



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 691

2 AMENDMENT NO. _____. Amend Senate Bill 691 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Police Act is amended by adding
5 Section 7.5 as follows:

6 (20 ILCS 2610/7.5 new)

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

15 Section 10. The Illinois Vehicle Code is amended by

1 changing Sections 3-704 and 11-605.1 as follows:

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

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

6 (a) The Secretary of State may suspend or revoke the
7 registration of a vehicle or a certificate of title,
8 registration card, registration sticker, registration plate,
9 disability parking decal or device, or any nonresident or other
10 permit in any of the following events:

11 1. When the Secretary of State is satisfied that such
12 registration or that such certificate, card, plate,
13 registration sticker or permit was fraudulently or
14 erroneously issued;

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

17 3. When the Secretary of State determines that any
18 required fees have not been paid to the Secretary of State,
19 to the Illinois Commerce Commission, or to the Illinois
20 Department of Revenue under the Motor Fuel Tax Law, and the
21 same are not paid upon reasonable notice and demand;

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

25 5. When the Secretary of State determines that the

1 owner has committed any offense under this Chapter
2 involving the registration or the certificate, card,
3 plate, registration sticker or permit to be suspended or
4 revoked;

5 6. When the Secretary of State determines that a
6 vehicle registered not-for-hire is used or operated
7 for-hire unlawfully, or used or operated for purposes other
8 than those authorized;

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

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

14 9. When the Secretary determines that the owner of a
15 vehicle registered under the mileage weight tax option
16 fails to maintain the records specified by law, or fails to
17 file the reports required by law, or that such vehicle is
18 not equipped with an operable and operating speedometer or
19 odometer;

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

22 11. When the Secretary of State determines that the
23 holder of a disability parking decal or device has
24 committed any offense under Chapter 11 of this Code
25 involving the use of a disability parking decal or device.

26 (a-5) The Secretary of State may revoke a certificate of

1 title and registration card and issue a corrected certificate
2 of title and registration card, at no fee to the vehicle owner
3 or lienholder, if there is proof that the vehicle
4 identification number is erroneously shown on the original
5 certificate of title.

6 (b) The Secretary of State may suspend or revoke the
7 registration of a vehicle as follows:

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

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

21 3. When the Secretary of State is notified by the
22 United States Department of Transportation that a vehicle
23 is in violation of the Federal Motor Carrier Safety
24 Regulations, as they are now or hereafter amended, and is
25 prohibited from operating.

26 (c) The Secretary of State may suspend the registration of

1 a vehicle when a court finds that the vehicle was used in a
2 violation of Section 24-3A of the Criminal Code of 1961 or the
3 Criminal Code of 2012 relating to gunrunning. A suspension of
4 registration under this subsection (c) may be for a period of
5 up to 90 days.

6 (d) The Secretary of State shall not renew the registration
7 of a vehicle when the Secretary finds that the registered owner
8 of a vehicle used in violation of the Automated Traffic Control
9 Systems in Highway Construction or Maintenance Zones Act: (1)
10 has failed to pay any penalty due and owing as a result of 3
11 violations under the Automated Traffic Control Systems in
12 Highway Construction or Maintenance Zones Act; or (2) is more
13 than 30 calendar days in default of a payment plan. The
14 Secretary of State shall adopt rules to implement this
15 subsection (d).

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

17 (625 ILCS 5/11-605.1)

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

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

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

1 (b) Nothing in this Chapter prohibits the use of electronic
2 speed-detecting devices within 500 feet of signs within a
3 construction or maintenance speed zone as defined by the
4 Automated Traffic Control Systems in Highway Construction or
5 Maintenance Zones Act. A violation incurred by use of
6 electronic speed-detecting devices shall not constitute a
7 first or subsequent violation of this Section for purposes of
8 fining or driver's license suspensions ~~indicating the zone, as~~
9 ~~defined in this Section, nor shall evidence obtained by use of~~
10 ~~those devices be inadmissible in any prosecution for speeding,~~
11 ~~provided the use of the device shall apply only to the~~
12 ~~enforcement of the speed limit in the construction or~~
13 ~~maintenance speed zone.~~

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

1 the conditions expected to exist in the construction or
2 maintenance speed zone.

