

**94TH GENERAL ASSEMBLY****State of Illinois****2005 and 2006****SB2866**

Introduced 1/20/2006, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

See Index

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 or an image of a vehicle traveling at a prohibited rate of speed and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. Provides that the recorded image must also display the time, date, and location of the violation. Provides that, with regard to a signal violation, 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. Provides that the Illinois Commerce Commission, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement of railroad crossing violations. Provides for automated recording of vehicles that enter a railroad crossing against the signal or that obstruct traffic at a railroad crossing. Provides for the issuance of a Uniform Traffic Citation to the owner of the recorded vehicle. Establishes procedures for contesting the violation. Provides that violation of the provision is a petty offense for which a fine of \$250, or 25 hours of community service, shall be imposed. Provides that a fine of \$500 shall be imposed for a second or subsequent violation. Provides that the Secretary of State may suspend for not less than 6 months the registration of a vehicle involved in a second or subsequent violation. Provides that photographs or other recorded images from a system established under the new provision, or under the provision establishing a similar pilot program, can be made available to governmental agencies for safety analysis of the railroad crossing.

LRB094 19026 DRH 54521 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLYFISCAL NOTE ACT  
MAY APPLY

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, 11-306, and 11-1201.1 and  
6 adding Sections 11-208.6 and 11-1201.5 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 are correct as they  
4           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 5 or  
27          more automated traffic law violations or 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 are correct as they appear on the citations.

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

1 database.

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

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

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

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

20 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

- 26 1. Regulating the standing or parking of vehicles,  
27 except as limited by Section 11-1306 of this Act;
- 28 2. Regulating traffic by means of police officers or  
29 traffic control signals;
- 30 3. Regulating or prohibiting processions or  
31 assemblages on the highways;
- 32 4. Designating particular highways as one-way  
33 highways and requiring that all vehicles thereon be moved  
34 in one specific direction;
- 35 5. Regulating the speed of vehicles in public parks

1 subject to the limitations set forth in Section 11-604;

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

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

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

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

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

18 11. Prohibiting U-turns;

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

21 13. Prohibiting parking during snow removal  
22 operation;

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

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

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

36 (b) No ordinance or regulation enacted under subsections

1 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be  
2 effective until signs giving reasonable notice of such local  
3 traffic regulations are posted.

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

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

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

31 (f) A municipality or county may enact an ordinance  
32 providing for an automated traffic law enforcement system to  
33 enforce violations of this Code or similar provisions of a  
34 local ordinance.

35 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;  
36 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)



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

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

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

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

26 (1) A traffic compliance administrator authorized to  
27 adopt, distribute and process parking, ~~and~~ compliance, and  
28 automated traffic law violation notices and other notices  
29 required by this Section, collect money paid as fines and  
30 penalties for violation of parking and compliance  
31 ordinances and automated traffic law violations, and  
32 operate an administrative adjudication system. The traffic  
33 compliance administrator also may make a certified report  
34 to the Secretary of State under Section 6-306.5.

35 (2) A parking, standing, ~~or~~ compliance, or automated

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

33 (625 ILCS 5/11-208.6 new)

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

35 (a) As used in this Section, "automated traffic law

1 enforcement system" means a device with one or more motor  
2 vehicle sensors working in conjunction with:

3 (1) a red light signal to produce recorded images of  
4 motor vehicles entering an intersection against a red  
5 signal indication in violation of Section 11-306 of this  
6 Code or a similar provision of a local ordinance; or

7 (2) a speed measuring device to produce recorded images  
8 of motor vehicles traveling at a prohibited rate of speed.

