



Rep. Jim Sacia

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09500HB3126ham001

LRB095 06809 DRH 35406 a

1 AMENDMENT TO HOUSE BILL 3126

2 AMENDMENT NO. _____. Amend House Bill 3126 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-605.1 as follows:

6 (625 ILCS 5/11-605.1)

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

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit.

12 (b) Nothing in this Chapter prohibits the use of electronic
13 speed-detecting devices or automated traffic control systems
14 within 500 feet of signs within a construction or maintenance
15 speed zone indicating the zone, as defined in this Section, nor
16 shall evidence obtained by use of those devices or systems be

1 inadmissible in any prosecution for speeding, provided the use
2 of the device or system shall apply only to the enforcement of
3 the special speed limit in the construction or maintenance
4 speed zone.

5 (c) As used in this Section, a "construction or maintenance
6 speed zone" is an area in which the Department, Toll Highway
7 Authority, or local agency has determined that the preexisting
8 established speed limit through a highway construction or
9 maintenance project is greater than is reasonable or safe with
10 respect to the conditions expected to exist in the construction
11 or maintenance speed zone and has posted a lower speed limit
12 with a highway construction or maintenance speed zone special
13 speed limit sign.

14 Highway construction or maintenance speed zone special
15 speed limit signs shall be of a design approved by the
16 Department. The signs must give proper due warning that a
17 construction or maintenance speed zone is being approached and
18 must indicate the maximum speed limit in effect. The signs also
19 must state the amount of the minimum fine for a violation.

20 (d) A first violation of this Section is a petty offense
21 with a minimum fine of \$250. A second or subsequent violation
22 of this Section is a petty offense with a minimum fine of \$750.

23 (e) If a fine for a violation of this Section is \$250 or
24 greater, the person who violated this Section shall be charged
25 an additional \$125, which shall be deposited into the
26 Transportation Safety Highway Hire-back Fund in the State

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

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

17 (f) The Transportation Safety Highway Hire-back Fund,
18 which was created by Public Act 92-619, shall continue to be a
19 special fund in the State treasury. Subject to appropriation by
20 the General Assembly and approval by the Secretary, the
21 Secretary of Transportation shall, except as otherwise
22 provided in this subsection (f), use all moneys in the
23 Transportation Safety Highway Hire-back Fund for the primary
24 purpose of hiring ~~to hire~~ off-duty Department of State Police
25 officers to monitor construction or maintenance zones. Any
26 surplus moneys in this fund created as a result of fines

1 collected from the use of the automated traffic control systems
2 may also be used to hire off-duty Department of State Police
3 officers to monitor a construction or maintenance zone by use
4 of an automated traffic control system and to hire off-duty
5 Department of State Police personnel to process these alleged
6 violations. Moneys in this fund may also be used for the
7 purchase, maintenance, operation, upgrade, and support of
8 automated traffic control systems for use in construction and
9 maintenance zones.

10 (f-5) Each county shall create a Transportation Safety
11 Highway Hire-back Fund. The county shall use all moneys in its
12 Transportation Safety Highway Hire-back Fund to hire off-duty
13 county police officers to monitor construction or maintenance
14 zones in that county on highways other than interstate
15 highways.

16 (g) For a second or subsequent violation of this Section
17 within 2 years of the date of the previous violation, the
18 Secretary of State shall suspend the driver's license of the
19 violator for a period of 90 days.

20 (Source: P.A. 93-955, eff. 8-19-04; 94-814, eff. 1-1-07.)

21 Section 10. The Automated Traffic Control Systems in
22 Highway Construction or Maintenance Zones Act is amended by
23 changing Sections 10, 15, 25, 30, 40, and 45 and by adding
24 Section 37 as follows:

1 (625 ILCS 7/10)

2 Sec. 10. Establishment of automated control systems. The
3 Department of State Police may establish an automated traffic
4 control system in any construction or maintenance zone
5 established by the Department of Transportation or the Illinois
6 State Toll Highway Authority. ~~An automated traffic control
7 system may operate only during those periods when workers are
8 present in the construction or maintenance zone. In any
9 prosecution based upon evidence obtained through an automated
10 traffic control system established under this Act, the State
11 must prove that one or more workers were present in the
12 construction or maintenance zone when the violation occurred.~~

13 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
14 94-814, eff. 1-1-07.)

