



Sen. Antonio Muñoz

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LRB097 04694 HEP 66390 a

1 AMENDMENT TO SENATE BILL 952

2 AMENDMENT NO. _____. Amend Senate Bill 952 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208.6 and 11-208.8 as follows:

6 (625 ILCS 5/11-208.6)

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

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

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

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

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

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

15 (b-5) A municipality or county that produces a recorded
16 image of a motor vehicle's violation of a provision of this
17 Code or a local ordinance must make the recorded images of a
18 violation accessible to the alleged violator by providing the
19 alleged violator with a website address, accessible through the
20 Internet.

21 (c) Except as provided under Section 11-208.8 of this Code,
22 a county or municipality, including a home rule county or
23 municipality, may not use an automated traffic law enforcement
24 system to provide recorded images of a motor vehicle for the
25 purpose of recording its speed. Except as provided under
26 Section 11-208.8 of this Code, the regulation of the use of

1 automated traffic law enforcement systems to record vehicle
2 speeds is an exclusive power and function of the State. This
3 subsection (c) is a denial and limitation of home rule powers
4 and functions under subsection (h) of Section 6 of Article VII
5 of the Illinois Constitution.

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

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

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automatic traffic law
2 enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle as the alleged violator.
5 The notice shall be delivered to the registered owner of the
6 vehicle, by mail, within 30 days after the Secretary of State
7 notifies the municipality or county of the identity of the
8 owner of the vehicle, but in no event later than 90 days after
9 the violation.

10 The notice shall include:

11 (1) the name and address of the registered owner of the
12 vehicle;

13 (2) the registration number of the motor vehicle
14 involved in the violation;

15 (3) the violation charged;

16 (4) the location where the violation occurred;

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

18 (6) a copy of the recorded images;

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

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

25 (9) a warning that failure to pay the civil penalty, to
26 complete a required traffic education program, or to

1 contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle, denial
4 of vehicle registration renewal, or both;

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

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

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

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

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

25 (e-5) If a person charged with a traffic violation, as a
26 result of an automated traffic law enforcement system, does not

1 pay the fine or complete a required traffic education program,
2 or both, or successfully contest the civil penalty resulting
3 from the violation, the Secretary of State may not renew the
4 registration of the vehicle until the registered owner of the
5 vehicle completes a required traffic education program or pays
6 any fine or penalty due and owing, or both.

7 (f) Based on inspection of recorded images produced by an
8 automated traffic law enforcement system, a notice alleging
9 that the violation occurred shall be evidence of the facts
10 contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

12 (g) Recorded images made by an automatic traffic law
13 enforcement system are confidential and shall be made available
14 only to the alleged violator and governmental and law
15 enforcement agencies for purposes of adjudicating a violation
16 of this Section, for statistical purposes, or for other
17 governmental purposes. Any recorded image evidencing a
18 violation of this Section, however, may be admissible in any
19 proceeding resulting from the issuance of the citation.

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

22 (1) that the motor vehicle or registration plates of
23 the motor vehicle were stolen before the violation occurred
24 and not under the control of or in the possession of the
25 owner at the time of the violation;

26 (2) that the driver of the vehicle passed through the

1 intersection when the light was red either (i) in order to
2 yield the right-of-way to an emergency vehicle or (ii) as
3 part of a funeral procession; and

4 (3) any other evidence or issues provided by municipal
5 or county ordinance.

6 (i) To demonstrate that the motor vehicle or the
7 registration plates were stolen before the violation occurred
8 and were not under the control or possession of the owner at
9 the time of the violation, the owner must submit proof that a
10 report concerning the stolen motor vehicle or registration
11 plates was filed with a law enforcement agency in a timely
12 manner.

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

26 (j-3) A registered owner who is a holder of a valid

1 commercial driver's license is not required to complete a
2 traffic education program.

3 (j-5) For purposes of the required traffic education
4 program only, a registered owner may submit an affidavit to the
5 court or hearing officer swearing that at the time of the
6 alleged violation, the vehicle was in the custody and control
7 of another person. The affidavit must identify the person in
8 custody and control of the vehicle, including the person's name
9 and current address. The person in custody and control of the
10 vehicle at the time of the violation is required to complete
11 the required traffic education program. If the person in
12 custody and control of the vehicle at the time of the violation
13 completes the required traffic education program, the
14 registered owner of the vehicle is not required to complete a
15 traffic education program.