3 If it is determined that the preexisting established speed
4 limit is safe with respect to the conditions expected to exist
5 in the construction or maintenance speed zone, additional speed
6 limit signs which conform to the requirements of this
7 subsection (c) shall be posted.

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

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

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

24 (1) 26 miles per hour or more but less than 35 miles
25 per hour in excess of the applicable special speed limit
26 established under this Section or a similar provision of a

1 local ordinance and is guilty of a Class B misdemeanor; or

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

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

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

26 (f) The Transportation Safety Highway Hire-back Fund,

1 which was created by Public Act 92-619, shall continue to be a
2 special fund in the State treasury. Subject to appropriation by
3 the General Assembly and approval by the Secretary, the
4 Secretary of Transportation shall use all moneys in the
5 Transportation Safety Highway Hire-back Fund to hire off-duty
6 Department of State Police officers to monitor construction or
7 maintenance zones, and to provide additional policing as
8 determined by the Director of State Police, in coordination
9 with the Secretary of Transportation, including State Police
10 cadet training.

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

22 (f-10) Each local agency operating an automated control
23 system under the Automated Traffic Control Systems in Highway
24 Construction or Maintenance Zones Act may create a
25 Transportation Safety Highway Hire-back Fund to hire off-duty
26 law enforcement officers to monitor construction or

1 maintenance zones within that agency's jurisdiction and
2 provide additional policing within that agency's jurisdiction.

3 (g) For a second or subsequent violation of this Section
4 within 2 years of the date of the previous violation, the
5 Secretary of State shall suspend the driver's license of the
6 violator for a period of 90 days. This suspension shall only be
7 imposed if the current violation of this Section and at least
8 one prior violation of this Section occurred during a period
9 when workers were present in the construction or maintenance
10 zone.

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

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

16 (625 ILCS 7/10)

17 Sec. 10. Establishment of automated traffic control
18 systems. The Department of State Police or local agency with
19 jurisdiction may establish and enforce an automated traffic
20 control system in any construction or maintenance zone
21 established by the Department of Transportation, ~~or the~~
22 Illinois State Toll Highway Authority, or a local agency with
23 jurisdiction. The Department of State Police may enforce an
24 automated traffic control system in any construction or

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

1 of State Police to sub-lease the equipment. The Department of
2 State Police shall review all the evidence of potential
3 violations, make violation determinations, and send out all
4 notices of violations. ~~An automated traffic control system may~~
5 ~~operate only during those periods when workers are present in~~
6 ~~the construction or maintenance zone. In any prosecution based~~
7 ~~upon evidence obtained through an automated traffic control~~
8 ~~system established under this Act, the State must prove that~~
9 ~~one or more workers were present in the construction or~~
10 ~~maintenance zone when the violation occurred.~~

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

13 (625 ILCS 7/15)

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

15 ~~(a)~~ "Automated traffic control system" means any system
16 with image or video recording capabilities in combination with
17 vehicle detection sensors that accurately measures a vehicle's
18 speed while recording a clear image or video of the vehicle and
19 the vehicle's front and rear registration plates while the
20 driver is violating Section 20 of this Act. Each system shall
21 also attempt to capture the image of the face of the driver to
22 assist the owners of the vehicle in identifying the person
23 driving the vehicle at the time of the violation. The image of
24 the face of the driver is not necessary for the issuance of a
25 Notice of Violation under Section 30 of this Act. a

1 ~~photographic device, radar device, laser device, or other~~
2 ~~electrical or mechanical device or devices designed to record~~
3 ~~the speed of a vehicle and obtain a clear photograph or other~~
4 ~~recorded image of the vehicle, the vehicle operator, and the~~
5 ~~vehicle's registration plate while the driver is violating~~
6 ~~Section 11-605.1 of the Illinois Vehicle Code. The photograph~~
7 ~~or other recorded image must also display the time, date, and~~
8 ~~location of the violation. A law enforcement officer is not~~
9 ~~required to be present or to witness the violation.~~

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

1 construction or maintenance zone if construction work has not
2 occurred in the previous 48 hours or more.

