



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4056

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Administrative Procedure Act. Provides that the Department of State Police, the Department of Transportation, the Illinois State Toll Highway Authority, the Secretary of State, and the Illinois Commerce Commission may adopt emergency rules to implement the bill. Amends the State Police Act. Provides requirements for the number of cadet classes and sworn State Police officers. Provides that 3% of the 40% of penalties collected under an automated traffic control system established by the Department of State Police, the Department of Transportation, or the Illinois State Toll Highway Authority deposited into the State Police Merit Board Public Safety Fund shall be used for advertising or other methods to attract diverse State Police cadet candidates. Amends the Illinois Vehicle Code. Provides that the Secretary of State shall not renew the registration of a vehicle if the Illinois Commerce Commission finds that the registered owner of a vehicle used in violation of the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act has failed to pay any penalty due as a result of 3 violations under the Act or is more than 30 calendar days in default of a payment plan. Provides for the allocation of moneys in the Transportation Safety Highway Hire-back Fund. Amends the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act. Allows a local agency to establish an automated traffic control system in a construction or maintenance zone established by the Department of Transportation, Illinois State Toll Highway Authority, or a local agency with jurisdiction. Provides that a motor vehicle may not operate in a construction or maintenance zone at a speed in excess of the posted speed limit. Provides for the allocation of the penalties collected for automated traffic control system zones. Makes conforming changes.

LRB100 12678 AXK 26071 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 Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the finding
2 shall be filed with the rule. The agency shall take reasonable
3 and appropriate measures to make emergency rules known to the
4 persons who may be affected by them.

5 (c) An emergency rule may be effective for a period of not
6 longer than 150 days, but the agency's authority to adopt an
7 identical rule under Section 5-40 is not precluded. No
8 emergency rule may be adopted more than once in any 24-month
9 period, except that this limitation on the number of emergency
10 rules that may be adopted in a 24-month period does not apply
11 to (i) emergency rules that make additions to and deletions
12 from the Drug Manual under Section 5-5.16 of the Illinois
13 Public Aid Code or the generic drug formulary under Section
14 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
15 emergency rules adopted by the Pollution Control Board before
16 July 1, 1997 to implement portions of the Livestock Management
17 Facilities Act, (iii) emergency rules adopted by the Illinois
18 Department of Public Health under subsections (a) through (i)
19 of Section 2 of the Department of Public Health Act when
20 necessary to protect the public's health, (iv) emergency rules
21 adopted pursuant to subsection (n) of this Section, (v)
22 emergency rules adopted pursuant to subsection (o) of this
23 Section, or (vi) emergency rules adopted pursuant to subsection
24 (c-5) of this Section. Two or more emergency rules having
25 substantially the same purpose and effect shall be deemed to be
26 a single rule for purposes of this Section.

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 1999 budget,
12 emergency rules to implement any provision of Public Act 90-587
13 or 90-588 or any other budget initiative for fiscal year 1999
14 may be adopted in accordance with this Section by the agency
15 charged with administering that provision or initiative,
16 except that the 24-month limitation on the adoption of
17 emergency rules and the provisions of Sections 5-115 and 5-125
18 do not apply to rules adopted under this subsection (d). The
19 adoption of emergency rules authorized by this subsection (d)
20 shall be deemed to be necessary for the public interest,
21 safety, and welfare.

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of Public Act 91-24
25 or any other budget initiative for fiscal year 2000 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (e). The adoption of
5 emergency rules authorized by this subsection (e) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (f) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2001 budget,
10 emergency rules to implement any provision of Public Act 91-712
11 or any other budget initiative for fiscal year 2001 may be
12 adopted in accordance with this Section by the agency charged
13 with administering that provision or initiative, except that
14 the 24-month limitation on the adoption of emergency rules and
15 the provisions of Sections 5-115 and 5-125 do not apply to
16 rules adopted under this subsection (f). The adoption of
17 emergency rules authorized by this subsection (f) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of Public Act 92-10
23 or any other budget initiative for fiscal year 2002 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (g). The adoption of
3 emergency rules authorized by this subsection (g) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (h) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2003 budget,
8 emergency rules to implement any provision of Public Act 92-597
9 or any other budget initiative for fiscal year 2003 may be
10 adopted in accordance with this Section by the agency charged
11 with administering that provision or initiative, except that
12 the 24-month limitation on the adoption of emergency rules and
13 the provisions of Sections 5-115 and 5-125 do not apply to
14 rules adopted under this subsection (h). The adoption of
15 emergency rules authorized by this subsection (h) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of Public Act 93-20
21 or any other budget initiative for fiscal year 2004 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (i). The adoption of

1 emergency rules authorized by this subsection (i) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of
23 Public Act 94-48 or any other budget initiative for fiscal year
24 2006 may be adopted in accordance with this Section by the
25 agency charged with administering that provision or
26 initiative, except that the 24-month limitation on the adoption

