



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2546

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Provides that an automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision under the Code regulating traffic-control signals (rather than a violation of any provision under the Code). Provides that for each violation of the provision under the Code regulating traffic-control signals involving a motor vehicle accident that results in damage to another vehicle, death or personal injury to another, or both, recorded by an automated traffic law enforcement system, the county or municipality with jurisdiction shall issue a written notice to the violator. Defines "personal injury".

LRB100 07389 AXK 17453 b

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 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,
17 that produces a recorded image of a motor vehicle's violation
18 of Section 11-306 ~~a provision~~ of this Code or a similar
19 provision of a local ordinance and is designed to obtain a
20 clear recorded image of the vehicle and the vehicle's license
21 plate. The recorded image must also display the time, date, and
22 location of the violation.

23 (b) As used in this Section, "recorded images" means images

1 recorded by an automated traffic law enforcement system on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

5 (4) a video recording showing the motor vehicle and, on
6 at least one image or portion of the recording, clearly
7 identifying the registration plate number of the motor
8 vehicle.

9 (b-5) A municipality or county that produces a recorded
10 image of a motor vehicle's violation of a provision of this
11 Code or a local ordinance must make the recorded images of a
12 violation accessible to the alleged violator by providing the
13 alleged violator with a website address, accessible through the
14 Internet.

15 (c) Except as provided under Section 11-208.8 of this Code,
16 a county or municipality, including a home rule county or
17 municipality, may not use an automated traffic law enforcement
18 system to provide recorded images of a motor vehicle for the
19 purpose of recording its speed. Except as provided under
20 Section 11-208.8 of this Code, the regulation of the use of
21 automated traffic law enforcement systems to record vehicle
22 speeds is an exclusive power and function of the State. This
23 subsection (c) is a denial and limitation of home rule powers
24 and functions under subsection (h) of Section 6 of Article VII
25 of the Illinois Constitution.

26 (c-5) A county or municipality, including a home rule

1 county or municipality, may not use an automated traffic law
2 enforcement system to issue violations in instances where the
3 motor vehicle comes to a complete stop and does not enter the
4 intersection, as defined by Section 1-132 of this Code, during
5 the cycle of the red signal indication unless one or more
6 pedestrians or bicyclists are present, even if the motor
7 vehicle stops at a point past a stop line or crosswalk where a
8 driver is required to stop, as specified in subsection (c) of
9 Section 11-306 of this Code or a similar provision of a local
10 ordinance.

11 (c-6) A county, or a municipality with less than 2,000,000
12 inhabitants, including a home rule county or municipality, may
13 not use an automated traffic law enforcement system to issue
14 violations in instances where a motorcyclist enters an
15 intersection against a red signal indication when the red
16 signal fails to change to a green signal within a reasonable
17 period of time not less than 120 seconds because of a signal
18 malfunction or because the signal has failed to detect the
19 arrival of the motorcycle due to the motorcycle's size or
20 weight.

21 (d) For each violation of Section 11-306 ~~a provision~~ of
22 this Code or a similar provision of a local ordinance involving
23 a motor vehicle accident that results in damage to another
24 vehicle, death or personal injury to another, or both, recorded
25 by an automated ~~automatic~~ traffic law enforcement system, the
26 county or municipality having jurisdiction shall issue a

1 written notice of the violation to the registered owner of the
2 vehicle as the alleged violator. The notice shall be delivered
3 to the registered owner of the vehicle, by mail, within 30 days
4 after the Secretary of State notifies the municipality or
5 county of the identity of the owner of the vehicle, but in no
6 event later than 90 days after the violation.

7 The notice shall include:

8 (1) the name and address of the registered owner of the
9 vehicle;

10 (2) the registration number of the motor vehicle
11 involved in the violation;

12 (3) the violation charged;

13 (4) the location where the violation occurred;

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

15 (6) a copy of the recorded images;

16 (7) the amount of the civil penalty imposed and the
17 requirements of any traffic education program imposed and
18 the date by which the civil penalty should be paid and the
19 traffic education program should be completed;

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

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

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

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

5 (B) challenging the charge in court, by mail, or by
6 administrative hearing; and

7 (11) a website address, accessible through the
8 Internet, where the person may view the recorded images of
9 the violation.