16 (k) An intersection equipped with an automated traffic law
17 enforcement system must be posted with a sign visible to
18 approaching traffic indicating that the intersection is being
19 monitored by an automated traffic law enforcement system.

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

25 (k-5) An intersection equipped with an automated traffic
26 law enforcement system must have a yellow change interval that

1 conforms with the Illinois Manual on Uniform Traffic Control
2 Devices (IMUTCD) published by the Illinois Department of
3 Transportation.

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

1 that it determines is necessary or appropriate to reduce the
2 number or severity of the accidents at that intersection.

3 (l) The compensation paid for an automated traffic law
4 enforcement system must be based on the value of the equipment
5 or the services provided and may not be based on the number of
6 traffic citations issued or the revenue generated by the
7 system.

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

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

13 A low-income individual required to complete a traffic
14 education program under this Section who provides proof of
15 eligibility for the federal earned income tax credit under
16 Section 32 of the Internal Revenue Code or the Illinois earned
17 income tax credit under Section 212 of the Illinois Income Tax
18 Act shall not be required to pay any fee for participating in a
19 required traffic education program.

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

26 (p) No person who is the lessor of a motor vehicle pursuant

1 to a written lease agreement shall be liable for an automated
2 speed or traffic law enforcement system violation involving
3 such motor vehicle during the period of the lease; provided
4 that upon the request of the appropriate authority received
5 within 120 days after the violation occurred, the lessor
6 provides within 60 days after such receipt the name and address
7 of the lessee. The drivers license number of a lessee may be
8 subsequently individually requested by the appropriate
9 authority if needed for enforcement of this Section.

10 Upon the provision of information by the lessor pursuant to
11 this subsection, the county or municipality may issue the
12 violation to the lessee of the vehicle in the same manner as it
13 would issue a violation to a registered owner of a vehicle
14 pursuant to this Section, and the lessee may be held liable for
15 the violation.

16 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;
17 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672, eff. 7-1-12;
18 revised 2-8-12.)

19 (625 ILCS 5/11-208.8)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 Sec. 11-208.8. Automated speed enforcement systems in
23 safety zones.

24 (a) As used in this Section:

25 "Automated speed enforcement system" means a photographic

1 device, radar device, laser device, or other electrical or
2 mechanical device or devices installed or utilized in a safety
3 zone and designed to record the speed of a vehicle and obtain a
4 clear photograph or other recorded image of the vehicle and the
5 vehicle's registration plate while the driver is violating
6 Article VI of Chapter 11 of this Code or a similar provision of
7 a local ordinance.

8 An automated speed enforcement system is a system, located
9 in a safety zone which is under the jurisdiction of a county or
10 municipality, that produces a recorded image of a motor
11 vehicle's violation of a provision of this Code or a local
12 ordinance and is designed to obtain a clear recorded image of
13 the vehicle and the vehicle's license plate. The recorded image
14 must also display the time, date, and location of the
15 violation.

16 "Owner" means the person or entity to whom the vehicle is
17 registered.

18 "Recorded image" means images recorded by an automated
19 speed enforcement system on:

- 20 (1) 2 or more photographs;
- 21 (2) 2 or more microphotographs;
- 22 (3) 2 or more electronic images; or
- 23 (4) a video recording showing the motor vehicle and, on
24 at least one image or portion of the recording, clearly
25 identifying the registration plate number of the motor
26 vehicle.

1 "Safety zone" means an area that is within one-eighth of a
2 mile from the nearest property line of any public or private
3 elementary or secondary school, or from the nearest property
4 line of any facility, area, or land owned by a school district
5 that is used for educational purposes approved by the Illinois
6 State Board of Education, not including school district
7 headquarters or administrative buildings. A safety zone also
8 includes an area that is within one-eighth of a mile from the
9 nearest property line of any facility, area, or land owned by a
10 park district used for recreational purposes. However, if any
11 portion of a roadway is within either one-eighth mile radius,
12 the safety zone also shall include the roadway extended to the
13 furthest portion of the next furthest intersection. The term
14 "safety zone" does not include any portion of the roadway known
15 as Lake Shore Drive or any controlled access highway with 8 or
16 more lanes of traffic.