1 of emergency rules and the provisions of Sections 5-115 and
2 5-125 do not apply to rules adopted under this subsection (k).
3 The Department of Healthcare and Family Services may also adopt
4 rules under this subsection (k) necessary to administer the
5 Illinois Public Aid Code, the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act, the Senior Citizens and
7 Disabled Persons Prescription Drug Discount Program Act (now
8 the Illinois Prescription Drug Discount Program Act), and the
9 Children's Health Insurance Program Act. The adoption of
10 emergency rules authorized by this subsection (k) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (m) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of
16 Public Act 96-45 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2010 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (n) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare. The rulemaking authority granted in this subsection
23 (n) shall apply only to rules promulgated during Fiscal Year
24 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2011 budget, emergency rules to implement any provision of
2 Public Act 96-958 or any other budget initiative authorized by
3 the 96th General Assembly for fiscal year 2011 may be adopted
4 in accordance with this Section by the agency charged with
5 administering that provision or initiative. The adoption of
6 emergency rules authorized by this subsection (o) is deemed to
7 be necessary for the public interest, safety, and welfare. The
8 rulemaking authority granted in this subsection (o) applies
9 only to rules promulgated on or after July 1, 2010 (the
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 97-689,
13 emergency rules to implement any provision of Public Act 97-689
14 may be adopted in accordance with this subsection (p) by the
15 agency charged with administering that provision or
16 initiative. The 150-day limitation of the effective period of
17 emergency rules does not apply to rules adopted under this
18 subsection (p), and the effective period may continue through
19 June 30, 2013. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (p). The adoption of emergency rules authorized by
22 this subsection (p) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely
25 implementation of the provisions of Articles 7, 8, 9, 11, and
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 98-651,
11 emergency rules to implement Public Act 98-651 may be adopted
12 in accordance with this subsection (r) by the Department of
13 Healthcare and Family Services. The 24-month limitation on the
14 adoption of emergency rules does not apply to rules adopted
15 under this subsection (r). The adoption of emergency rules
16 authorized by this subsection (r) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (s) In order to provide for the expeditious and timely
19 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
20 the Illinois Public Aid Code, emergency rules to implement any
21 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
22 Public Aid Code may be adopted in accordance with this
23 subsection (s) by the Department of Healthcare and Family
24 Services. The rulemaking authority granted in this subsection
25 (s) shall apply only to those rules adopted prior to July 1,
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only
2 apply to payments made for State fiscal year 2015. The adoption
3 of emergency rules authorized by this subsection (s) is deemed
4 to be necessary for the public interest, safety, and welfare.

5 (t) In order to provide for the expeditious and timely
6 implementation of the provisions of Article II of Public Act
7 99-6, emergency rules to implement the changes made by Article
8 II of Public Act 99-6 to the Emergency Telephone System Act may
9 be adopted in accordance with this subsection (t) by the
10 Department of State Police. The rulemaking authority granted in
11 this subsection (t) shall apply only to those rules adopted
12 prior to July 1, 2016. The 24-month limitation on the adoption
13 of emergency rules does not apply to rules adopted under this
14 subsection (t). The adoption of emergency rules authorized by
15 this subsection (t) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (u) In order to provide for the expeditious and timely
18 implementation of the provisions of the Burn Victims Relief
19 Act, emergency rules to implement any provision of the Act may
20 be adopted in accordance with this subsection (u) by the
21 Department of Insurance. The rulemaking authority granted in
22 this subsection (u) shall apply only to those rules adopted
23 prior to December 31, 2015. The adoption of emergency rules
24 authorized by this subsection (u) is deemed to be necessary for
25 the public interest, safety, and welfare.

26 (v) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 99-516,
2 emergency rules to implement Public Act 99-516 may be adopted
3 in accordance with this subsection (v) by the Department of
4 Healthcare and Family Services. The 24-month limitation on the
5 adoption of emergency rules does not apply to rules adopted
6 under this subsection (v). The adoption of emergency rules
7 authorized by this subsection (v) is deemed to be necessary for
8 the public interest, safety, and welfare.

9 (w) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 99-796,
11 emergency rules to implement the changes made by Public Act
12 99-796 may be adopted in accordance with this subsection (w) by
13 the Adjutant General. The adoption of emergency rules
14 authorized by this subsection (w) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (x) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-906 ~~this~~
18 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
19 implement subsection (i) of Section 16-115D, subsection (g) of
20 Section 16-128A, and subsection (a) of Section 16-128B of the
21 Public Utilities Act may be adopted in accordance with this
22 subsection (x) by the Illinois Commerce Commission. The
23 rulemaking authority granted in this subsection (x) shall apply
24 only to those rules adopted within 180 days after June 1, 2017
25 (the effective date of Public Act 99-906) ~~this amendatory Act~~
26 ~~of the 99th General Assembly~~. The adoption of emergency rules

1 authorized by this subsection (x) is deemed to be necessary for
2 the public interest, safety, and welfare.

3 (y) In order to provide for the expeditious and timely
4 implementation of the provisions of this amendatory Act of the
5 100th General Assembly, emergency rules to implement any
6 provision of this amendatory Act of the 100th General Assembly
7 may be adopted in accordance with this subsection (y) by the
8 Department of State Police, the Department of Transportation,
9 the Illinois State Toll Highway Authority, the Illinois
10 Commerce Commission, and the Secretary of State. The rulemaking
11 authority granted in this subsection (y) shall apply only to
12 those rules adopted within 180 days after the effective date of
13 this amendatory Act of the 100th General Assembly. The adoption
14 of emergency rules authorized by this subsection (y) is deemed
15 to be necessary for the public interest, safety, and welfare.

16 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
17 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
18 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
19 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906,
20 eff. 6-1-17; revised 1-1-17.)

21 Section 10. The State Police Act is amended by changing
22 Section 7.2 and by adding Section 7.5 as follows:

23 (20 ILCS 2610/7.2)

24 Sec. 7.2. State Police Merit Board Public Safety Fund.

1 (a) A special fund in the State treasury is hereby created
2 which shall be known as the State Police Merit Board Public
3 Safety Fund. The Fund shall be used by the State Police Merit
4 Board to provide a cadet program for State Police personnel and
5 to meet all costs associated with the functions of the State
6 Police Merit Board. Notwithstanding any other law to the
7 contrary, the State Police Merit Board Public Safety Fund is
8 not subject to sweeps, administrative charge-backs, or any
9 other fiscal or budgetary maneuver that would in any way
10 transfer any amounts from the State Police Merit Board Public
11 Safety Fund into any other fund of the State.