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

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

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

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

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

33 The notice shall include:

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

36 (2) the registration number of the motor vehicle

- 1 involved in the violation;
- 2 (3) the violation charged;
- 3 (4) the location where the violation occurred;
- 4 (5) the date and time of the violation;
- 5 (6) a copy of the recorded images;
- 6 (7) the amount of the civil penalty imposed and the  
7 date by which the civil penalty should be paid;
- 8 (8) a statement that recorded images are evidence of a  
9 violation of a red light signal or a posted rate of speed;
- 10 (9) a warning that failure to pay the civil penalty or  
11 to contest liability in a timely manner is an admission of  
12 liability and may result in a suspension of the driving  
13 privileges of the registered owner of the vehicle; and
- 14 (10) a statement that the person may elect to proceed  
15 by:
- 16 (A) paying the fine to the unit of government  
17 that issued the citation; or
- 18 (B) challenging the charge in court, by mail, or  
19 by administrative hearing.
- 20 (d) If a person charged with a traffic violation, as a  
21 result of an automated traffic law enforcement system, does not  
22 pay or successfully contest the civil penalty resulting from  
23 that violation, the Secretary of State shall suspend the  
24 driving privileges of the registered owner of the vehicle under  
25 Section 6-306.5 of this Code for failing to pay any fine or  
26 penalty due and owing as a result of 5 violations of the  
27 automated traffic law enforcement system.
- 28 (e) Based on inspection of recorded images produced by an  
29 automated traffic law enforcement system, a notice alleging  
30 that the violation occurred shall be evidence of the facts  
31 contained in the notice and admissible in any proceeding  
32 alleging a violation under this Section.
- 33 (f) Recorded images made by an automatic traffic law  
34 enforcement system are confidential and shall be made available  
35 only to the alleged violator and governmental and law  
36 enforcement agencies for purposes of adjudicating a violation

1 of this Section, for statistical purposes, or for other  
2 governmental purposes. Any recorded image evidencing a  
3 violation of this Section, however, is admissible in any  
4 proceeding resulting from the issuance of the citation when  
5 there is reasonable and sufficient proof of the accuracy of the  
6 camera or electronic instrument recording the image. There is a  
7 rebuttable presumption that the recorded image is accurate if  
8 the camera or electronic recording instrument was in good  
9 working order on the day of the alleged offense, as determined  
10 by the camera technician employed or contracted by the  
11 municipality or county.

12 (g) The court may consider in defense of a violation:

13 (1) that the motor vehicle or registration plates of  
14 the motor vehicle were stolen before the violation occurred  
15 and not under the control of or in the possession of the  
16 owner at the time of the violation;

17 (2) with respect to an alleged automated red light  
18 violation, that the driver of the vehicle passed through  
19 the intersection when the light was red either (i) in order  
20 to yield the right-of-way to an emergency vehicle or (ii)  
21 as part of a funeral procession; and

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

24 (h) To demonstrate that the motor vehicle or the  
25 registration plates were stolen before the violation occurred  
26 and were not under the control or possession of the owner at  
27 the time of the violation, the owner must submit proof that a  
28 report concerning the stolen motor vehicle or registration  
29 plates was filed with a law enforcement agency in a timely  
30 manner.

31 (i) Unless the driver of the motor vehicle received a  
32 Uniform Traffic Citation from a police officer at the time of  
33 the violation, the motor vehicle owner is subject to a civil  
34 penalty not exceeding \$250 if the motor vehicle is recorded by  
35 an automated traffic law enforcement system. A violation for  
36 which a civil penalty is imposed under this Section is not a

1 violation of a traffic regulation governing the movement of  
2 vehicles and may not be recorded on the driving record of the  
3 owner of the vehicle.

4 (j) A roadway or intersection equipped with an automated  
5 traffic law enforcement system must be posted with a sign  
6 visible to approaching traffic indicating that the roadway or  
7 intersection is being monitored by an automated traffic law  
8 enforcement system.

9 (k) The compensation paid for an automated traffic law  
10 enforcement system must be based on the value of the equipment  
11 or the services provided and may not be based on the number of  
12 traffic citations issued or the revenue generated by the  
13 system.

