



Sen. Emil Jones, III

**Filed: 5/17/2016**

09900HB0173sam001

LRB099 04055 AXK 48506 a

1 AMENDMENT TO HOUSE BILL 173

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 173 by replacing  
3 everything after the enacting clause with the following:

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

6 (625 ILCS 5/11-208.6)

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

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

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

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 not less than 120 seconds because of a signal  
24 malfunction or because the signal has failed to detect the  
25 arrival of the motorcycle due to the motorcycle's size or  
26 weight.

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

11 The notice shall include:

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

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

16 (3) the violation charged;

17 (4) the location where the violation occurred;

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

19 (6) a copy of the recorded images;

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

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

26 (9) a warning that failure to pay the civil penalty, to

1 complete a required traffic education program, or to  
2 contest liability in a timely manner is an admission of  
3 liability and may result in a suspension of the driving  
4 privileges of the registered owner of the vehicle;

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 (f) Based on inspection of recorded images produced by an  
26 automated traffic law enforcement system, a notice alleging

1 that the violation occurred shall be evidence of the facts  
2 contained in the notice and admissible in any proceeding  
3 alleging a violation under this Section.

4 (g) Recorded images made by an automatic traffic law  
5 enforcement system are confidential and shall be made available  
6 only to the alleged violator and governmental and law  
7 enforcement agencies for purposes of adjudicating a violation  
8 of this Section, for statistical purposes, or for other  
9 governmental purposes. Any recorded image evidencing a  
10 violation of this Section, however, may be admissible in any  
11 proceeding resulting from the issuance of the citation.

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

14 (1) that the motor vehicle or registration plates of  
15 the motor vehicle were stolen before the violation occurred  
16 and not under the control of or in the possession of the  
17 owner at the time of the violation;

18 (2) that the driver of the vehicle passed through the  
19 intersection when the light was red either (i) in order to  
20 yield the right-of-way to an emergency vehicle or (ii) as  
21 part of a funeral procession; and

22 (3) any other evidence or issues provided by municipal  
23 or county ordinance.

24 (i) To demonstrate that the motor vehicle or the  
25 registration plates were stolen before the violation occurred  
26 and were not under the control or possession of the owner at

1 the time of the violation, the owner must submit proof that a  
2 report concerning the stolen motor vehicle or registration  
3 plates was filed with a law enforcement agency in a timely  
4 manner.

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

18 (j-3) A registered owner who is a holder of a valid  
19 commercial driver's license is not required to complete a  
20 traffic education program.

21 (j-5) For purposes of the required traffic education  
22 program only, a registered owner may submit an affidavit to the  
23 court or hearing officer swearing that at the time of the  
24 alleged violation, the vehicle was in the custody and control  
25 of another person. The affidavit must identify the person in  
26 custody and control of the vehicle, including the person's name

1 and current address. The person in custody and control of the  
2 vehicle at the time of the violation is required to complete  
3 the required traffic education program. If the person in  
4 custody and control of the vehicle at the time of the violation  
5 completes the required traffic education program, the  
6 registered owner of the vehicle is not required to complete a  
7 traffic education program.

8 (k) An intersection equipped with an automated traffic law  
9 enforcement system must be posted with a sign visible to  
10 approaching traffic indicating that the intersection is being  
11 monitored by an automated traffic law enforcement system.

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

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

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



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

21 (k-10) Thirty days after the effective date of this  
22 amendatory Act of the 99th General Assembly, the Department  
23 shall conduct a study evaluating automated traffic law  
24 enforcement systems in this State. On or before December 31,  
25 2016, the Department shall file a report with the General  
26 Assembly which shall include, but is not limited to, the

1 overall operation, usage, and regulation of automated traffic  
2 law enforcement systems and any other information or  
3 recommendations the Department deems necessary.

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

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

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

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

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

1           (p) No person who is the lessor of a motor vehicle pursuant  
2 to a written lease agreement shall be liable for an automated  
3 speed or traffic law enforcement system violation involving  
4 such motor vehicle during the period of the lease; provided  
5 that upon the request of the appropriate authority received  
6 within 120 days after the violation occurred, the lessor  
7 provides within 60 days after such receipt the name and address  
8 of the lessee. The drivers license number of a lessee may be  
9 subsequently individually requested by the appropriate  
10 authority if needed for enforcement of this Section.

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

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

19           Section 99. Effective date. This Act takes effect upon  
20 becoming law."