



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5255

Introduced 01/25/06, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6 new	
625 ILCS 5/11-306	from Ch. 95 1/2, par. 11-306
625 ILCS 5/1-105.5 rep.	

Amends the Illinois Vehicle Code. Provides that a governmental agency in a municipality or county may establish an automated traffic law enforcement system that produces a recorded image of a motor vehicle's response to a traffic control signal and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. Provides that the municipality or county may impose liability on a registered owner of a vehicle that violates the applicable law. Provides that the recorded image must also display the time, date, and location of the violation. Provides that no citation may be issued if the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle. Provides that the owner of the vehicle used in the violation is liable for the violation if the violation was recorded by the system, with exceptions. In a provision concerning failure to pay fines or penalties for standing, parking, and compliance violations and administrative adjudication of those violations, adds violations recorded by the system. Provides that a second notice of violation is not required before a final determination of liability for a violation recorded by the system may be entered. Provides that the compensation paid for the system may not be based on the amount of revenue generated or tickets issued by the system. Deletes language providing for creation of an automated red light enforcement system in a municipality with a population of 1,000,000 or more. Effective immediately.

LRB094 19241 DRH 54817 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding
6 Section 11-208.6 as follows:

7 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

8 Sec. 6-306.5. Failure to pay fine or penalty for standing,
9 parking, ~~or~~ compliance, or automated traffic law violations;
10 suspension of driving privileges.

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality stating
13 that the owner of a registered vehicle has: (1) failed to pay
14 any fine or penalty due and owing as a result of 10 or more
15 violations of a municipality's vehicular standing, parking, or
16 compliance regulations established by ordinance pursuant to
17 Section 11-208.3 of this Code, or (2) failed to pay any fine or
18 penalty due and owing as a result of 5 offenses for automated
19 traffic violations as defined in Section 11-208.6, the
20 Secretary of State shall suspend the driving privileges of such
21 person in accordance with the procedures set forth in this
22 Section. The Secretary shall also suspend the driving
23 privileges of an owner of a registered vehicle upon receipt of
24 a certified report, as prescribed by subsection (f) of this
25 Section, from any municipality stating that such person has
26 failed to satisfy any fines or penalties imposed by final
27 judgments for 5 or more automated traffic law violations or 10
28 or more violations of local standing, parking, or compliance
29 regulations after exhaustion of judicial review procedures.

30 (b) Following receipt of the certified report of the
31 municipality as specified in this Section, the Secretary of
32 State shall notify the person whose name appears on the

1 certified report that the person's drivers license will be
2 suspended at the end of a specified period of time unless the
3 Secretary of State is presented with a notice from the
4 municipality certifying that the fine or penalty due and owing
5 the municipality has been paid or that inclusion of that
6 person's name on the certified report was in error. The
7 Secretary's notice shall state in substance the information
8 contained in the municipality's certified report to the
9 Secretary, and shall be effective as specified by subsection
10 (c) of Section 6-211 of this Code.

11 (c) The report of the appropriate municipal official
12 notifying the Secretary of State of unpaid fines or penalties
13 pursuant to this Section shall be certified and shall contain
14 the following:

15 (1) The name, last known address as recorded with the
16 Secretary of State, as provided by the lessor of the cited
17 vehicle at the time of lease, or as recorded in a United
18 States Post Office approved database if any notice sent
19 under Section 11-208.3 of this Code is returned as
20 undeliverable, and drivers license number of the person who
21 failed to pay the fine or penalty and the registration
22 number of any vehicle known to be registered to such person
23 in this State.

24 (2) The name of the municipality making the report
25 pursuant to this Section.

26 (3) A statement that the municipality sent a notice of
27 impending drivers license suspension as prescribed by
28 ordinance enacted pursuant to Section 11-208.3, to the
29 person named in the report at the address recorded with the
30 Secretary of State or at the last address known to the
31 lessor of the cited vehicle at the time of lease or, if any
32 notice sent under Section 11-208.3 of this Code is returned
33 as undeliverable, at the last known address recorded in a
34 United States Post Office approved database; the date on
35 which such notice was sent; and the address to which such
36 notice was sent. In a municipality with a population of

1 1,000,000 or more, the report shall also include a
2 statement that the alleged violator's State vehicle
3 registration number and vehicle make, if specified, are
4 correct as they appear on the citations.

5 (d) Any municipality making a certified report to the
6 Secretary of State pursuant to this Section shall notify the
7 Secretary of State, in a form prescribed by the Secretary,
8 whenever a person named in the certified report has paid the
9 previously reported fine or penalty or whenever the
10 municipality determines that the original report was in error.
11 A certified copy of such notification shall also be given upon
12 request and at no additional charge to the person named
13 therein. Upon receipt of the municipality's notification or
14 presentation of a certified copy of such notification, the
15 Secretary of State shall terminate the suspension.