10 For purposes of this subsection (d), "personal injury"
11 means any injury requiring immediate professional treatment in
12 a medical facility or doctor's office.

13 (e) If a person charged with a ~~traffic~~ violation of Section
14 11-306 of this Code or a similar provision of a local
15 ordinance, as a result of an automated traffic law enforcement
16 system, does not pay the fine or complete a required traffic
17 education program, or both, or successfully contest the civil
18 penalty resulting from that violation, the Secretary of State
19 shall suspend the driving privileges of the registered owner of
20 the vehicle under Section 6-306.5 of this Code for failing to
21 complete a required traffic education program or to pay any
22 fine or penalty due and owing, or both, as a result of a
23 combination of 5 violations of the automated traffic law
24 enforcement system or the automated speed enforcement system
25 under Section 11-208.8 of this Code.

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 (k-3) A municipality or county that has one or more
14 intersections equipped with an automated traffic law
15 enforcement system must provide notice to drivers by posting
16 the locations of automated traffic law systems on the
17 municipality or county website.

18 (k-5) An intersection equipped with an automated traffic
19 law enforcement system must have a yellow change interval that
20 conforms with the Illinois Manual on Uniform Traffic Control
21 Devices (IMUTCD) published by the Illinois Department of
22 Transportation.

23 (k-7) A municipality or county operating an automated
24 traffic law enforcement system shall conduct a statistical
25 analysis to assess the safety impact of each automated traffic
26 law enforcement system at an intersection following

1 installation of the system. The statistical analysis shall be
2 based upon the best available crash, traffic, and other data,
3 and shall cover a period of time before and after installation
4 of the system sufficient to provide a statistically valid
5 comparison of safety impact. The statistical analysis shall be
6 consistent with professional judgment and acceptable industry
7 practice. The statistical analysis also shall be consistent
8 with the data required for valid comparisons of before and
9 after conditions and shall be conducted within a reasonable
10 period following the installation of the automated traffic law
11 enforcement system. The statistical analysis required by this
12 subsection (k-7) shall be made available to the public and
13 shall be published on the website of the municipality or
14 county. If the statistical analysis for the 36 month period
15 following installation of the system indicates that there has
16 been an increase in the rate of accidents at the approach to
17 the intersection monitored by the system, the municipality or
18 county shall undertake additional studies to determine the
19 cause and severity of the accidents, and may take any action
20 that it determines is necessary or appropriate to reduce the
21 number or severity of the accidents at that intersection.

22 (1) The compensation paid for an automated traffic law
23 enforcement system must be based on the value of the equipment
24 or the services provided and may not be based on the number of
25 traffic citations issued or the revenue generated by the
26 system.

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

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

6 A low-income individual required to complete a traffic
7 education program under this Section who provides proof of
8 eligibility for the federal earned income tax credit under
9 Section 32 of the Internal Revenue Code or the Illinois earned
10 income tax credit under Section 212 of the Illinois Income Tax
11 Act shall not be required to pay any fee for participating in a
12 required traffic education program.

13 (o) A municipality or county shall make a certified report
14 to the Secretary of State pursuant to Section 6-306.5 of this
15 Code whenever a registered owner of a vehicle has failed to pay
16 any fine or penalty due and owing as a result of a combination
17 of 5 offenses for automated traffic law or speed enforcement
18 system violations.

19 (p) No person who is the lessor of a motor vehicle pursuant
20 to a written lease agreement shall be liable for an automated
21 speed or traffic law enforcement system violation involving
22 such motor vehicle during the period of the lease; provided
23 that upon the request of the appropriate authority received
24 within 120 days after the violation occurred, the lessor
25 provides within 60 days after such receipt the name and address
26 of the lessee. The drivers license number of a lessee may be

1 subsequently individually requested by the appropriate
2 authority if needed for enforcement of this Section.

3 Upon the provision of information by the lessor pursuant to
4 this subsection, the county or municipality may issue the
5 violation to the lessee of the vehicle in the same manner as it
6 would issue a violation to a registered owner of a vehicle
7 pursuant to this Section, and the lessee may be held liable for
8 the violation.

9 (Source: P.A. 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672,
10 eff. 7-1-12; 97-762, eff. 7-6-12; 98-463, eff. 8-16-13.)