12 (b) The Fund may receive State appropriations, gifts,
13 grants, and federal funds and shall include earnings from the
14 investment of moneys in the Fund.

15 (c) The administration of this Fund shall be the
16 responsibility of the State Police Merit Board. The Board shall
17 establish terms and conditions for the operation of the Fund.
18 The Board shall establish and implement fiscal controls and
19 accounting periods for programs operated using the Fund. All
20 fees or moneys received by the State Treasurer under subsection
21 (n) of Section 27.6 of the Clerks of Courts Act shall be
22 deposited into the Fund. The moneys deposited in the State
23 Police Merit Board Public Safety Fund shall be appropriated to
24 the State Police Merit Board for expenses of the Board for the
25 administration and conduct of all its programs for State Police
26 personnel. Three percent of the moneys deposited into the Fund

1 under subsection (d-5) of Section 20 of the Automated Traffic
2 Control Systems in Highway Construction or Maintenance Zones
3 Act shall be used for advertising or other methods to attract
4 diverse State Police cadet candidates so that the headcount
5 goal of State Police officers under Section 7.5 of this Act
6 continues to adequately represent the population of women,
7 minorities, and military veterans in this State.

8 (Source: P.A. 97-1051, eff. 1-1-13.)

9 (20 ILCS 2610/7.5 new)

10 Sec. 7.5. Cadet classes. Beginning July 1, 2018, the
11 Director of State Police, in conjunction with the State Police
12 Merit Board, shall annually appoint between one and 3 cadet
13 classes with a goal of a minimum of 75 cadets per class. The
14 appointments shall continue until the Department's total sworn
15 headcount meets or exceeds 2,500 sworn State Police officers.
16 The headcount goal of the Director shall be to maintain a total
17 minimum headcount of 2,500 sworn State Police officers.

18 Section 15. The Illinois Vehicle Code is amended by
19 changing Sections 3-704 and 11-605.1 as follows:

20 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

21 Sec. 3-704. Authority of Secretary of State to suspend or
22 revoke a registration or certificate of title; authority to
23 suspend or revoke the registration of a vehicle.

1 (a) The Secretary of State may suspend or revoke the
2 registration of a vehicle or a certificate of title,
3 registration card, registration sticker, registration plate,
4 disability parking decal or device, or any nonresident or other
5 permit in any of the following events:

6 1. When the Secretary of State is satisfied that such
7 registration or that such certificate, card, plate,
8 registration sticker or permit was fraudulently or
9 erroneously issued;

10 2. When a registered vehicle has been dismantled or
11 wrecked or is not properly equipped;

12 3. When the Secretary of State determines that any
13 required fees have not been paid to the Secretary of State,
14 to the Illinois Commerce Commission, or to the Illinois
15 Department of Revenue under the Motor Fuel Tax Law, and the
16 same are not paid upon reasonable notice and demand;

17 4. When a registration card, registration plate,
18 registration sticker or permit is knowingly displayed upon
19 a vehicle other than the one for which issued;

20 5. When the Secretary of State determines that the
21 owner has committed any offense under this Chapter
22 involving the registration or the certificate, card,
23 plate, registration sticker or permit to be suspended or
24 revoked;

25 6. When the Secretary of State determines that a
26 vehicle registered not-for-hire is used or operated

1 for-hire unlawfully, or used or operated for purposes other
2 than those authorized;

3 7. When the Secretary of State determines that an owner
4 of a for-hire motor vehicle has failed to give proof of
5 financial responsibility as required by this Act;

6 8. When the Secretary determines that the vehicle is
7 not subject to or eligible for a registration;

8 9. When the Secretary determines that the owner of a
9 vehicle registered under the mileage weight tax option
10 fails to maintain the records specified by law, or fails to
11 file the reports required by law, or that such vehicle is
12 not equipped with an operable and operating speedometer or
13 odometer;

14 10. When the Secretary of State is so authorized under
15 any other provision of law;

16 11. When the Secretary of State determines that the
17 holder of a disability parking decal or device has
18 committed any offense under Chapter 11 of this Code
19 involving the use of a disability parking decal or device.

20 (a-5) The Secretary of State may revoke a certificate of
21 title and registration card and issue a corrected certificate
22 of title and registration card, at no fee to the vehicle owner
23 or lienholder, if there is proof that the vehicle
24 identification number is erroneously shown on the original
25 certificate of title.

26 (b) The Secretary of State may suspend or revoke the

1 registration of a vehicle as follows:

2 1. When the Secretary of State determines that the
3 owner of a vehicle has not paid a civil penalty or a
4 settlement agreement arising from the violation of rules
5 adopted under the Illinois Motor Carrier Safety Law or the
6 Illinois Hazardous Materials Transportation Act or that a
7 vehicle, regardless of ownership, was the subject of
8 violations of these rules that resulted in a civil penalty
9 or settlement agreement which remains unpaid.

10 2. When the Secretary of State determines that a
11 vehicle registered for a gross weight of more than 16,000
12 pounds within an affected area is not in compliance with
13 the provisions of Section 13-109.1 of the Illinois Vehicle
14 Code.

15 3. When the Secretary of State is notified by the
16 United States Department of Transportation that a vehicle
17 is in violation of the Federal Motor Carrier Safety
18 Regulations, as they are now or hereafter amended, and is
19 prohibited from operating.