16 (e) Any municipality making a certified report to the
17 Secretary of State pursuant to this Section shall also by
18 ordinance establish procedures for persons to challenge the
19 accuracy of the certified report. The ordinance shall also
20 state the grounds for such a challenge, which may be limited to
21 (1) the person not having been the owner or lessee of the
22 vehicle or vehicles receiving 10 or more standing, parking, or
23 compliance violation notices or 5 or more automated traffic law
24 violations on the date or dates such notices were issued; and
25 (2) the person having already paid the fine or penalty for the
26 10 or more standing, parking, or compliance violations or 5 or
27 more automated traffic law violations indicated on the
28 certified report.

29 (f) Any municipality, other than a municipality
30 establishing vehicular standing, parking, and compliance
31 regulations pursuant to Section 11-208.3 or automated traffic
32 law regulations under Section 11-208.6, may also cause a
33 suspension of a person's drivers license pursuant to this
34 Section. Such municipality may invoke this sanction by making a
35 certified report to the Secretary of State upon a person's
36 failure to satisfy any fine or penalty imposed by final

1 judgment for 10 or more violations of local standing, parking,
2 or compliance regulations or 5 or more automated traffic law
3 violations after exhaustion of judicial review procedures, but
4 only if:

5 (1) the municipality complies with the provisions of
6 this Section in all respects except in regard to enacting
7 an ordinance pursuant to Section 11-208.3;

8 (2) the municipality has sent a notice of impending
9 drivers license suspension as prescribed by an ordinance
10 enacted pursuant to subsection (g) of this Section; and

11 (3) in municipalities with a population of 1,000,000 or
12 more, the municipality has verified that the alleged
13 violator's State vehicle registration number and vehicle
14 make, if specified, are correct as they appear on the
15 citations.

16 (g) Any municipality, other than a municipality
17 establishing standing, parking, and compliance regulations
18 pursuant to Section 11-208.3 or automated traffic law
19 regulations under Section 11-208.6, may provide by ordinance
20 for the sending of a notice of impending drivers license
21 suspension to the person who has failed to satisfy any fine or
22 penalty imposed by final judgment for 10 or more violations of
23 local standing, parking, or compliance regulations or 5 or more
24 automated traffic law violations after exhaustion of judicial
25 review procedures. An ordinance so providing shall specify that
26 the notice sent to the person liable for any fine or penalty
27 shall state that failure to pay the fine or penalty owing
28 within 45 days of the notice's date will result in the
29 municipality notifying the Secretary of State that the person's
30 drivers license is eligible for suspension pursuant to this
31 Section. The notice of impending drivers license suspension
32 shall be sent by first class United States mail, postage
33 prepaid, to the address recorded with the Secretary of State or
34 at the last address known to the lessor of the cited vehicle at
35 the time of lease or, if any notice sent under Section 11-208.3
36 of this Code is returned as undeliverable, to the last known

1 address recorded in a United States Post Office approved
2 database.

3 (h) An administrative hearing to contest an impending
4 suspension or a suspension made pursuant to this Section may be
5 had upon filing a written request with the Secretary of State.
6 The filing fee for this hearing shall be \$20, to be paid at the
7 time the request is made. A municipality which files a
8 certified report with the Secretary of State pursuant to this
9 Section shall reimburse the Secretary for all reasonable costs
10 incurred by the Secretary as a result of the filing of the
11 report, including but not limited to the costs of providing the
12 notice required pursuant to subsection (b) and the costs
13 incurred by the Secretary in any hearing conducted with respect
14 to the report pursuant to this subsection and any appeal from
15 such a hearing.

16 (i) The provisions of this Section shall apply on and after
17 January 1, 1988.

18 (j) For purposes of this Section, the term "compliance
19 violation" is defined as in Section 11-208.3.

20 (Source: P.A. 94-294, eff. 1-1-06.)