15 (625 ILCS 7/15)

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

17 (a) "Automated traffic control system" means a
18 photographic device, radar device, laser device, or other
19 electrical or mechanical device or devices designed to record
20 the speed of a vehicle and obtain a clear photograph or other
21 recorded image of the vehicle, the vehicle operator, and the
22 vehicle's registration plate while the driver is violating
23 Section 11-605.1 of the Illinois Vehicle Code. The photograph
24 or other recorded image must also display the time, date, and
25 location of the violation. A law enforcement officer is not

1 required to be present or to witness the violation.

2 (b) "Construction or maintenance zone" means an area in
3 which the Department of Transportation or the Illinois State
4 Toll Highway Authority has determined that the preexisting
5 established speed limit through a highway construction or
6 maintenance project is greater than is reasonable or safe with
7 respect to the conditions expected to exist in the construction
8 or maintenance zone and has posted a lower speed limit with a
9 highway construction or maintenance zone special speed limit
10 sign in accordance with Section 11-605.1 of the Illinois
11 Vehicle Code.

12 ~~(c) "Owner" means the person or entity to whom the vehicle~~
13 ~~is registered.~~

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

15 (625 ILCS 7/25)

16 Sec. 25. Limitations on the use of automated traffic
17 enforcement systems.

18 (a) The Department of State Police must conduct a public
19 information campaign to inform drivers about the use of
20 automated traffic control systems in highway construction or
21 maintenance zones before establishing any of those systems. The
22 Department of State Police shall adopt rules for implementing
23 this subsection (a).

24 (b) Signs indicating that speeds are enforced by automated
25 traffic control systems must be clearly posted in the areas

1 where the systems are in use.

2 (c) Operation of automated traffic control systems is
3 limited to ~~areas where road~~ construction or maintenance zones
4 as defined by this Act is occurring.

5 (d) Photographs obtained in this manner may only be used as
6 evidence in relation to a violation of Section 11-605.1 of the
7 Illinois Vehicle Code for which the photograph is taken, unless
8 otherwise allowed by law. Photographs or recorded images made
9 by an automated traffic control system are confidential and
10 shall be made available only to the owner of the vehicle, the
11 alleged offender, the alleged offender's attorney, the
12 judiciary, the local State's Attorney, and governmental or law
13 enforcement agencies. ~~The photographs are available only to the~~
14 ~~owner of the vehicle, the offender and the offender's attorney,~~
15 ~~the judiciary, the local State's Attorney, and law enforcement~~
16 ~~officials.~~

17 ~~(e) If the driver of the vehicle cannot be identified~~
18 ~~through the photograph, the owner is not liable for the fine,~~
19 ~~and the citation may not be counted against the driving record~~
20 ~~of the owner. If the driver can be identified, the driver is~~
21 ~~liable for the fine, and the violation is counted against his~~
22 ~~or her driving record.~~

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

24 (625 ILCS 7/30)

25 Sec. 30. Requirements for issuance of a citation.

1 (a) The vehicle, vehicle operator, vehicle registration
2 plate, speed, date, time, and location must be clearly visible
3 on the photograph or other recorded image of the alleged
4 violation.

5 (b) An Illinois State Police ~~A Uniform Traffic Citation and~~
6 Complaint must be mailed or otherwise delivered to the
7 registered owner of the vehicle and to the alleged driver of
8 the vehicle. If mailed, the citation must be sent ~~via certified~~
9 ~~mail~~ within 14 business days of the alleged violation, ~~return~~
10 ~~receipt requested~~.

11 (c) The Illinois State Police ~~Uniform Traffic Citation and~~
12 Complaint must include:

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

14 (2) the registration number of the vehicle;

15 (3) the offense charged;

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

17 (5) the first available court date; and

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

21 (d) The Illinois State Police ~~Uniform Traffic Citation and~~
22 Complaint issued to the alleged violator must be accompanied by
23 a written document that lists the alleged violator's rights and
24 obligations and explains how the alleged violator can elect to
25 proceed by either paying the fine or challenging the issuance
26 of the Illinois State Police ~~Uniform Traffic Citation and~~

1 Complaint.

2 (e) The written document accompanying the Illinois State
3 Police Citation and Complaint should advise the registered
4 owner that, if the owner was not the operator of the vehicle as
5 identified in the photograph or recorded image from the
6 automated traffic control system in use at the time of the
7 alleged offense, the owner must notify the Department of State
8 Police, in writing, of the number of the Illinois State Police
9 Citation and Complaint received and the name, driver's license
10 number, and address of the person operating the vehicle as
11 identified in the photograph or recorded image from the
12 automated traffic control system in use at the time of the
13 alleged offense. The document should state if the owner fails
14 to notify the Department of State Police, in writing, of the
15 name, driver's license number, and address of the operator of
16 the vehicle as identified in the photograph or recorded image
17 from the automated traffic control system in use at the time of
18 the alleged offense, the Secretary of State may suspend the
19 registration of the owner's vehicle in accordance with Section
20 37.