20 (c) The Secretary of State may suspend the registration of
21 a vehicle when a court finds that the vehicle was used in a
22 violation of Section 24-3A of the Criminal Code of 1961 or the
23 Criminal Code of 2012 relating to gunrunning. A suspension of
24 registration under this subsection (c) may be for a period of
25 up to 90 days.

26 (d) The Secretary of State shall not renew the registration

1 of a vehicle when the Illinois Commerce Commission finds that
2 the registered owner of a vehicle used in violation of the
3 Automated Traffic Control Systems in Highway Construction or
4 Maintenance Zones Act: (1) has failed to pay any penalty due
5 and owing as a result of 3 violations under the Automated
6 Traffic Control Systems in Highway Construction or Maintenance
7 Zones Act; or (2) is more than 30 calendar days in default of a
8 payment plan. The Illinois Commerce Commission and the
9 Secretary of State shall adopt rules to implement this
10 subsection (d).

11 (Source: P.A. 97-540, eff. 1-1-12; 97-1150, eff. 1-25-13.)

12 (625 ILCS 5/11-605.1)

13 Sec. 11-605.1. Special limit while traveling through a
14 highway construction or maintenance speed zone.

15 (a) A person may not operate a motor vehicle in a
16 construction or maintenance speed zone at a speed in excess of
17 the posted speed limit when workers are present.

18 (a-5) A person may not operate a motor vehicle in a
19 construction or maintenance speed zone at a speed in excess of
20 the posted speed limit when workers are not present.

21 (b) Nothing in this Chapter prohibits the use of electronic
22 speed-detecting devices within 500 feet of signs within a
23 construction or maintenance speed zone as defined by the
24 Automated Traffic Control Systems in Highway Construction or
25 Maintenance Zones Act. A violation incurred by use of

1 electronic speed-detecting devices shall not constitute a
2 first or subsequent violation of this Section for purposes of
3 finer or driver's license suspensions indicating the zone, as
4 defined in this Section, nor shall evidence obtained by use of
5 those devices be inadmissible in any prosecution for speeding,
6 provided the use of the device shall apply only to the
7 enforcement of the speed limit in the construction or
8 maintenance speed zone.

9 (c) As used in this Section, a "construction or maintenance
10 speed zone" is an area in which the Department, Toll Highway
11 Authority, or local agency has posted signage advising drivers
12 that a construction or maintenance speed zone is being
13 approached, or in which the Department, Authority, or local
14 agency is preparing for construction or maintenance of the
15 road, conducting construction or maintenance of the road, or
16 removing construction or maintenance equipment and materials
17 from the road, and has posted a lower speed limit with a
18 highway construction or maintenance speed zone special speed
19 limit sign after determining that the preexisting established
20 speed limit through a highway construction or maintenance
21 project is greater than is reasonable or safe with respect to
22 the conditions expected to exist in the construction or
23 maintenance speed zone.

24 If it is determined that the preexisting established speed
25 limit is safe with respect to the conditions expected to exist
26 in the construction or maintenance speed zone, additional speed

1 limit signs which conform to the requirements of this
2 subsection (c) shall be posted.

3 Highway construction or maintenance speed zone special
4 speed limit signs shall be of a design approved by the
5 Department. The signs must give proper due warning that a
6 construction or maintenance speed zone is being approached and
7 must indicate the maximum speed limit in effect. The signs also
8 must state the amount of the potential fines ~~minimum fine~~ for a
9 violation or automated violation.

10 (d) Except as provided under subsection (d-5), a person who
11 violates this Section is guilty of a petty offense. Violations
12 of this Section are punishable with a minimum fine of \$250 for
13 the first violation and a minimum fine of \$750 for the second
14 or subsequent violation.

15 (d-5) A person committing a violation of this Section is
16 guilty of aggravated special speed limit while traveling
17 through a highway construction or maintenance speed zone when
18 he or she drives a motor vehicle at a speed that is:

19 (1) 26 miles per hour or more but less than 35 miles
20 per hour in excess of the applicable special speed limit
21 established under this Section or a similar provision of a
22 local ordinance and is guilty of a Class B misdemeanor; or

23 (2) 35 miles per hour or more in excess of the
24 applicable special speed limit established under this
25 Section or a similar provision of a local ordinance and is
26 guilty of a Class A misdemeanor.

1 (e) If a fine for a violation of this Section is \$250 or
2 greater, the person who violated this Section shall be charged
3 an additional \$125, which shall be deposited into the
4 Transportation Safety Highway Hire-back Fund in the State
5 treasury, unless (i) the violation occurred on a highway other
6 than an interstate highway and (ii) a county police officer
7 wrote the ticket for the violation, in which case the \$125
8 shall be deposited into that county's Transportation Safety
9 Highway Hire-back Fund. In the case of a second or subsequent
10 violation of this Section, if the fine is \$750 or greater, the
11 person who violated this Section shall be charged an additional
12 \$250, which shall be deposited into the Transportation Safety
13 Highway Hire-back Fund in the State treasury, unless (i) the
14 violation occurred on a highway other than an interstate
15 highway and (ii) a county police officer wrote the ticket for
16 the violation, in which case the \$250 shall be deposited into
17 that county's Transportation Safety Highway Hire-back Fund.

18 (e-5) The Department of State Police and the local county
19 police department have concurrent jurisdiction over any
20 violation of this Section that occurs on an interstate highway.

21 (f) The Transportation Safety Highway Hire-back Fund,
22 which was created by Public Act 92-619, shall continue to be a
23 special fund in the State treasury. Subject to appropriation by
24 the General Assembly and approval by the Secretary, the
25 Secretary of Transportation shall use all moneys in the
26 Transportation Safety Highway Hire-back Fund to hire off-duty

1 Department of State Police officers to monitor construction or
2 maintenance zones, and to provide additional policing as
3 determined by the Director of State Police, in coordination
4 with the Secretary of Transportation, including State Police
5 cadet training.