21 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

22 Sec. 11-208. Powers of local authorities.

23 (a) The provisions of this Code shall not be deemed to
24 prevent local authorities with respect to streets and highways
25 under their jurisdiction and within the reasonable exercise of
26 the police power from:

27 1. Regulating the standing or parking of vehicles,
28 except as limited by Section 11-1306 of this Act;

29 2. Regulating traffic by means of police officers or
30 traffic control signals;

31 3. Regulating or prohibiting processions or
32 assemblages on the highways;

33 4. Designating particular highways as one-way
34 highways and requiring that all vehicles thereon be moved
35 in one specific direction;

1 5. Regulating the speed of vehicles in public parks
2 subject to the limitations set forth in Section 11-604;

3 6. Designating any highway as a through highway, as
4 authorized in Section 11-302, and requiring that all
5 vehicles stop before entering or crossing the same or
6 designating any intersection as a stop intersection or a
7 yield right-of-way intersection and requiring all vehicles
8 to stop or yield the right-of-way at one or more entrances
9 to such intersections;

10 7. Restricting the use of highways as authorized in
11 Chapter 15;

12 8. Regulating the operation of bicycles and requiring
13 the registration and licensing of same, including the
14 requirement of a registration fee;

15 9. Regulating or prohibiting the turning of vehicles
16 or specified types of vehicles at intersections;

17 10. Altering the speed limits as authorized in
18 Section 11-604;

19 11. Prohibiting U-turns;

20 12. Prohibiting pedestrian crossings at other than
21 designated and marked crosswalks or at intersections;

22 13. Prohibiting parking during snow removal
23 operation;

24 14. Imposing fines in accordance with Section
25 11-1301.3 as penalties for use of any parking place
26 reserved for persons with disabilities, as defined by
27 Section 1-159.1, or disabled veterans by any person using a
28 motor vehicle not bearing registration plates specified in
29 Section 11-1301.1 or a special decal or device as defined
30 in Section 11-1301.2 as evidence that the vehicle is
31 operated by or for a person with disabilities or disabled
32 veteran;

33 15. Adopting such other traffic regulations as are
34 specifically authorized by this Code; or

35 16. Enforcing the provisions of subsection (f) of
36 Section 3-413 of this Code or a similar local ordinance.

1 (b) No ordinance or regulation enacted under subsections
2 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be
3 effective until signs giving reasonable notice of such local
4 traffic regulations are posted.

5 (c) The provisions of this Code shall not prevent any
6 municipality having a population of 500,000 or more inhabitants
7 from prohibiting any person from driving or operating any motor
8 vehicle upon the roadways of such municipality with headlamps
9 on high beam or bright.

10 (d) The provisions of this Code shall not be deemed to
11 prevent local authorities within the reasonable exercise of
12 their police power from prohibiting, on private property, the
13 unauthorized use of parking spaces reserved for persons with
14 disabilities.

15 (e) No unit of local government, including a home rule
16 unit, may enact or enforce an ordinance that applies only to
17 motorcycles if the principal purpose for that ordinance is to
18 restrict the access of motorcycles to any highway or portion of
19 a highway for which federal or State funds have been used for
20 the planning, design, construction, or maintenance of that
21 highway. No unit of local government, including a home rule
22 unit, may enact an ordinance requiring motorcycle users to wear
23 protective headgear. Nothing in this subsection (e) shall
24 affect the authority of a unit of local government to regulate
25 motorcycles for traffic control purposes or in accordance with
26 Section 12-602 of this Code. No unit of local government,
27 including a home rule unit, may regulate motorcycles in a
28 manner inconsistent with this Code. This subsection (e) is a
29 limitation under subsection (i) of Section 6 of Article VII of
30 the Illinois Constitution on the concurrent exercise by home
31 rule units of powers and functions exercised by the State.

32 (f) A municipality or county may enact an ordinance
33 providing for an automated traffic law enforcement system to
34 enforce violations of Section 11-306 of this Code or a similar
35 provision of a local ordinance and imposing liability on a
36 registered owner of a vehicle used in such a violation.

1 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
2 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

3 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

4 Sec. 11-208.3. Administrative adjudication of violations
5 of traffic regulations concerning the standing, parking, or
6 condition of vehicles and automated traffic law violations.

7 (a) Any municipality may provide by ordinance for a system
8 of administrative adjudication of vehicular standing and
9 parking violations and vehicle compliance violations as
10 defined in this subsection and automated traffic law violations
11 as defined in Section 11-208.6. The administrative system shall
12 have as its purpose the fair and efficient enforcement of
13 municipal regulations through the administrative adjudication
14 of automated traffic law violations and violations of municipal
15 ordinances regulating the standing and parking of vehicles, the
16 condition and use of vehicle equipment, and the display of
17 municipal wheel tax licenses within the municipality's
18 borders. The administrative system shall only have authority to
19 adjudicate civil offenses carrying fines not in excess of \$250
20 that occur after the effective date of the ordinance adopting
21 such a system under this Section. For purposes of this Section,
22 "compliance violation" means a violation of a municipal
23 regulation governing the condition or use of equipment on a
24 vehicle or governing the display of a municipal wheel tax
25 license.