14 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

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

22 (a) Green indication.

23 1. Vehicular traffic facing a circular green signal  
24 may proceed straight through or turn right or left unless a  
25 sign at such place prohibits either such turn. Vehicular  
26 traffic, including vehicles turning right or left, shall  
27 yield the right of way to other vehicles and to pedestrians  
28 lawfully within the intersection or an adjacent crosswalk  
29 at the time such signal is exhibited.

30 2. Vehicular traffic facing a green arrow signal,  
31 shown alone or in combination with another indication, may  
32 cautiously enter the intersection only to make the movement  
33 indicated by such arrow, or such other movement as is  
34 permitted by other indications shown at the same time. Such  
35 vehicular traffic shall yield the right of way to

1 pedestrians lawfully within an adjacent crosswalk and to  
2 other traffic lawfully using the intersection.

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

8 (b) Steady yellow indication.

9 1. Vehicular traffic facing a steady circular yellow  
10 or yellow arrow signal is thereby warned that the related  
11 green movement is being terminated or that a red indication  
12 will be exhibited immediately thereafter.

13 2. Pedestrians facing a steady circular yellow or  
14 yellow arrow signal, unless otherwise directed by a  
15 pedestrian-control signal as provided in Section 11-307,  
16 are thereby advised that there is insufficient time to  
17 cross the roadway before a red indication is shown and no  
18 pedestrian shall then start to cross the roadway.

19 (c) Steady red indication.

20 1. Except as provided in paragraph 3 of this  
21 subsection (c), vehicular traffic facing a steady circular  
22 red signal alone shall stop at a clearly marked stop line,  
23 but if there is no such stop line, before entering the  
24 crosswalk on the near side of the intersection, or if there  
25 is no such crosswalk, then before entering the  
26 intersection, and shall remain standing until an  
27 indication to proceed is shown.

28 2. Except as provided in paragraph 3 of this  
29 subsection (c), vehicular traffic facing a steady red arrow  
30 signal shall not enter the intersection to make the  
31 movement indicated by the arrow and, unless entering the  
32 intersection to make a movement permitted by another  
33 signal, shall stop at a clearly marked stop line, but if  
34 there is no such stop line, before entering the crosswalk  
35 on the near side of the intersection, or if there is no  
36 such crosswalk, then before entering the intersection, and

1 shall remain standing until an indication permitting the  
2 movement indicated by such red arrow is shown.

3 3. Except when a sign is in place prohibiting a turn  
4 and local authorities by ordinance or State authorities by  
5 rule or regulation prohibit any such turn, vehicular  
6 traffic facing any steady red signal may cautiously enter  
7 the intersection to turn right, or to turn left from a  
8 one-way street into a one-way street, after stopping as  
9 required by paragraph 1 or paragraph 2 of this subsection.  
10 After stopping, the driver shall yield the right of way to  
11 any vehicle in the intersection or approaching on another  
12 roadway so closely as to constitute an immediate hazard  
13 during the time such driver is moving across or within the  
14 intersection or junction or roadways. Such driver shall  
15 yield the right of way to pedestrians within the  
16 intersection or an adjacent crosswalk.

17 4. Unless otherwise directed by a pedestrian-control  
18 signal as provided in Section 11-307, pedestrians facing a  
19 steady circular red or red arrow signal alone shall not  
20 enter the roadway.

21 ~~5. A municipality with a population of 1,000,000 or~~  
22 ~~more may enact an ordinance that provides for the use of an~~  
23 ~~automated red light enforcement system to enforce~~  
24 ~~violations of this subsection (c) that result in or involve~~  
25 ~~a motor vehicle accident, leaving the scene of a motor~~  
26 ~~vehicle accident, or reckless driving that results in~~  
27 ~~bodily injury.~~

28 ~~This paragraph 5 is subject to prosecutorial~~  
29 ~~discretion that is consistent with applicable law.~~

30 (d) In the event an official traffic control signal is  
31 erected and maintained at a place other than an intersection,  
32 the provisions of this Section shall be applicable except as to  
33 provisions which by their nature can have no application. Any  
34 stop required shall be at a traffic sign or a marking on the  
35 pavement indicating where the stop shall be made or, in the  
36 absence of such sign or marking, the stop shall be made at the

1 signal.