6 (f-5) Each county shall create a Transportation Safety
7 Highway Hire-back Fund. The county shall use the moneys in its
8 Transportation Safety Highway Hire-back Fund to hire off-duty
9 county police officers to monitor construction or maintenance
10 zones in that county on highways other than interstate
11 highways, and to provide additional policing as determined by
12 the sheriff. The county, in its discretion, may also use a
13 portion of the moneys in its Transportation Safety Highway
14 Hire-back Fund to purchase equipment for county law enforcement
15 and fund the production of materials to educate drivers on
16 construction zone safe driving habits.

17 (f-10) Each local agency operating an automated control
18 system under the Automated Traffic Control Systems in Highway
19 Construction or Maintenance Zones Act may create a
20 Transportation Safety Highway Hire-back Fund to hire off-duty
21 law enforcement officers to monitor construction or
22 maintenance zones within that agency's jurisdiction and
23 provide additional policing within that agency's jurisdiction.

24 (g) For a second or subsequent violation of this Section
25 within 2 years of the date of the previous violation, the
26 Secretary of State shall suspend the driver's license of the

1 violator for a period of 90 days. This suspension shall only be
2 imposed if the current violation of this Section and at least
3 one prior violation of this Section occurred during a period
4 when workers were present in the construction or maintenance
5 zone.

6 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,
7 eff. 1-1-16; 99-642, eff. 7-28-16.)

8 Section 20. The Automated Traffic Control Systems in
9 Highway Construction or Maintenance Zones Act is amended by
10 changing Sections 10, 15, 20, 25, 30, 35, and 40 as follows:

11 (625 ILCS 7/10)

12 Sec. 10. Establishment of automated traffic control
13 systems. The Department of State Police or local agency with
14 jurisdiction may establish and enforce an automated traffic
15 control system in any construction or maintenance zone
16 established by the Department of Transportation, ~~or the~~
17 Illinois State Toll Highway Authority, or a local agency with
18 jurisdiction. The Department of State Police may enforce an
19 automated traffic control system in any construction or
20 maintenance zone established by a local agency with
21 jurisdiction. The Department of State Police shall cease
22 automated enforcement operations if the municipal chief of
23 police with jurisdiction makes a written request to the
24 Department of State Police. The Department of State Police

1 shall cease automated enforcement operations in any
2 unincorporated area of the county if the county sheriff with
3 jurisdiction makes a written request to the Department of State
4 Police. The Department of State Police or local agency shall
5 operate a technically advanced system in terms of image or
6 video recording capabilities in combination with vehicle
7 detection sensors. No automated traffic control system shall be
8 established or operated under this Section unless approved by
9 the Secretary of Transportation. The Department of State Police
10 and the Department of Transportation shall create rules for the
11 establishment, compatibility, operation, transmission of data,
12 and enforcement of an automated traffic control system under
13 this Act. The Department of State Police shall review and send
14 notice of any violation of this Act. The Department of State
15 Police shall be responsible for entering into contracts with
16 vendors for the establishment, maintenance, and operation of
17 the automated traffic control system. All contracts shall be
18 paid from the penalties collected under this Act before any
19 other funds are distributed. A local agency with jurisdiction
20 seeking to utilize an automated traffic control system shall
21 enter into an intergovernmental agreement with the Department
22 of State Police to sub-lease the equipment. The Department of
23 State Police shall review all the evidence of potential
24 violations, make violation determinations, and send out all
25 notices of violations. An automated traffic control system may
26 operate only during those periods when workers are present in

1 ~~the construction or maintenance zone. In any prosecution based~~
2 ~~upon evidence obtained through an automated traffic control~~
3 ~~system established under this Act, the State must prove that~~
4 ~~one or more workers were present in the construction or~~
5 ~~maintenance zone when the violation occurred.~~

6 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
7 94-814, eff. 1-1-07.)

8 (625 ILCS 7/15)

9 Sec. 15. Definitions. As used in this Act:

10 ~~(a)~~ "Automated traffic control system" means any system
11 with image or video recording capabilities in combination with
12 vehicle detection sensors that accurately measures a vehicle's
13 speed while recording a clear image or video of the vehicle and
14 the vehicle's front and rear registration plates while the
15 driver is violating Section 20 of this Act. Each system shall
16 also attempt to capture the image of the face of the driver to
17 assist the owners of the vehicle in identifying the person
18 driving the vehicle at the time of the violation. The image of
19 the face of the driver is not necessary for the issuance of a
20 Notice of Violation under Section 30 of this Act. ~~a~~
21 ~~photographic device, radar device, laser device, or other~~
22 ~~electrical or mechanical device or devices designed to record~~
23 ~~the speed of a vehicle and obtain a clear photograph or other~~
24 ~~recorded image of the vehicle, the vehicle operator, and the~~
25 ~~vehicle's registration plate while the driver is violating~~

1 ~~Section 11-605.1 of the Illinois Vehicle Code. The photograph~~
2 ~~or other recorded image must also display the time, date, and~~
3 ~~location of the violation. A law enforcement officer is not~~
4 ~~required to be present or to witness the violation.~~

5 ~~(b)~~ "Construction or maintenance zone" means an area in
6 which the Department of Transportation, ~~or the~~ Illinois State
7 Toll Highway Authority, or local agency with jurisdiction is
8 preparing for construction or maintenance of the road,
9 conducting construction or maintenance of the road, or removing
10 construction or maintenance equipment and materials from the
11 road, and has determined that the preexisting established speed
12 limit through a highway construction or maintenance project is
13 greater than is reasonable or safe with respect to the
14 conditions expected to exist in the construction or maintenance
15 zone and has posted a lower speed limit with a highway
16 construction or maintenance zone special speed limit sign in
17 accordance with Section 11-605.1 of the Illinois Vehicle Code.
18 Unless a road or highway remains in an unsafe or hazardous
19 condition, including, but not limited to, lane closures,
20 traffic alterations, or other alterations impacting normal
21 driving conditions, no automated enforcement shall occur in a
22 construction or maintenance zone if construction work has not
23 occurred in the previous 48 hours or more.