26 (b) Any ordinance establishing a system of administrative
27 adjudication under this Section shall provide for:

28 (1) A traffic compliance administrator authorized to
29 adopt, distribute and process parking, ~~and~~ and compliance, and
30 automated traffic law violation notices and other notices
31 required by this Section, collect money paid as fines and
32 penalties for violation of parking and compliance
33 ordinances and automated traffic law violations, and
34 operate an administrative adjudication system. The traffic
35 compliance administrator also may make a certified report

1 to the Secretary of State under Section 6-306.5.

2 (2) A parking, standing, ~~or~~ compliance, or automated
3 traffic law violation notice that shall specify the date,
4 time, and place of violation of a parking, standing, or
5 compliance, or automated traffic law regulation; the
6 particular regulation violated; the fine and any penalty
7 that may be assessed for late payment, when so provided by
8 ordinance; the vehicle make, if available and readily
9 discernible, and state registration number; and the
10 identification number of the person issuing the notice.
11 With regard to municipalities with a population of 1
12 million or more, it shall be grounds for dismissal of a
13 parking violation if the State registration number or
14 vehicle make specified is incorrect. The violation notice
15 shall state that the payment of the indicated fine, and of
16 any applicable penalty for late payment, shall operate as a
17 final disposition of the violation. The notice also shall
18 contain information as to the availability of a hearing in
19 which the violation may be contested on its merits. The
20 violation notice shall specify the time and manner in which
21 a hearing may be had.

22 (3) Service of the parking, standing, or compliance
23 violation notice by affixing the original or a facsimile of
24 the notice to an unlawfully parked vehicle or by handing
25 the notice to the operator of a vehicle if he or she is
26 present and service of an automated traffic law violation
27 notice by mail to the address of the registered owner of
28 the cited vehicle as recorded with the Secretary of State
29 within 90 days after the violation. A person authorized by
30 ordinance to issue and serve parking, standing, and
31 compliance violation notices shall certify as to the
32 correctness of the facts entered on the violation notice by
33 signing his or her name to the notice at the time of
34 service or in the case of a notice produced by a
35 computerized device, by signing a single certificate to be
36 kept by the traffic compliance administrator attesting to

1 the correctness of all notices produced by the device while
2 it was under his or her control. In the case of an
3 automated traffic law violation, the ordinance shall
4 require a determination by a technician employed or
5 contracted by the municipality or county that, based on
6 inspection of recorded images, the motor vehicle was being
7 operated in violation of Section 11-208.6 or a local
8 ordinance. If the technician determines that the vehicle
9 entered the intersection as part of a funeral procession or
10 in order to yield the right-of-way to an emergency vehicle,
11 a citation shall not be issued. The original or a facsimile
12 of the violation notice or, in the case of a notice
13 produced by a computerized device, a printed record
14 generated by the device showing the facts entered on the
15 notice, shall be retained by the traffic compliance
16 administrator, and shall be a record kept in the ordinary
17 course of business. A parking, standing, ~~or~~ compliance, or
18 automated traffic law violation notice issued, signed and
19 served in accordance with this Section, a copy of the
20 notice, or the computer generated record shall be prima
21 facie correct and shall be prima facie evidence of the
22 correctness of the facts shown on the notice. The notice,
23 copy, or computer generated record shall be admissible in
24 any subsequent administrative or legal proceedings.

25 (4) An opportunity for a hearing for the registered
26 owner of the vehicle cited in the parking, standing, ~~or~~
27 compliance, or automated traffic law violation notice in
28 which the owner may contest the merits of the alleged
29 violation, and during which formal or technical rules of
30 evidence shall not apply; provided, however, that under
31 Section 11-1306 of this Code the lessee of a vehicle cited
32 in the violation notice likewise shall be provided an
33 opportunity for a hearing of the same kind afforded the
34 registered owner. The hearings shall be recorded, and the
35 person conducting the hearing on behalf of the traffic
36 compliance administrator shall be empowered to administer

1 oaths and to secure by subpoena both the attendance and
2 testimony of witnesses and the production of relevant books
3 and papers. Persons appearing at a hearing under this
4 Section may be represented by counsel at their expense. The
5 ordinance may also provide for internal administrative
6 review following the decision of the hearing officer.