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

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

5 (625 ILCS 5/11-1201.1)

6 Sec. 11-1201.1. Automated Railroad Crossing Enforcement  
7 System Pilot Project.

8 (a) For the purposes of this Section, an automated railroad  
9 grade crossing enforcement system is a system operated by a law  
10 enforcement agency that records a driver's response to  
11 automatic, electrical or mechanical signal devices and  
12 crossing gates. The system shall be designed to obtain a clear  
13 photograph or other recorded image of the vehicle, vehicle  
14 operator and the vehicle registration plate of a vehicle in  
15 violation of Section 11-1201. The photograph or other recorded  
16 image shall also display the time, date and location of the  
17 violation.

18 (b) Commencing on January 1, 1996, the Illinois Commerce  
19 Commission and the Commuter Rail Board of the Regional  
20 Transportation Authority shall, in cooperation with local law  
21 enforcement agencies, establish a 5 year pilot program within a  
22 county with a population of between 750,000 and 1,000,000 using  
23 an automated railroad grade crossing enforcement system. The  
24 Commission shall determine the 3 railroad grade crossings  
25 within that county that pose the greatest threat to human life  
26 based upon the number of accidents and fatalities at the  
27 crossings during the past 5 years and with approval of the  
28 local law enforcement agency equip the crossings with an  
29 automated railroad grade crossing enforcement system.

30 (b-1) Commencing on July 20, 2001 (the effective date of  
31 Public Act 92-98), the Illinois Commerce Commission and the  
32 Commuter Rail Board may, in cooperation with the local law  
33 enforcement agency, establish in a county with a population of  
34 between 750,000 and 1,000,000 a 2 year pilot program using an  
35 automated railroad grade crossing enforcement system. This



1 pilot program may be established at a railroad grade crossing  
2 designated by local authorities. No State moneys may be  
3 expended on the automated railroad grade crossing enforcement  
4 system established under this pilot program.

5 (c) For each violation of Section 11-1201 recorded by an  
6 automatic railroad grade crossing system, the local law  
7 enforcement agency having jurisdiction shall issue a written  
8 Uniform Traffic Citation of the violation to the registered  
9 owner of the vehicle as the alleged violator. The Uniform  
10 Traffic Citation shall be delivered to the registered owner of  
11 the vehicle, by mail, within 30 days of the violation. The  
12 Uniform Traffic Citation shall include the name and address of  
13 vehicle owner, the vehicle registration number, the offense  
14 charged, the time, date, and location of the violation, the  
15 first available court date and that the basis of the citation  
16 is the photograph or other recorded image from the automated  
17 railroad grade crossing enforcement system.

18 (d) The Uniform Traffic Citation issued to the registered  
19 owner of the vehicle shall be accompanied by a written notice,  
20 the contents of which is set forth in subsection (d-1) of this  
21 Section, explaining how the registered owner of the vehicle can  
22 elect to proceed by either paying the fine to the unit of  
23 government that issued the Uniform Traffic Citation or  
24 challenging the issuance of the Uniform Traffic Citation.