24 "Local agency with jurisdiction" means the municipality or
25 county establishing a construction or maintenance zone under
26 this Act. Local agency enforcement is limited to all or any

1 portion of a State highway or road where speed limits exceed 45
2 miles per hour before establishment of a construction or
3 maintenance zone. Local agency enforcement for a county is
4 limited to an unincorporated area of the county.

5 ~~(e)~~ "Owner" means the person or entity to whom the vehicle
6 is registered.

7 (Source: P.A. 93-947, eff. 8-19-04.)

8 (625 ILCS 7/20)

9 Sec. 20. Civil violation; penalties; vehicle registration
10 non-renewal Penalties.

11 (a) A motor vehicle may not operate in a construction or
12 maintenance zone at a speed in excess of the posted speed
13 limit. The registered owner of a motor vehicle operated in
14 violation of this Section when the violation is recorded by an
15 automated traffic control system shall be subject to the
16 following penalties:

17 (1) if the recorded speed is less than 10 miles per
18 hour over the posted speed limit, a civil penalty may not
19 be imposed under this Act; however, the Department of State
20 Police may send a speed violation warning notice to the
21 registered owner of the vehicle, in the same manner that a
22 Notice of Violation is sent under this Act;

23 (2) if the recorded speed is at least 10 miles per hour
24 but less than 20 miles per hour over the posted speed
25 limit, a civil penalty of \$50 is imposed, and if the

1 penalty is not paid in a timely manner an additional
2 penalty of \$50 is imposed; or

3 (3) if the recorded speed is 20 miles per hour or more
4 over the posted speed limit, a civil penalty of \$100 is
5 imposed, and if the penalty is not paid in a timely manner
6 an additional penalty of \$100 is imposed.

7 (b) A violation of this Section is a civil penalty, and not
8 a violation of a traffic regulation governing the movement of
9 vehicles and may not be recorded on the driving record of the
10 owner of the vehicle.

11 (c) In addition to the penalties imposed under this
12 Section, the Secretary of State shall not renew the vehicle
13 registration of the registered owner of a vehicle operated in
14 violation of this Section, if the Illinois Commerce Commission
15 finds that the owner: (1) has failed to pay any penalty due and
16 owing as a result of 3 violations of this Section; or (2) is
17 more than 30 calendar days in default of a payment plan. The
18 Illinois Commerce Commission and the Secretary of State shall
19 adopt rules to implement this Section.

20 (d) Forty percent of the penalties collected under an
21 automated traffic control system established by a local agency
22 that enters into an intergovernmental agreement with the
23 Department of State Police shall be deposited as follows: 20%
24 into the Traffic and Criminal Conviction Surcharge Fund for use
25 in law enforcement training and 20% into the State Police
26 Operations Assistance Fund.

1 (d-5) Forty percent of the penalties collected under an
2 automated traffic control system established by the Department
3 of State Police, the Department of Transportation, or the
4 Illinois State Toll Highway Authority, shall be deposited into
5 the State Police Merit Board Public Safety Fund for
6 distribution under Section 7.2 of the State Police Act.

7 (e) Ten percent of the penalties collected under an
8 automated traffic control system established by the Department
9 of State Police, the Department of Transportation, or the
10 Illinois State Toll Highway Authority, shall be deposited into
11 the State Transportation Safety Highway Hire-back Fund. All
12 moneys deposited into the State Transportation Safety Highway
13 Hire-back Fund from funds collected under an automated traffic
14 control system established by the Illinois State Toll Highway
15 Authority shall be used exclusively for policing expenditures
16 on State tollways. Ten percent of the penalties collected under
17 an automated traffic control system established by a local
18 agency with jurisdiction shall be deposited as follows: 5% into
19 the Transportation Safety Highway Hire-back Fund of the local
20 agency with jurisdiction, if a fund exists, and 5% into the
21 State Transportation Safety Highway Hire-back Fund. If the
22 local agency with jurisdiction does not have a Transportation
23 Safety Highway Hire-back Fund, then 10% of the penalties
24 collected under an automated traffic control system
25 established by a local agency with jurisdiction shall be
26 deposited into the State Transportation Safety Highway

1 Hire-back Fund. The funds deposited into the State
2 Transportation Safety Highway Hire-back Fund or the
3 Transportation Safety Highway Hire-back Fund of the local
4 agency with jurisdiction under this subsection (e) shall be
5 used to hire off-duty Department of State Police or local
6 agency officers to monitor construction or maintenance zones
7 and provide for additional policing. The Department of State
8 Police may recover, and deposit into the State Police
9 Operations Assistance Fund, enforcement and administrative
10 costs from enforcement penalties collected under this Act, but
11 the amount collected shall not exceed 20% of the total
12 penalties collected under this Act. A local agency with
13 jurisdiction may establish a Safety Highway Hire-back Fund to
14 receive revenues under this Section. The Department of State
15 Police shall adopt rules to implement this subsection (e).