7 (5) Service of additional notices, sent by first class
8 United States mail, postage prepaid, to the address of the
9 registered owner of the cited vehicle as recorded with the
10 Secretary of State or, if any notice to that address is
11 returned as undeliverable, to the last known address
12 recorded in a United States Post Office approved database,
13 or, under Section 11-1306 of this Code, to the lessee of
14 the cited vehicle at the last address known to the lessor
15 of the cited vehicle at the time of lease or, if any notice
16 to that address is returned as undeliverable, to the last
17 known address recorded in a United States Post Office
18 approved database. The service shall be deemed complete as
19 of the date of deposit in the United States mail. The
20 notices shall be in the following sequence and shall
21 include but not be limited to the information specified
22 herein:

23 (i) A second notice of parking, standing, or
24 compliance violation. This notice shall specify the
25 date and location of the violation cited in the
26 parking, standing, or compliance violation notice, the
27 particular regulation violated, the vehicle make and
28 state registration number, the fine and any penalty
29 that may be assessed for late payment when so provided
30 by ordinance, the availability of a hearing in which
31 the violation may be contested on its merits, and the
32 time and manner in which the hearing may be had. The
33 notice of violation shall also state that failure
34 either to pay the indicated fine and any applicable
35 penalty, or to appear at a hearing on the merits in the
36 time and manner specified, will result in a final

1 determination of violation liability for the cited
2 violation in the amount of the fine or penalty
3 indicated, and that, upon the occurrence of a final
4 determination of violation liability for the failure,
5 and the exhaustion of, or failure to exhaust, available
6 administrative or judicial procedures for review, any
7 unpaid fine or penalty will constitute a debt due and
8 owing the municipality.

9 (ii) A notice of final determination of parking,
10 standing, ~~or~~ compliance, or automated traffic law
11 violation liability. This notice shall be sent
12 following a final determination of parking, standing,
13 ~~or~~ compliance, or automated traffic law violation
14 liability and the conclusion of judicial review
15 procedures taken under this Section. The notice shall
16 state that the unpaid fine or penalty is a debt due and
17 owing the municipality. The notice shall contain
18 warnings that failure to pay any fine or penalty due
19 and owing the municipality within the time specified
20 may result in the municipality's filing of a petition
21 in the Circuit Court to have the unpaid fine or penalty
22 rendered a judgment as provided by this Section, or may
23 result in suspension of the person's drivers license
24 for failure to pay fines or penalties for 10 or more
25 parking violations under Section 6-306.5 or 5 or more
26 automated traffic law violations under Section
27 11-208.6.

28 (6) A Notice of impending drivers license suspension.
29 This notice shall be sent to the person liable for any fine
30 or penalty that remains due and owing on 10 or more parking
31 violations or 5 or more unpaid automated traffic law
32 violations. The notice shall state that failure to pay the
33 fine or penalty owing within 45 days of the notice's date
34 will result in the municipality notifying the Secretary of
35 State that the person is eligible for initiation of
36 suspension proceedings under Section 6-306.5 of this Code.

1 The notice shall also state that the person may obtain a
2 photostatic copy of an original ticket imposing a fine or
3 penalty by sending a self addressed, stamped envelope to
4 the municipality along with a request for the photostatic
5 copy. The notice of impending drivers license suspension
6 shall be sent by first class United States mail, postage
7 prepaid, to the address recorded with the Secretary of
8 State or, if any notice to that address is returned as
9 undeliverable, to the last known address recorded in a
10 United States Post Office approved database.

11 (7) Final determinations of violation liability. A
12 final determination of violation liability shall occur
13 following failure to pay the fine or penalty after a
14 hearing officer's determination of violation liability and
15 the exhaustion of or failure to exhaust any administrative
16 review procedures provided by ordinance. Where a person
17 fails to appear at a hearing to contest the alleged
18 violation in the time and manner specified in a prior
19 mailed notice, the hearing officer's determination of
20 violation liability shall become final: (A) upon denial of
21 a timely petition to set aside that determination, or (B)
22 upon expiration of the period for filing the petition
23 without a filing having been made.

24 (8) A petition to set aside a determination of parking,
25 standing, ~~or~~ compliance, or automated traffic law
26 violation liability that may be filed by a person owing an
27 unpaid fine or penalty. The petition shall be filed with
28 and ruled upon by the traffic compliance administrator in
29 the manner and within the time specified by ordinance. The
30 grounds for the petition may be limited to: (A) the person
31 not having been the owner or lessee of the cited vehicle on
32 the date the violation notice was issued, (B) the person
33 having already paid the fine or penalty for the violation
34 in question, and (C) excusable failure to appear at or
35 request a new date for a hearing. With regard to
36 municipalities with a population of 1 million or more, it

1 shall be grounds for dismissal of a parking violation if
2 the State registration number, or vehicle make if
3 specified, is incorrect. After the determination of
4 parking, standing, ~~or~~ compliance, or automated traffic law
5 violation liability has been set aside upon a showing of
6 just cause, the registered owner shall be provided with a
7 hearing on the merits for that violation.

8 (9) Procedures for non-residents. Procedures by which
9 persons who are not residents of the municipality may
10 contest the merits of the alleged violation without
11 attending a hearing.

