Notice of Violation  
15 ~~citation.~~

16 (a) If a ~~A~~ person issued a Notice of Violation ~~citation~~  
17 under this Act (1) has failed to pay any penalty due and owing  
18 as a result of 3 violations under the Automated Traffic Control  
19 Systems in Highway Construction or Maintenance Zones Act; or  
20 (2) is more than 30 calendar days in default of a payment plan,  
21 the Secretary of State shall not renew the registration of the  
22 owner of the vehicle. The Secretary of State shall adopt rules  
23 to implement this Section ~~may respond to the citation in person~~  
24 ~~or by any method allowed by law.~~

25 (b) (Blank). ~~If the driver of the vehicle cannot be~~

1 ~~identified through the photograph or other recorded image, the~~  
2 ~~owner is not liable for the fine.~~

3 (c) The Secretary of State shall adopt rules to allow for  
4 coordination with the Department of State Police, other State  
5 agencies, and local agencies with jurisdiction to enforce this  
6 Section. The rules adopted shall not allow for less than 60  
7 days for a vehicle owner to either pay the violation or  
8 challenge the violation by mail, administrative hearing, or any  
9 other procedure established by rule. The rules shall provide a  
10 process by which a vehicle owner may transfer liability for a  
11 violation under this Act to the driver of the owner's vehicle  
12 and a process by which a lessor may transfer liability for a  
13 violation under this Act to the lessee of the lessor's vehicle.  
14 The Secretary of State may recover the costs of conducting  
15 administrative hearings from penalties collected under this  
16 Act, which may not exceed 10% of the total penalties collected  
17 under this Act.

18 (d) In an administrative proceeding challenging the  
19 violation, the hearing officer may consider in defense of a  
20 violation:

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

25 (2) that the driver or owner of the motor vehicle  
26 received a Uniform Traffic Citation from a law enforcement

1       officer for a speed violation occurring within one-eighth  
2       of a mile and within 15 minutes of the violation recorded  
3       by the automated traffic control system;

4       (3) that the owner of the vehicle has transferred  
5       liability to the driver;

6       (4) that clear and conspicuous signs were not displayed  
7       at the construction or maintenance zone;

8       (5) that the Department of Transportation, Illinois  
9       State Toll Highway Authority, or local agency with  
10       jurisdiction did not properly establish a construction or  
11       maintenance zone as defined under Section 15 of this Act;

12       or

13       (6) any other evidence or issues allowed by  
14       administrative rule adopted under this Act.

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

16       (625 ILCS 7/40)

17       Sec. 40. Admissibility of recorded images. ~~Any Except as~~  
18       ~~provided in Section 45, any~~ photograph or other recorded image  
19       evidencing a violation of this Act or Section 11-605.1 of the  
20       Illinois Vehicle Code is admissible in any proceeding resulting  
21       from the issuance of the Notice of Violation under this Act or  
22       Uniform Traffic Citation under Section 11-605.1 of the Illinois  
23       Vehicle Code. For the purposes of this Act, photographs  
24       ~~Photographs~~ or other recorded images made by an automated  
25       ~~automatic~~ traffic control system are confidential and shall be

1 made available only to those persons provided for under  
2 subsection (d) of Section 25 of this Act ~~the defendant and to~~  
3 ~~governmental or law enforcement agencies within the~~  
4 ~~jurisdiction~~ for the purposes of adjudicating a ~~driving~~  
5 violation.

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

7 (625 ILCS 7/45 rep.)

8 Section 20. The Automated Traffic Control Systems in  
9 Highway Construction or Maintenance Zones Act is amended by  
10 repealing Section 45.

11 Section 99. Effective date. This Act takes effect one year  
12 after becoming law."