17 (a-5) The automated speed enforcement system shall be
18 operational and violations shall be recorded only at the
19 following times:

20 (i) if the safety zone is based upon the property line
21 of any facility, area, or land owned by a school district,
22 only on school days and no earlier than 6 a.m. and no later
23 than 8:30 p.m. if the school day is during the period of
24 Monday through Thursday, or 9 p.m. if the school day is a
25 Friday; and

26 (ii) if the safety zone is based upon the property line

1 of any facility, area, or land owned by a park district, no
2 earlier than one hour prior to the time that the facility,
3 area, or land is open to the public or other patrons, and
4 no later than one hour after the facility, area, or land is
5 closed to the public or other patrons.

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

12 (c) Notwithstanding any penalties for any other violations
13 of this Code, the owner of a motor vehicle used in a traffic
14 violation recorded by an automated speed enforcement system
15 shall be subject to the following penalties:

16 (1) if the recorded speed is no less than 6 miles per
17 hour and no more than 10 miles per hour over the legal
18 speed limit, a civil penalty not exceeding \$50, plus an
19 additional penalty of not more than \$50 for failure to pay
20 the original penalty in a timely manner; or

21 (2) if the recorded speed is more than 10 miles per
22 hour over the legal speed limit, a civil penalty not
23 exceeding \$100, plus an additional penalty of not more than
24 \$100 for failure to pay the original penalty in a timely
25 manner.

26 A penalty may not be imposed under this Section if the

1 driver of the motor vehicle received a Uniform Traffic Citation
2 from a police officer for a speeding violation occurring within
3 one-eighth of a mile and 15 minutes of the violation that was
4 recorded by the system. A violation for which a civil penalty
5 is imposed under this Section is not a violation of a traffic
6 regulation governing the movement of vehicles and may not be
7 recorded on the driving record of the owner of the vehicle. A
8 law enforcement officer is not required to be present or to
9 witness the violation. No penalty may be imposed under this
10 Section if the recorded speed of a vehicle is 5 miles per hour
11 or less over the legal speed limit. The county or municipality
12 may send, in the same manner that notices are sent under this
13 Section, a speed violation warning notice where the violation
14 involves a speed of 5 miles per hour or less above the legal
15 speed limit.

16 (d) The net proceeds that a county or municipality receives
17 from civil penalties imposed under an automated speed
18 enforcement system, after deducting all non-personnel and
19 personnel costs associated with the operation and maintenance
20 of such system, shall be expended or obligated by the county or
21 municipality for the following purposes:

22 (i) public safety initiatives to ensure safe passage
23 around schools, and to provide police protection and
24 surveillance around schools and parks, including but not
25 limited to: (1) personnel costs; and (2) non-personnel
26 costs such as construction and maintenance of public safety

1 infrastructure and equipment;

2 (ii) initiatives to improve pedestrian and traffic
3 safety; and

4 (iii) construction and maintenance of infrastructure
5 within the county or municipality, including but not
6 limited to roads and bridges; and

7 (iv) after school programs.

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

17 (f) The notice required under subsection (e) of this
18 Section shall include:

19 (1) the name and address of the registered owner of the
20 vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the date, time, and location where the violation
25 occurred;

26 (5) a copy of the recorded image or images;

1 (6) the amount of the civil penalty imposed and the
2 date by which the civil penalty should be paid;

3 (7) a statement that recorded images are evidence of a
4 violation of a speed restriction;

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

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

12 (A) paying the fine; or

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

15 (10) a website address, accessible through the
16 Internet, where the person may view the recorded images of
17 the violation.

18 (g) If a person charged with a traffic violation, as a
19 result of an automated speed enforcement system, does not pay
20 the fine or successfully contest the civil penalty resulting
21 from that violation, the Secretary of State shall suspend the
22 driving privileges of the registered owner of the vehicle under
23 Section 6-306.5 of this Code for failing to pay any fine or
24 penalty due and owing, or both, as a result of a combination of
25 5 violations of the automated speed enforcement system or the
26 automated traffic law under Section 11-208.6 of this Code.

1 (g-5) If a person charged with a traffic violation, as a
2 result of an automated speed enforcement system, does not pay
3 the fine or successfully contest the civil penalty resulting
4 from the violation, the Secretary of State may not renew the
5 registration of the vehicle until the registered owner of the
6 vehicle pays any fine or penalty due and owing.