12 (10) A schedule of civil fines for violations of
13 vehicular standing, parking, ~~and~~ compliance, or automated
14 traffic law regulations enacted by ordinance pursuant to
15 this Section, and a schedule of penalties for late payment
16 of the fines, provided, however, that the total amount of
17 the fine and penalty for any one violation shall not exceed
18 \$250.

19 (11) Other provisions as are necessary and proper to
20 carry into effect the powers granted and purposes stated in
21 this Section.

22 (c) Any municipality establishing vehicular standing,
23 parking, ~~and~~ compliance, or automated traffic law regulations
24 under this Section may also provide by ordinance for a program
25 of vehicle immobilization for the purpose of facilitating
26 enforcement of those regulations. The program of vehicle
27 immobilization shall provide for immobilizing any eligible
28 vehicle upon the public way by presence of a restraint in a
29 manner to prevent operation of the vehicle. Any ordinance
30 establishing a program of vehicle immobilization under this
31 Section shall provide:

32 (1) Criteria for the designation of vehicles eligible
33 for immobilization. A vehicle shall be eligible for
34 immobilization when the registered owner of the vehicle has
35 accumulated the number of unpaid final determinations of
36 parking, standing, ~~or~~ compliance, or automated traffic law

1 violation liability as determined by ordinance.

2 (2) A notice of impending vehicle immobilization and a
3 right to a hearing to challenge the validity of the notice
4 by disproving liability for the unpaid final
5 determinations of parking, standing, ~~or~~ compliance, or
6 automated traffic law violation liability listed on the
7 notice.

8 (3) The right to a prompt hearing after a vehicle has
9 been immobilized or subsequently towed without payment of
10 the outstanding fines and penalties on parking, standing,
11 ~~or~~ compliance, or automated traffic law violations for
12 which final determinations have been issued. An order
13 issued after the hearing is a final administrative decision
14 within the meaning of Section 3-101 of the Code of Civil
15 Procedure.

16 (4) A post immobilization and post-towing notice
17 advising the registered owner of the vehicle of the right
18 to a hearing to challenge the validity of the impoundment.

19 (d) Judicial review of final determinations of parking,
20 standing, ~~and~~ compliance, or automated traffic law violations
21 and final administrative decisions issued after hearings
22 regarding vehicle immobilization and impoundment made under
23 this Section shall be subject to the provisions of the
24 Administrative Review Law.

25 (e) Any fine, penalty, or part of any fine or any penalty
26 remaining unpaid after the exhaustion of, or the failure to
27 exhaust, administrative remedies created under this Section
28 and the conclusion of any judicial review procedures shall be a
29 debt due and owing the municipality and, as such, may be
30 collected in accordance with applicable law. Payment in full of
31 any fine or penalty resulting from a standing, parking, ~~or~~
32 compliance, or automated traffic law violation shall
33 constitute a final disposition of that violation.

34 (f) After the expiration of the period within which
35 judicial review may be sought for a final determination of
36 parking, standing, ~~or~~ compliance, or automated traffic law

1 violation, the municipality may commence a proceeding in the
2 Circuit Court for purposes of obtaining a judgment on the final
3 determination of violation. Nothing in this Section shall
4 prevent a municipality from consolidating multiple final
5 determinations of parking, standing, ~~or~~ compliance, or
6 automated traffic law violations ~~violation~~ against a person in
7 a proceeding. Upon commencement of the action, the municipality
8 shall file a certified copy or record of the final
9 determination of parking, standing, ~~or~~ compliance, or
10 automated traffic law violation, which shall be accompanied by
11 a certification that recites facts sufficient to show that the
12 final determination of violation was issued in accordance with
13 this Section and the applicable municipal ordinance. Service of
14 the summons and a copy of the petition may be by any method
15 provided by Section 2-203 of the Code of Civil Procedure or by
16 certified mail, return receipt requested, provided that the
17 total amount of fines and penalties for final determinations of
18 parking, standing, ~~or~~ compliance, or automated traffic law
19 violations does not exceed \$2500. If the court is satisfied
20 that the final determination of parking, standing, ~~or~~
21 compliance, or automated traffic law violation was entered in
22 accordance with the requirements of this Section and the
23 applicable municipal ordinance, and that the registered owner
24 or the lessee, as the case may be, had an opportunity for an
25 administrative hearing and for judicial review as provided in
26 this Section, the court shall render judgment in favor of the
27 municipality and against the registered owner or the lessee for
28 the amount indicated in the final determination of parking,
29 standing, ~~or~~ compliance, or automated traffic law violation,
30 plus costs. The judgment shall have the same effect and may be
31 enforced in the same manner as other judgments for the recovery
32 of money.

