

1 AN ACT in relation to transportation.

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

4 Section 1. Short title. This Act may be cited as the  
5 Automated Traffic Control Systems in Highway Construction or  
6 Maintenance Zones Act.

7 Section 5. Purpose. The purpose of this Act is to increase  
8 safety in highway construction or maintenance zones.

9 Section 10. Establishment of automated control systems.  
10 The Department of State Police may establish an automated  
11 traffic control system in any construction or maintenance zone  
12 established by the Department of Transportation or the Illinois  
13 State Toll Highway Authority. An automated traffic control  
14 system may operate only during those periods when workers are  
15 present in the construction or maintenance zone.

16 Section 15. Definitions. As used in this Act:

17 (a) "Automated traffic control system" means a  
18 photographic device, radar device, laser device, or other  
19 electrical or mechanical device or devices designed to record  
20 the speed of a vehicle and obtain a clear photograph or other  
21 recorded image of the vehicle, the vehicle operator, and the  
22 vehicle's registration plate while the driver is violating  
23 Section 11-605.1 of the Illinois Vehicle Code. The photograph  
24 or other recorded image must also display the time, date, and  
25 location of the violation. A law enforcement officer is not  
26 required to be present or to witness the violation.

27 (b) "Construction or maintenance zone" means an area in  
28 which the Department of Transportation or the Illinois State  
29 Toll Highway Authority has determined that the preexisting  
30 established speed limit through a highway construction or

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

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

9 Section 20. Penalties. The penalties for and consequences  
10 of a traffic violation recorded by an automated traffic control  
11 system are the same as for any similar violation of the  
12 Illinois Vehicle Code.

13 Section 25. Limitations on the use of automated traffic  
14 enforcement systems.

15 (a) The Department of State Police must conduct a public  
16 information campaign to inform drivers about the use of  
17 automated traffic control systems in highway construction or  
18 maintenance zones before establishing any of those systems. The  
19 Department of State Police shall adopt rules for implementing  
20 this subsection (a).

21 (b) Signs indicating that speeds are enforced by automated  
22 traffic control systems must be clearly posted in the areas  
23 where the systems are in use.

24 (c) Operation of automated traffic control systems is  
25 limited to areas where road construction or maintenance is  
26 occurring.

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

33 (e) If the driver of the vehicle cannot be identified  
34 through the photograph, the owner is not liable for the fine,

1 and the citation may not be counted against the driving record  
2 of the owner. If the driver can be identified, the driver is  
3 liable for the fine, and the violation is counted against his  
4 or her driving record.

5 Section 30. Requirements for issuance of a citation.

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

10 (b) A Uniform Traffic Citation must be mailed or otherwise  
11 delivered to the registered owner of the vehicle. If mailed,  
12 the citation must be sent via certified mail within 6 business  
13 days of the alleged violation, return receipt requested.

14 (c) The Uniform Traffic Citation must include:

- 15 (1) the name and address of the vehicle owner;  
16 (2) the registration number of the vehicle;  
17 (3) the offense charged;  
18 (4) the time, date, and location of the violation;  
19 (5) the first available court date; and  
20 (6) notice that the basis of the citation is the  
21 photograph or recorded image from the automated traffic  
22 control system.

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

28 Section 35. Response to issuance of a citation.

29 (a) A person issued a citation under this Act may respond  
30 to the citation in person or by any method allowed by law.

31 (b) If the driver of the vehicle cannot be identified  
32 through the photograph or other recorded image, the owner is  
33 not liable for the fine.

1 Section 40. Admissibility of recorded images. Except as  
2 provided in Section 45, any photograph or other recorded image  
3 evidencing a violation of Section 11-605.1 of the Illinois  
4 Vehicle Code is admissible in any proceeding resulting from the  
5 issuance of the Uniform Traffic Citation. Photographs or  
6 recorded images made by an automatic traffic control system are  
7 confidential and shall be made available only to the defendant  
8 and to governmental or law enforcement agencies within the  
9 jurisdiction for the purposes of adjudicating a driving  
10 violation.

11 Section 45. Vehicle rental or leasing company's  
12 identification of a renter or lessee.

13 (a) A Uniform Traffic Citation issued under this Act to a  
14 motor vehicle rental or leasing company shall be dismissed with  
15 respect to the rental or leasing company if:

16 (1) the company responds to the Uniform Traffic  
17 Citation by submitting, within 30 days of the mailing of  
18 the citation, an affidavit of non-liability stating that,  
19 at the time of the alleged speeding or other traffic  
20 violation, the vehicle was in the custody and control of a  
21 renter or lessee under the terms of a rental agreement or  
22 lease; and

23 (2) the company provides the driver's license number,  
24 name, and address of the renter or lessee.

25 (b) A Uniform Traffic Citation dismissed with respect to a  
26 motor vehicle rental or leasing company in accordance with  
27 subsection (a) may then be issued and delivered by mail or  
28 other means to the renter or lessee identified in the affidavit  
29 of non-liability.

30 Section 90. The Illinois Vehicle Code is amended by  
31 changing Section 11-605.2 as follows:

32 (625 ILCS 5/11-605.2 new)

33 Sec. 11-605.2. Delegation of authority to set a special

1 speed limit while traveling through highway construction or  
2 maintenance zones.

3 (a) A local agency may delegate to its superintendent of  
4 highways the authority to set and post a reduced speed limit  
5 for a construction or maintenance zone, as defined in Section  
6 11-605, under subsection (b) of that Section.

7 (b) If a superintendent of highways sets a reduced speed  
8 limit for a construction or maintenance zone in accordance with  
9 this Section, the local agency must maintain a record that  
10 indicates:

11 (1) the location of the construction or maintenance  
12 zone;

13 (2) the reduced speed limit set and posted for the  
14 construction or maintenance zone; and

15 (3) the dates during which the reduced speed limit was  
16 in effect.

17 Section 999. Effective date. This Act takes effect upon  
18 becoming law.