16 (e-5) Twenty percent of the penalties collected under an
17 automated traffic control system shall be deposited into the
18 Road Fund and used exclusively for driver education or work
19 zone safety awareness; or into the State Transportation
20 Hire-back Fund and used exclusively for roads and highways
21 under the jurisdiction of the Department of Transportation.

22 (e-7) Ten percent of all penalties collected under this Act
23 shall be deposited into the Transportation Regulatory Fund and
24 may be used by the Illinois Commerce Commission for
25 administrative, enforcement, and adjudicatory purposes.

26 (f) The Department of State Police and the Department of

1 Transportation shall jointly conduct an annual statistical
2 analysis to assess the safety impact of the system. The
3 statistical analysis shall be based upon the best available
4 crash, traffic, and other data, and shall cover a period of
5 time before and after the installation of the system sufficient
6 to provide a statistically valid comparison of the safety
7 impact. The statistical analysis required by this subsection
8 (f) shall be made available to the public and shall be
9 published on the websites of the Department of State Police and
10 the Department of Transportation.

11 (g) The Illinois Commerce Commission and Department of
12 State Police shall adopt rules for collection of penalties,
13 conduct of administrative proceedings, and other rules
14 necessary to implement this Act. The rules adopted must allow
15 for a 60-day period to pay a penalty or challenge each attested
16 Notice of Violation.

17 ~~The penalties for and consequences of a traffic violation~~
18 ~~recorded by an automated traffic control system are the same as~~
19 ~~for any similar violation of the Illinois Vehicle Code.~~

20 (Source: P.A. 93-947, eff. 8-19-04.)

21 (625 ILCS 7/25)

22 Sec. 25. Limitations on the use of automated traffic
23 control ~~enforcement~~ systems.

24 (a) The Department of State Police or local agency with
25 jurisdiction must conduct a public information campaign to

1 inform drivers about the use of automated traffic control
2 systems in highway construction or maintenance zones,
3 including but not limited to speed restrictions under Sections
4 11-601.5 and 11-605.1 of the Illinois Vehicle Code and
5 penalties for injuring or killing a worker in a highway
6 construction or maintenance zone under Section 11-908 of the
7 Illinois Vehicle Code before establishing any of those systems.
8 The Department of State Police shall adopt rules for
9 implementing this subsection (a).

10 (b) Signs indicating that speeds are enforced by automated
11 traffic control systems must be clearly and conspicuously
12 posted not more than 500 feet before a construction or
13 maintenance zone and not more than 500 feet before an automated
14 traffic control system. Signs indicating the end of a
15 construction or maintenance zone utilizing an automated
16 traffic control system must be clearly and conspicuously posted
17 ~~in the areas where the systems are in use.~~

18 (c) Operation of automated traffic control systems is
19 limited to established ~~areas where~~ road construction or
20 maintenance zones ~~is occurring.~~

21 (d) Photographs or other recorded images obtained in this
22 manner may only be used as evidence in relation to a violation
23 of this Act or Section 11-605.1 of the Illinois Vehicle Code
24 ~~for which the photograph is taken.~~ For the purposes of this
25 Act, the ~~The~~ photographs or other recorded images are available
26 only to the owner of the vehicle, the driver of the vehicle,

1 the lessee of the vehicle, the offender and the offender's
2 attorney of the owner or driver or lessee, hearing officer,
3 relevant Secretary of State or Illinois Commerce Commission
4 personnel ~~the judiciary, the local State's Attorney,~~ and law
5 enforcement officials.

6 (e) (Blank). ~~If the driver of the vehicle cannot be~~
7 ~~identified through the photograph, the owner is not liable for~~
8 ~~the fine, and the citation may not be counted against the~~
9 ~~driving record of the owner. If the driver can be identified,~~
10 ~~the driver is liable for the fine, and the violation is counted~~
11 ~~against his or her driving record.~~

12 (Source: P.A. 93-947, eff. 8-19-04.)

13 (625 ILCS 7/30)

14 Sec. 30. Requirements for issuance of a Notice of Violation
15 citation.

16 (a) The vehicle, ~~vehicle operator,~~ vehicle registration
17 plate, speed, date, time, and location must be clearly visible
18 on the photograph or other recorded image of the alleged
19 violation. The Department of State Police must review and
20 approve the photograph or other recorded image for compliance
21 with this subsection. The Department of State Police shall
22 adopt rules for: (1) coordination of enforcement efforts with
23 State agencies, local agencies with jurisdiction, the Illinois
24 Commerce Commission, and the Secretary of State; (2) notices to
25 motorists; and (3) review and approval of photographs or other

1 recorded images from automated traffic control systems
2 established by the Department or a local agency with
3 jurisdiction. The rules may provide that the review and
4 approval of the photograph or other recorded image under this
5 subsection may be conducted by a Department employee other than
6 a sworn law enforcement officer.

7 (b) A Notice of Violation ~~Uniform Traffic Citation~~ must be
8 mailed by first class United States mail with postage prepaid
9 ~~or otherwise delivered~~ to the registered owner of the vehicle ~~.-~~
10 ~~If mailed, the citation must be sent via certified mail within~~
11 14 business days of the alleged violation, ~~return receipt~~
12 ~~requested.~~

13 (c) The Notice of Violation ~~Uniform Traffic Citation~~ must
14 include:

15 (1) the name and address of the vehicle owner;

16 (2) the registration number of the vehicle;

17 (3) the violation ~~offense~~ charged;

18 (4) the time, date, and location of the violation;

19 (5) (blank) ~~the first available court date; and~~

20 (6) notice that the basis of the violation ~~citation~~ is
21 the photograph or recorded image from the automated traffic
22 control system; ~~.-~~

23 (7) a copy of the recorded image or images and a
24 statement that the violation occurred in a construction or
25 maintenance zone, as defined by Section 15 of this Act;

26 (8) the amount of the civil penalty imposed and the

1 date by which the civil penalty should be paid;

2 (9) a statement that recorded images are evidence of a
3 violation of a speed restriction;

4 (10) a warning that failure to pay the civil penalty in
5 a timely manner is an admission of liability and may result
6 in the non-renewal of the vehicle registration of the owner
7 of the vehicle;

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

10 (A) paying the fine;

11 (B) challenging the charge by mail or by
12 administrative hearing; or

13 (C) challenging the charge by any administrative
14 rule adopted by the Illinois Commerce Commission under
15 this Act; and

16 (12) a website address where the owner may view the
17 recorded images of the violation.