33 (Source: P.A. 94-294, eff. 1-1-06.)

34 (625 ILCS 5/11-208.6 new)

35 Sec. 11-208.6. Automated traffic law enforcement system.

1 (a) As used in this Section, "automated traffic law
2 enforcement system" means a device with one or more motor
3 vehicle sensors working in conjunction with a red light signal
4 to produce recorded images of motor vehicles entering an
5 intersection against a red signal indication in violation of
6 Section 11-306 of this Code or a similar provision of a local
7 ordinance.

8 An automated traffic law enforcement system is a system, in
9 a municipality or county operated by a governmental agency,
10 that produces a recorded image of a motor vehicle's violation
11 of a provision of this Code or a local ordinance and is
12 designed to obtain a clear recorded image of the vehicle and
13 the vehicle's license plate. The recorded image must also
14 display the time, date, and location of the violation.

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

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

21 (4) a video recording showing the motor vehicle and,
22 on at least one image or portion of the recording, clearly
23 identifying the registration plate number of the motor
24 vehicle.

25 (c) For each violation of a provision of this Code or a
26 local ordinance recorded by an automatic traffic law
27 enforcement system, the county or municipality having
28 jurisdiction shall issue a written notice of the violation to
29 the registered owner of the vehicle as the alleged violator.
30 The notice shall be delivered to the registered owner of the
31 vehicle, by mail, within 90 days of the violation.

32 The notice shall include:

33 (1) the name and address of the registered owner of
34 the vehicle;

35 (2) the registration number of the motor vehicle
36 involved in the violation;

- 1 (3) the violation charged;
2 (4) the location where the violation occurred;
3 (5) the date and time of the violation;
4 (6) a copy of the recorded images;
5 (7) the amount of the civil penalty imposed and the
6 date by which the civil penalty should be paid;
7 (8) a statement that recorded images are evidence of a
8 violation of a red light signal;
9 (9) a warning that failure to pay the civil penalty or
10 to contest liability in a timely manner is an admission of
11 liability and may result in a suspension of the driving
12 privileges of the registered owner of the vehicle; and
13 (10) a statement that the person may elect to proceed
14 by:

- 15 (A) paying the fine; or
16 (B) challenging the charge in court, by mail, or
17 by administrative hearing.

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

26 (e) Based on inspection of recorded images produced by an
27 automated traffic law enforcement system, a notice alleging
28 that the violation occurred shall be evidence of the facts
29 contained in the notice and admissible in any proceeding
30 alleging a violation under this Section.

31 (f) Recorded images made by an automatic traffic law
32 enforcement system are confidential and shall be made available
33 only to the alleged violator and governmental and law
34 enforcement agencies for purposes of adjudicating a violation
35 of this Section, for statistical purposes, or for other
36 governmental purposes. Any recorded image evidencing a

1 violation of this Section, however, may be admissible in any
2 proceeding resulting from the issuance of the citation.

3 (g) The court or hearing officer may consider in defense
4 of a violation:

5 (1) that the motor vehicle or registration plates of
6 the motor vehicle were stolen before the violation occurred
7 and not under the control of or in the possession of the
8 owner at the time of the violation;

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

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

15 (h) To demonstrate that the motor vehicle or the
16 registration plates were stolen before the violation occurred
17 and were not under the control or possession of the owner at
18 the time of the violation, the owner must submit proof that a
19 report concerning the stolen motor vehicle or registration
20 plates was filed with a law enforcement agency in a timely
21 manner.

22 (i) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding \$250 if the motor vehicle is recorded by
26 an automated traffic law enforcement system. A violation for
27 which a civil penalty is imposed under this Section is not a
28 violation of a traffic regulation governing the movement of
29 vehicles and may not be recorded on the driving record of the
30 owner of the vehicle.

31 (j) An intersection equipped with an automated traffic
32 law enforcement system must be posted with a sign visible to
33 approaching traffic indicating that the intersection is being
34 monitored by an automated traffic law enforcement system.

35 (k) The compensation paid for an automated traffic law
36 enforcement system must be based on the value of the equipment

1 or the services provided and may not be based on the number of
2 traffic citations issued or the revenue generated by the
3 system.

4 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

5 Sec. 11-306. Traffic-control signal legend. Whenever
6 traffic is controlled by traffic-control signals exhibiting
7 different colored lights or color lighted arrows, successively
8 one at a time or in combination, only the colors green, red and
9 yellow shall be used, except for special pedestrian signals
10 carrying a word legend, and the lights shall indicate and apply
11 to drivers of vehicles and pedestrians as follows:

12 (a) Green indication.