25 (d-1) The written notice explaining the alleged violator's  
26 rights and obligations must include the following text:

27 "You have been served with the accompanying Uniform Traffic  
28 Citation and cited with having violated Section 11-1201 of the  
29 Illinois Vehicle Code. You can elect to proceed by:

- 30 1. Paying the fine to the unit of government that issued  
31 the Uniform Traffic Citation; or
- 32 2. Challenging the issuance of the Uniform Traffic Citation  
33 in court; or
- 34 3. If you were not the operator of the vehicle at the time  
35 of the alleged offense, notifying in writing the local law  
36 enforcement agency that issued the Uniform Traffic

1 Citation of the number of the Uniform Traffic Citation  
2 received and the name and address of the person operating  
3 the vehicle at the time of the alleged offense. If you fail  
4 to so notify in writing the local law enforcement agency of  
5 the name and address of the operator of the vehicle at the  
6 time of the alleged offense, you may be presumed to have  
7 been the operator of the vehicle at the time of the alleged  
8 offense."

9 (d-2) If the registered owner of the vehicle was not the  
10 operator of the vehicle at the time of the alleged offense, and  
11 if the registered owner notifies the local law enforcement  
12 agency having jurisdiction of the name and address of the  
13 operator of the vehicle at the time of the alleged offense, the  
14 local law enforcement agency having jurisdiction shall then  
15 issue a written Uniform Traffic Citation to the person alleged  
16 by the registered owner to have been the operator of the  
17 vehicle at the time of the alleged offense. If the registered  
18 owner fails to notify in writing the local law enforcement  
19 agency having jurisdiction of the name and address of the  
20 operator of the vehicle at the time of the alleged offense, the  
21 registered owner may be presumed to have been the operator of  
22 the vehicle at the time of the alleged offense.

23 (e) Evidence.

24 (i) A certificate alleging that a violation of Section  
25 11-1201 occurred, sworn to or affirmed by a duly authorized  
26 agency, based on inspection of recorded images produced by  
27 an automated railroad crossing enforcement system are  
28 evidence of the facts contained in the certificate and are  
29 admissible in any proceeding alleging a violation under  
30 this Section.

31 (ii) Photographs or recorded images made by an  
32 automatic railroad grade crossing enforcement system are  
33 confidential and shall be made available only to the  
34 alleged violator and governmental and law enforcement  
35 agencies for purposes of adjudicating a violation of  
36 Section 11-1201 of the Illinois Vehicle Code. The

1 photographs or other recorded images may also be made  
2 available to governmental agencies for the purpose of a  
3 safety analysis of the crossing where the automatic  
4 railroad grade crossing enforcement system is installed.

5 However, any photograph or other recorded image evidencing  
6 a violation of Section 11-1201 shall be admissible in any  
7 proceeding resulting from the issuance of the Uniform  
8 Traffic Citation when there is reasonable and sufficient  
9 proof of the accuracy of the camera or electronic  
10 instrument recording the image. There is a rebuttable  
11 presumption that the photograph or recorded image is  
12 accurate if the camera or electronic recording instrument  
13 was in good working order at the beginning and the end of  
14 the day of the alleged offense.

15 (f) Rail crossings equipped with an automatic railroad  
16 grade crossing enforcement system shall be posted with a sign  
17 visible to approaching traffic stating that the railroad grade  
18 crossing is being monitored, that citations will be issued, and  
19 the amount of the fine for violation.

20 (g) Except as provided in subsection (b-1), the cost of the  
21 installation and maintenance of each automatic railroad grade  
22 crossing enforcement system shall be paid from the Grade  
23 Crossing Protection Fund if the rail line is not owned by  
24 Commuter Rail Board of the Regional Transportation Authority.  
25 Except as provided in subsection (b-1), if the rail line is  
26 owned by the Commuter Rail Board of the Regional Transportation  
27 Authority, the costs of the installation and maintenance shall  
28 be paid from the Regional Transportation Authority's portion of  
29 the Public Transportation Fund.

30 (h) The Illinois Commerce Commission shall issue a report  
31 to the General Assembly at the conclusion of the 5 year pilot  
32 program established under subsection (b) on the effectiveness  
33 of the automatic railroad grade crossing enforcement system.

