



Sen. Rickey R. Hendon

Filed: 2/22/2010

09600SB2477sam001

LRB096 14783 AJT 37399 a

1 AMENDMENT TO SENATE BILL 2477

2 AMENDMENT NO. _____. Amend Senate Bill 2477 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-208.6 as follows:

6 (625 ILCS 5/11-208.6)

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

8 (a) As used in this Section, "automated traffic law
9 enforcement system" means a device with one or more motor
10 vehicle sensors working in conjunction with a red light signal
11 to produce recorded images of motor vehicles entering an
12 intersection against a red signal indication in violation of
13 Section 11-306 of this Code or a similar provision of a local
14 ordinance.

15 An automated traffic law enforcement system is a system, in
16 a municipality or county operated by a governmental agency,

1 that produces a recorded image of a motor vehicle's violation
2 of a provision of this Code or a local ordinance and is
3 designed to obtain a clear recorded image of the vehicle and
4 the vehicle's license plate. The recorded image must also
5 display the time, date, and location of the violation.

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

11 (4) a video recording showing the motor vehicle and, on
12 at least one image or portion of the recording, clearly
13 identifying the registration plate number of the motor
14 vehicle.

15 (c) A county or municipality, including a home rule county
16 or municipality, may not use an automated traffic law
17 enforcement system to provide recorded images of a motor
18 vehicle for the purpose of recording its speed. The regulation
19 of the use of automated traffic law enforcement systems to
20 record vehicle speeds is an exclusive power and function of the
21 State. This subsection (c) is a denial and limitation of home
22 rule powers and functions under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution.

24 (c-5) A county or municipality, including a home rule
25 county or municipality, may not use an automated traffic law
26 enforcement system to provide recorded images of a motor

1 vehicle for the purpose of issuing violations to persons
2 driving a motor vehicle who enter an intersection to turn right
3 against a red signal indication as described in paragraph 3 of
4 subsection (c) of Section 11-306 of this Code or a similar
5 provision of a local ordinance.

6 (d) For each violation of a provision of this Code or a
7 local ordinance recorded by an automatic traffic law
8 enforcement system, the county or municipality having
9 jurisdiction shall issue a written notice of the violation to
10 the registered owner of the vehicle as the alleged violator.
11 The notice shall be delivered to the registered owner of the
12 vehicle, by mail, within 30 days after the Secretary of State
13 notifies the municipality or county of the identity of the
14 owner of the vehicle, but in no event later than 90 days after
15 the violation.

16 The notice shall include:

17 (1) the name and address of the registered owner of the
18 vehicle;

19 (2) the registration number of the motor vehicle
20 involved in the violation;

21 (3) the violation charged;

22 (4) the location where the violation occurred;

23 (5) the date and time of the violation;

24 (6) a copy of the recorded images;

25 (7) the amount of the civil penalty imposed and the
26 requirements of any traffic education program imposed and

1 the date by which the civil penalty should be paid and the
2 traffic education program should be completed;

3 (8) a statement that recorded images are evidence of a
4 violation of a red light signal;

5 (9) a warning that failure to pay the civil penalty, to
6 complete a required traffic education program, or to
7 contest liability in a timely manner is an admission of
8 liability and may result in a suspension of the driving
9 privileges of the registered owner of the vehicle; and

10 (10) a statement that the person may elect to proceed
11 by:

12 (A) paying the fine, completing a required traffic
13 education program, or both; or

14 (B) challenging the charge in court, by mail, or by
15 administrative hearing.

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

26 (f) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging
2 that the violation occurred shall be evidence of the facts
3 contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (g) Recorded images made by an automatic traffic law
6 enforcement system are confidential and shall be made available
7 only to the alleged violator and governmental and law
8 enforcement agencies for purposes of adjudicating a violation
9 of this Section, for statistical purposes, or for other
10 governmental purposes. Any recorded image evidencing a
11 violation of this Section, however, may be admissible in any
12 proceeding resulting from the issuance of the citation.

13 (h) The court or hearing officer may consider in defense of
14 a violation:

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

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

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

25 (i) To demonstrate that the motor vehicle or the
26 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner at
2 the time of the violation, the owner must submit proof that a
3 report concerning the stolen motor vehicle or registration
4 plates was filed with a law enforcement agency in a timely
5 manner.

6 (j) Unless the driver of the motor vehicle received a
7 Uniform Traffic Citation from a police officer at the time of
8 the violation, the motor vehicle owner is subject to a civil
9 penalty not exceeding \$100 or the completion of a traffic
10 education program, or both, plus an additional penalty of not
11 more than \$100 for failure to pay the original penalty or to
12 complete a required traffic education program, or both, in a
13 timely manner, if the motor vehicle is recorded by an automated
14 traffic law enforcement system. A violation for which a civil
15 penalty is imposed under this Section is not a violation of a
16 traffic regulation governing the movement of vehicles and may
17 not be recorded on the driving record of the owner of the
18 vehicle.

19 (j-3) A registered owner who is a holder of a valid
20 commercial driver's license is not required to complete a
21 traffic education program.

22 (j-5) For purposes of the required traffic education
23 program only, a registered owner may submit an affidavit to the
24 court or hearing officer swearing that at the time of the
25 alleged violation, the vehicle was in the custody and control
26 of another person. The affidavit must identify the person in

1 custody and control of the vehicle, including the person's name
2 and current address. The person in custody and control of the
3 vehicle at the time of the violation is required to complete
4 the required traffic education program. If the person in
5 custody and control of the vehicle at the time of the violation
6 completes the required traffic education program, the
7 registered owner of the vehicle is not required to complete a
8 traffic education program.

9 (k) An intersection equipped with an automated traffic law
10 enforcement system must be posted with a sign visible to
11 approaching traffic indicating that the intersection is being
12 monitored by an automated traffic law enforcement system.

13 (l) The compensation paid for an automated traffic law
14 enforcement system must be based on the value of the equipment
15 or the services provided and may not be based on the number of
16 traffic citations issued or the revenue generated by the
17 system.

18 (m) This Section applies only to the counties of Cook,
19 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
20 to municipalities located within those counties.

21 (n) The fee for participating in a traffic education
22 program under this Section shall not exceed \$25.

23 A low-income individual required to complete a traffic
24 education program under this Section who provides proof of
25 eligibility for the federal earned income tax credit under
26 Section 32 of the Internal Revenue Code or the Illinois earned

1 income tax credit under Section 212 of the Illinois Income Tax
2 Act shall not be required to pay any fee for participating in a
3 required traffic education program.
4 (Source: P.A. 96-288, eff. 8-11-09.)"