13 1. Vehicular traffic facing a circular green signal
14 may proceed straight through or turn right or left unless a
15 sign at such place prohibits either such turn. Vehicular
16 traffic, including vehicles turning right or left, shall
17 yield the right of way to other vehicles and to pedestrians
18 lawfully within the intersection or an adjacent crosswalk
19 at the time such signal is exhibited.

20 2. Vehicular traffic facing a green arrow signal,
21 shown alone or in combination with another indication, may
22 cautiously enter the intersection only to make the movement
23 indicated by such arrow, or such other movement as is
24 permitted by other indications shown at the same time. Such
25 vehicular traffic shall yield the right of way to
26 pedestrians lawfully within an adjacent crosswalk and to
27 other traffic lawfully using the intersection.

28 3. Unless otherwise directed by a pedestrian-control
29 signal, as provided in Section 11-307, pedestrians facing
30 any green signal, except when the sole green signal is a
31 turn arrow, may proceed across the roadway within any
32 marked or unmarked crosswalk.

33 (b) Steady yellow indication.

34 1. Vehicular traffic facing a steady circular yellow
35 or yellow arrow signal is thereby warned that the related

1 green movement is being terminated or that a red indication
2 will be exhibited immediately thereafter.

3 2. Pedestrians facing a steady circular yellow or
4 yellow arrow signal, unless otherwise directed by a
5 pedestrian-control signal as provided in Section 11-307,
6 are thereby advised that there is insufficient time to
7 cross the roadway before a red indication is shown and no
8 pedestrian shall then start to cross the roadway.

9 (c) Steady red indication.

10 1. Except as provided in paragraph 3 of this
11 subsection (c), vehicular traffic facing a steady circular
12 red signal alone shall stop at a clearly marked stop line,
13 but if there is no such stop line, before entering the
14 crosswalk on the near side of the intersection, or if there
15 is no such crosswalk, then before entering the
16 intersection, and shall remain standing until an
17 indication to proceed is shown.

18 2. Except as provided in paragraph 3 of this
19 subsection (c), vehicular traffic facing a steady red arrow
20 signal shall not enter the intersection to make the
21 movement indicated by the arrow and, unless entering the
22 intersection to make a movement permitted by another
23 signal, shall stop at a clearly marked stop line, but if
24 there is no such stop line, before entering the crosswalk
25 on the near side of the intersection, or if there is no
26 such crosswalk, then before entering the intersection, and
27 shall remain standing until an indication permitting the
28 movement indicated by such red arrow is shown.

29 3. Except when a sign is in place prohibiting a turn
30 and local authorities by ordinance or State authorities by
31 rule or regulation prohibit any such turn, vehicular
32 traffic facing any steady red signal may cautiously enter
33 the intersection to turn right, or to turn left from a
34 one-way street into a one-way street, after stopping as
35 required by paragraph 1 or paragraph 2 of this subsection.
36 After stopping, the driver shall yield the right of way to

1 any vehicle in the intersection or approaching on another
2 roadway so closely as to constitute an immediate hazard
3 during the time such driver is moving across or within the
4 intersection or junction or roadways. Such driver shall
5 yield the right of way to pedestrians within the
6 intersection or an adjacent crosswalk.

7 4. Unless otherwise directed by a pedestrian-control
8 signal as provided in Section 11-307, pedestrians facing a
9 steady circular red or red arrow signal alone shall not
10 enter the roadway.

11 ~~5. A municipality with a population of 1,000,000 or~~
12 ~~more may enact an ordinance that provides for the use of an~~
13 ~~automated red light enforcement system to enforce~~
14 ~~violations of this subsection (c) that result in or involve~~
15 ~~a motor vehicle accident, leaving the scene of a motor~~
16 ~~vehicle accident, or reckless driving that results in~~
17 ~~bodily injury.~~

18 ~~This paragraph 5 is subject to prosecutorial~~
19 ~~discretion that is consistent with applicable law.~~

20 (d) In the event an official traffic control signal is
21 erected and maintained at a place other than an intersection,
22 the provisions of this Section shall be applicable except as to
23 provisions which by their nature can have no application. Any
24 stop required shall be at a traffic sign or a marking on the
25 pavement indicating where the stop shall be made or, in the
26 absence of such sign or marking, the stop shall be made at the
27 signal.

28 (e) The motorman of any streetcar shall obey the above
29 signals as applicable to vehicles.

30 (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

31 (625 ILCS 5/1-105.5 rep.)

32 Section 10. The Illinois Vehicle Code is amended by
33 repealing Section 1-105.5.

34 Section 99. Effective date. This Act takes effect upon

1 becoming law.