34 (i) If any part or parts of this Section are held by a  
35 court of competent jurisdiction to be unconstitutional, the  
36 unconstitutionality shall not affect the validity of the

1 remaining parts of this Section. The General Assembly hereby  
2 declares that it would have passed the remaining parts of this  
3 Section if it had known that the other part or parts of this  
4 Section would be declared unconstitutional.

5 (j) Penalty.

6 (i) A violation of this Section is a petty offense for  
7 which a fine of \$250 shall be imposed for a first  
8 violation, and a fine of \$500 shall be imposed for a second  
9 or subsequent violation. The court may impose 25 hours of  
10 community service in place of the \$250 fine for the first  
11 violation.

12 (ii) For a second or subsequent violation, the  
13 Secretary of State may suspend the registration of the  
14 motor vehicle for a period of at least 6 months.

15 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01; 92-651,  
16 eff 7-11-02; 92-814, eff. 1-1-03.)

17 (625 ILCS 5/11-1201.5 new)

18 Sec. 11-1201.5. Automated railroad crossing enforcement  
19 system.

20 (a) For the purposes of this Section, an automated railroad  
21 grade crossing enforcement system is a system operated by a law  
22 enforcement agency that records a driver's response to  
23 automatic, electrical, or mechanical signal devices and  
24 crossing gates. The system shall be designed to obtain a clear  
25 photograph or other recorded image of the vehicle, vehicle  
26 operator, and the vehicle registration plate of a vehicle in  
27 violation of Section 11-1201 or 11-1425. The photograph or  
28 other recorded image shall also display the time, date, and  
29 location of the violation.

30 (b) The Illinois Commerce Commission may, in cooperation  
31 with a local law enforcement agency, establish in any county or  
32 municipality an automated railroad grade crossing enforcement  
33 system at any railroad grade crossing designated by local  
34 authorities.

35 (c) For each violation of Section 11-1201 or 11-1425

1 recorded by an automatic railroad grade crossing system, the  
2 local law enforcement agency having jurisdiction shall issue a  
3 written Uniform Traffic Citation of the violation to the  
4 registered owner of the vehicle as the alleged violator. The  
5 Uniform Traffic Citation shall be delivered to the registered  
6 owner of the vehicle, by mail, within 30 days of the violation.  
7 The Uniform Traffic Citation shall include the name and address  
8 of vehicle owner, the vehicle registration number, the offense  
9 charged, the time, date, and location of the violation, the  
10 first available court date, and that the basis of the citation  
11 is the photograph or other recorded image from the automated  
12 railroad grade crossing enforcement system.

13 (d) The Uniform Traffic Citation issued to the registered  
14 owner of the vehicle shall be accompanied by a written notice,  
15 the contents of which is set forth in subsection (e) of this  
16 Section, explaining how the registered owner of the vehicle can  
17 elect to proceed by either paying the fine to the unit of  
18 government that issued the Uniform Traffic Citation or  
19 challenging the issuance of the Uniform Traffic Citation.

20 (e) The written notice explaining the alleged violator's  
21 rights and obligations must include the following text:

22 "You have been served with the accompanying Uniform Traffic  
23 Citation and cited with having violated Section 11-1201 or  
24 11-1425 of the Illinois Vehicle Code. You can elect to proceed  
25 by:

26 1. Paying the fine to the unit of government that  
27 issued the Uniform Traffic Citation; or

28 2. Challenging the issuance of the Uniform Traffic  
29 Citation in court; or

30 3. If you were not the operator of the vehicle at the  
31 time of the alleged offense, notifying in writing the local  
32 law enforcement agency that issued the Uniform Traffic  
33 Citation of the number of the Uniform Traffic Citation  
34 received and the name and address of the person operating  
35 the vehicle at the time of the alleged offense. If you fail  
36 to so notify in writing the local law enforcement agency of

1 the name and address of the operator of the vehicle at the  
2 time of the alleged offense, you may be presumed to have  
3 been the operator of the vehicle at the time of the alleged  
4 offense."