3 "Local agency with jurisdiction" means the municipality or
4 county establishing a construction or maintenance zone under
5 this Act. Local agency enforcement is limited to all or any
6 portion of a State highway or road where speed limits exceed 45
7 miles per hour before establishment of a construction or
8 maintenance zone. Local agency enforcement for a county is
9 limited to an unincorporated area of the county.

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

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

13 (625 ILCS 7/20)

14 Sec. 20. Civil violation; penalties; vehicle registration
15 non-renewal Penalties.

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

22 (1) if the recorded speed is less than 10 miles per
23 hour over the posted speed limit, a civil penalty may not
24 be imposed under this Act; however, the Department of State
25 Police may send a speed violation warning notice to the

1 registered owner of the vehicle, in the same manner that a
2 Notice of Violation is sent under this Act;

3 (2) if the recorded speed is at least 10 miles per hour
4 but less than 20 miles per hour over the posted speed
5 limit, a civil penalty of \$50 is imposed, and if the
6 penalty is not paid in a timely manner an additional
7 penalty of \$50 is imposed; or

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

12 (b) A violation of this Section is a civil penalty, and not
13 a violation of a traffic regulation governing the movement of
14 vehicles and may not be recorded on the driving record of the
15 owner of the vehicle.

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

24 (d) Forty percent of the penalties collected under an
25 automated traffic control system established by a local agency
26 that enters into an intergovernmental agreement with the

1 Department of State Police shall be deposited as follows: 20%
2 into the Traffic and Criminal Conviction Surcharge Fund for use
3 in law enforcement training and 20% into the State Police
4 Operations Assistance Fund.

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

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

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

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

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 Secretary of State and Department of State Police
12 shall adopt rules for collection of penalties, conduct of
13 administrative proceedings, and other rules necessary to
14 implement this Act. The rules adopted must allow for a 60-day
15 period to pay a penalty or challenge each attested Notice of
16 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 personnel ~~the judiciary, the local~~
4 ~~State's Attorney,~~ and law enforcement officials.

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

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

12 (625 ILCS 7/30)

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

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

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

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

11 (c) The Notice of Violation ~~Uniform Traffic Citation~~ must
12 include:

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

14 (2) the registration number of the vehicle;

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

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

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

18 (6) notice that the basis of the violation ~~citation~~ is
19 the photograph or recorded image from the automated traffic
20 control system; ~~;~~

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

24 (8) the amount of the civil penalty imposed and the
25 date by which the civil penalty should be paid;

26 (9) a statement that recorded images are evidence of a

1 violation of a speed restriction;

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

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

8 (A) paying the fine;

9 (B) challenging the charge by mail or by
10 administrative hearing; or

11 (C) challenging the charge by any administrative
12 rule adopted by the Secretary of State under this Act;
13 and

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

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

25 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
26 94-814, eff. 1-1-07.)

1 (625 ILCS 7/35)

2 Sec. 35. Response to issuance of a Notice of Violation
3 citation.

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

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

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

1 the driver of the owner's vehicle and a process by which a
2 lessor may transfer liability for a violation under this Act to
3 the lessee of the lessor's vehicle. The Secretary of State may
4 recover the costs of conducting administrative hearings from
5 penalties collected under this Act, which may not exceed 10% of
6 the total penalties collected under this Act.

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

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

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

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

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

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

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

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

5 (625 ILCS 7/40)

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

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

21 (625 ILCS 7/45 rep.)

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".