18 (d) The Notice of Violation ~~Uniform Traffic Citation~~ issued
19 to the owner ~~violation~~ must be a single sheet. ~~accompanied by a~~
20 ~~written document that lists the violator's rights and~~
21 ~~obligations and explains how the violator can elect to proceed~~
22 ~~by either paying the fine or challenging the issuance of the~~
23 The written document must also include on the backside of the
24 sheet information on penalties for injuring or killing a worker
25 in a highway construction or maintenance zone ~~Uniform Traffic~~
26 ~~Citation.~~

1 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
2 94-814, eff. 1-1-07.)

3 (625 ILCS 7/35)

4 Sec. 35. Response to issuance of a Notice of Violation
5 citation.

6 (a) If a ~~A~~ person issued a Notice of Violation citation
7 under this Act (1) has failed to pay any penalty due and owing
8 as a result of 3 violations under the Automated Traffic Control
9 Systems in Highway Construction or Maintenance Zones Act; or
10 (2) is more than 30 calendar days in default of a payment plan,
11 the Secretary of State shall not renew the registration of the
12 owner of the vehicle. The Secretary of State shall adopt rules
13 to implement this Section ~~may respond to the citation in person~~
14 ~~or by any method allowed by law.~~

15 (b) (Blank). ~~If the driver of the vehicle cannot be~~
16 ~~identified through the photograph or other recorded image, the~~
17 ~~owner is not liable for the fine.~~

18 (c) The Illinois Commerce Commission shall establish an
19 administrative process to carry out this Section and shall
20 adopt rules to allow for coordination with the Department of
21 State Police, the Secretary of State, other State agencies, and
22 local agencies with jurisdiction to enforce this Section. The
23 rules adopted shall not allow for less than 60 days for a
24 vehicle owner to either pay the violation or challenge the
25 violation by mail, administrative hearing, or any other

1 procedure established by rule. The rules shall provide a
2 process by which a vehicle owner may transfer liability for a
3 violation under this Act to the driver of the owner's vehicle
4 and a process by which a lessor may transfer liability for a
5 violation under this Act to the lessee of the lessor's vehicle.

6 (d) In an administrative proceeding challenging the
7 violation, the hearing officer may consider in defense of a
8 violation:

9 (1) that the motor vehicle or registration plate of the
10 motor vehicle were stolen before the violation occurred and
11 were not under the control of or in the possession of the
12 owner at the time of the violation;

13 (2) that the driver or owner of the motor vehicle
14 received a Uniform Traffic Citation from a law enforcement
15 officer for a speed violation occurring within one-eighth
16 of a mile and within 15 minutes of the violation recorded
17 by the automated traffic control system;

18 (3) that the owner or lessor of the vehicle has
19 transferred liability to the driver;

20 (4) that clear and conspicuous signs were not displayed
21 at the construction or maintenance zone;

22 (5) that the Department of Transportation, Illinois
23 State Toll Highway Authority, or local agency with
24 jurisdiction did not properly establish a construction or
25 maintenance zone as defined under Section 15 of this Act;
26 or

1 (6) any other evidence or issues allowed by
2 administrative rule adopted under this Act.

3 (Source: P.A. 93-947, eff. 8-19-04.)

4 (625 ILCS 7/40)

5 Sec. 40. Admissibility of recorded images. ~~Any Except as~~
6 ~~provided in Section 45, any~~ photograph or other recorded image
7 evidencing a violation of this Act or Section 11-605.1 of the
8 Illinois Vehicle Code is admissible in any proceeding resulting
9 from the issuance of the Notice of Violation under this Act or
10 Uniform Traffic Citation under Section 11-605.1 of the Illinois
11 Vehicle Code. For the purposes of this Act, photographs
12 ~~Photographs~~ or other recorded images made by an automated
13 ~~automatic~~ traffic control system are confidential and shall be
14 made available only to those persons provided for under
15 subsection (d) of Section 25 of this Act ~~the defendant and to~~
16 ~~governmental or law enforcement agencies within the~~
17 ~~jurisdiction~~ for the purposes of adjudicating a ~~driving~~
18 violation.

19 (Source: P.A. 93-947, eff. 8-19-04.)

20 (625 ILCS 7/45 rep.)

21 Section 25. The Automated Traffic Control Systems in
22 Highway Construction or Maintenance Zones Act is amended by
23 repealing Section 45.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 100/5-45 from Ch. 127, par. 1005-45

4 20 ILCS 2610/7.2

5 20 ILCS 2610/7.5 new

6 625 ILCS 5/3-704 from Ch. 95 1/2, par. 3-704

7 625 ILCS 5/11-605.1

8 625 ILCS 7/10

9 625 ILCS 7/15

10 625 ILCS 7/20

11 625 ILCS 7/25

12 625 ILCS 7/30

13 625 ILCS 7/35

14 625 ILCS 7/40

15 625 ILCS 7/45 rep.