5 (f) If the registered owner of the vehicle was not the  
6 operator of the vehicle at the time of the alleged offense, and  
7 if the registered owner notifies the local law enforcement  
8 agency having jurisdiction of the name and address of the  
9 operator of the vehicle at the time of the alleged offense, the  
10 local law enforcement agency having jurisdiction shall then  
11 issue a written Uniform Traffic Citation to the person alleged  
12 by the registered owner to have been the operator of the  
13 vehicle at the time of the alleged offense. If the registered  
14 owner fails to notify in writing the local law enforcement  
15 agency having jurisdiction of the name and address of the  
16 operator of the vehicle at the time of the alleged offense, the  
17 registered owner may be presumed to have been the operator of  
18 the vehicle at the time of the alleged offense.

19 (g) Evidence.

20 (1) A certificate alleging that a violation of Section  
21 11-1201 or 11-1425 occurred, sworn to or affirmed by a duly  
22 authorized agency, based on inspection of recorded images  
23 produced by an automated railroad crossing enforcement  
24 system, are evidence of the facts contained in the  
25 certificate and are admissible in any proceeding alleging a  
26 violation under this Section.

27 (2) Photographs or other recorded images made by an  
28 automatic railroad grade crossing enforcement system are  
29 confidential and shall be made available only to the  
30 alleged violator and governmental and law enforcement  
31 agencies for purposes of adjudicating a violation of  
32 Section 11-1201 or 11-1425 of the Illinois Vehicle Code.  
33 The photographs or other recorded images may also be made  
34 available to governmental agencies for the purpose of a  
35 safety analysis of the crossing where the automatic  
36 railroad grade crossing enforcement system is installed.

1 However, any photograph or other recorded image evidencing  
2 a violation of Section 11-1201 or 11-1425 shall be  
3 admissible in any proceeding resulting from the issuance of  
4 the Uniform Traffic Citation when there is reasonable and  
5 sufficient proof of the accuracy of the camera or  
6 electronic instrument recording the image. There is a  
7 rebuttable presumption that the photograph or recorded  
8 image is accurate if the camera or electronic recording  
9 instrument was in good working order at the beginning and  
10 the end of the day of the alleged offense.

11 (h) Rail crossings equipped with an automatic railroad  
12 grade crossing enforcement system shall be posted with a sign  
13 visible to approaching traffic stating that the railroad grade  
14 crossing is being monitored, that citations will be issued, and  
15 the amount of the fine for violation.

16 (i) If any part or parts of this Section are held by a  
17 court of competent jurisdiction to be unconstitutional, the  
18 unconstitutionality shall not affect the validity of the  
19 remaining parts of this Section. The General Assembly hereby  
20 declares that it would have passed the remaining parts of this  
21 Section if it had known that the other part or parts of this  
22 Section would be declared unconstitutional.

23 (j) Penalty.

24 (1) A violation of this Section is a petty offense for  
25 which a fine of \$250 shall be imposed for a first  
26 violation, and a fine of \$500 shall be imposed for a second  
27 or subsequent violation. The court may impose 25 hours of  
28 community service in place of the \$250 fine for the first  
29 violation.

30 (2) For a second or subsequent violation, the Secretary  
31 of State may suspend the registration of the motor vehicle  
32 for a period of at least 6 months.

33 (625 ILCS 5/1-105.5 rep.)

34 Section 10. The Illinois Vehicle Code is amended by  
35 repealing Section 1-105.5.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/6-306.5 from Ch. 95 1/2, par. 6-306.5

4 625 ILCS 5/11-208 from Ch. 95 1/2, par. 11-208

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

6 625 ILCS 5/11-208.6 new

7 625 ILCS 5/11-306 from Ch. 95 1/2, par. 11-306

8 625 ILCS 5/11-1201.1

9 625 ILCS 5/11-1201.5 new

10 625 ILCS 5/1-105.5 rep.