21 (f) If the registered owner of the vehicle was not the
22 operator of the vehicle as identified in the photograph or
23 recorded image from the automated traffic control system in use
24 at the time of the alleged offense, and if the registered owner
25 notifies the Department of State Police of the name, driver's
26 license number, and address of the operator of the vehicle as

1 identified in the photograph or recorded image from the
2 automated traffic control system in use at the time of the
3 alleged offense as required in subsection (e), the Department
4 of State Police shall then issue an Illinois State Police
5 Citation and Complaint to the person alleged by the registered
6 owner to have been the operator of the vehicle as identified in
7 the photograph or recorded image from the automated traffic
8 control system in use at the time of the alleged offense. If
9 the registered owner fails to notify in writing the Department
10 of State Police of the name, driver's license number, and
11 address of the operator of the vehicle as identified in the
12 photograph or recorded image from the automated traffic control
13 system in use at the time of the alleged offense, or if the
14 information provided by the registered owner is incorrect or
15 incomplete, the registered owner may be held accountable for
16 the violation cited in accordance with Section 37.

17 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
18 94-814, eff. 1-1-07.)

19 (625 ILCS 7/37 new)

20 Sec. 37. Suspension of vehicle registration.
21 Notwithstanding any other penalties that may be imposed, the
22 Secretary of State may suspend the registration of any vehicle
23 that violates this Act if the registered owner does not comply
24 with this Act.

1 (625 ILCS 7/40)

2 Sec. 40. Admissibility of recorded images. Except as
3 provided in Section 45, any photograph or other recorded image
4 evidencing a violation of Section 11-605.1 of the Illinois
5 Vehicle Code is admissible in any proceeding resulting from the
6 issuance of the Illinois State Police Uniform Traffic Citation
7 and Complaint. ~~Photographs or recorded images made by an~~
8 ~~automatic traffic control system are confidential and shall be~~
9 ~~made available only to the defendant and to governmental or law~~
10 ~~enforcement agencies within the jurisdiction for the purposes~~
11 ~~of adjudicating a driving violation.~~

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

13 (625 ILCS 7/45)

14 Sec. 45. Corporation, association, business, or vehicle
15 ~~Vehicle~~ rental or leasing company's identification of a driver,
16 renter, or lessee.

17 (a) An Illinois State Police A Uniform Traffic Citation and
18 Complaint issued under this Act to a motor vehicle rental or
19 leasing company shall be dismissed with respect to the
20 corporation, association, business, rental or leasing company
21 if:

22 (1) the corporation, association, business, or company
23 responds to the Illinois State Police Uniform Traffic
24 Citation and Complaint by submitting, within 30 days of the
25 mailing of the citation, an affidavit of non-liability

1 stating that, at the time of the alleged speeding or other
2 traffic violation, the vehicle was in the custody and
3 control of a renter or lessee under the terms of a rental
4 agreement or lease; and

5 (2) the corporation, association, business, or company
6 provides the driver's license number, name, and address of
7 the renter or lessee.

8 (b) Illinois State Police ~~A Uniform Traffic~~ Citation and
9 Complaint dismissed with respect to a motor vehicle rental or
10 leasing company in accordance with subsection (a) may then be
11 issued and delivered by mail or other means to the renter or
12 lessee identified in the photograph or recorded image from the
13 automated traffic control system and by the affidavit of
14 non-liability.

15 (c) The Department of State Police shall notify the
16 Secretary of State if a corporation, association, business, or
17 vehicle rental or leasing company fails to comply with this
18 Section. The Secretary may suspend the vehicle registration or
19 the fleet registration of any corporation, association,
20 business, or vehicle rental or leasing company that fails to
21 comply with this Section.

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

23 (625 ILCS 7/35 rep.)

24 Section 15. The Automated Traffic Control Systems in
25 Highway Construction or Maintenance Zones Act is amended by

1 repealing Section 35."