7 (h) Based on inspection of recorded images produced by an
8 automated speed enforcement system, a notice alleging that the
9 violation occurred shall be evidence of the facts contained in
10 the notice and admissible in any proceeding alleging a
11 violation under this Section.

12 (i) Recorded images made by an automated speed enforcement
13 system are confidential and shall be made available only to the
14 alleged violator and governmental and law enforcement agencies
15 for purposes of adjudicating a violation of this Section, for
16 statistical purposes, or for other governmental purposes. Any
17 recorded image evidencing a violation of this Section, however,
18 may be admissible in any proceeding resulting from the issuance
19 of the citation.

20 (j) The court or hearing officer may consider in defense of
21 a violation:

22 (1) that the motor vehicle or registration plates of
23 the motor vehicle were stolen before the violation occurred
24 and not under the control or in the possession of the owner
25 at the time of the violation;

26 (2) that the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer for a
2 speeding violation occurring within one-eighth of a mile
3 and 15 minutes of the violation that was recorded by the
4 system; and

5 (3) any other evidence or issues provided by municipal
6 ordinance.

7 (k) To demonstrate that the motor vehicle or the
8 registration plates were stolen before the violation occurred
9 and were not under the control or possession of the owner at
10 the time of the violation, the owner must submit proof that a
11 report concerning the stolen motor vehicle or registration
12 plates was filed with a law enforcement agency in a timely
13 manner.

14 (l) A roadway equipped with an automated speed enforcement
15 system shall be posted with a sign conforming to the national
16 Manual on Uniform Traffic Control Devices that is visible to
17 approaching traffic stating that vehicle speeds are being
18 photo-enforced and indicating the speed limit. The county or
19 municipality shall install such additional signage as it
20 determines is necessary to give reasonable notice to drivers as
21 to where automated speed enforcement systems are installed.

22 (m) A roadway where a new automated speed enforcement
23 system is installed shall be posted with signs providing 30
24 days notice of the use of a new automated speed enforcement
25 system prior to the issuance of any citations through the
26 automated speed enforcement system.

1 (n) The compensation paid for an automated speed
2 enforcement system must be based on the value of the equipment
3 or the services provided and may not be based on the number of
4 traffic citations issued or the revenue generated by the
5 system.

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

12 (p) No person who is the lessor of a motor vehicle pursuant
13 to a written lease agreement shall be liable for an automated
14 speed or traffic law enforcement system violation involving
15 such motor vehicle during the period of the lease; provided
16 that upon the request of the appropriate authority received
17 within 120 days after the violation occurred, the lessor
18 provides within 60 days after such receipt the name and address
19 of the lessee. The drivers license number of a lessee may be
20 subsequently individually requested by the appropriate
21 authority if needed for enforcement of this Section.

22 Upon the provision of information by the lessor pursuant to
23 this subsection, the county or municipality may issue the
24 violation to the lessee of the vehicle in the same manner as it
25 would issue a violation to a registered owner of a vehicle
26 pursuant to this Section, and the lessee may be held liable for

1 the violation.

2 (q) A county or municipality using an automated speed
3 enforcement system must provide notice to drivers by publishing
4 the locations of all safety zones where system equipment is
5 installed on the website of the county or municipality.

6 (r) A county or municipality operating an automated speed
7 enforcement system shall conduct a statistical analysis to
8 assess the safety impact of the system. The statistical
9 analysis shall be based upon the best available crash, traffic,
10 and other data, and shall cover a period of time before and
11 after installation of the system sufficient to provide a
12 statistically valid comparison of safety impact. The
13 statistical analysis shall be consistent with professional
14 judgment and acceptable industry practice. The statistical
15 analysis also shall be consistent with the data required for
16 valid comparisons of before and after conditions and shall be
17 conducted within a reasonable period following the
18 installation of the automated traffic law enforcement system.
19 The statistical analysis required by this subsection shall be
20 made available to the public and shall be published on the
21 website of the county or municipality.

22 (s) This Section applies only to the counties of Cook,
23 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
24 to municipalities located within those counties ~~municipalities~~
25 ~~with a population of 1,000,000 or more inhabitants.~~

26 (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2012.".