



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3132

Introduced 2/19/2021, by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Provides that 30 days after the effective date of the bill, the Department of Transportation shall conduct a study evaluating automated traffic law enforcement systems. Provides that on or before December 31, 2021, the Department shall file a report with the General Assembly with the results from the study, including input from local law enforcement, and any recommendations the Department deems necessary. Effective immediately.

LRB102 11213 RAM 16545 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois 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,  
16 in a municipality or county operated by a governmental agency,  
17 that produces a recorded image of a motor vehicle's violation  
18 of a provision of this Code or a local ordinance and is  
19 designed to obtain a clear recorded image of the vehicle and  
20 the vehicle's license plate. The recorded image must also  
21 display the time, date, and location of the violation.

22 (b) As used in this Section, "recorded images" means  
23 images recorded by an automated traffic law enforcement system

1 on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

5 (4) a video recording showing the motor vehicle and,  
6 on at least one image or portion of the recording, clearly  
7 identifying the registration plate or digital registration  
8 plate number of the motor vehicle.

9 (b-5) A municipality or county that produces a recorded  
10 image of a motor vehicle's violation of a provision of this  
11 Code or a local ordinance must make the recorded images of a  
12 violation accessible to the alleged violator by providing the  
13 alleged violator with a website address, accessible through  
14 the Internet.

15 (c) Except as provided under Section 11-208.8 of this  
16 Code, a county or municipality, including a home rule county  
17 or municipality, may not use an automated traffic law  
18 enforcement system to provide recorded images of a motor  
19 vehicle for the purpose of recording its speed. Except as  
20 provided under Section 11-208.8 of this Code, the regulation  
21 of the use of automated traffic law enforcement systems to  
22 record vehicle speeds is an exclusive power and function of  
23 the State. This subsection (c) is a denial and limitation of  
24 home rule powers and functions under subsection (h) of Section  
25 6 of Article VII of the Illinois Constitution.

26 (c-5) A county or municipality, including a home rule

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

11 (c-6) A county, or a municipality with less than 2,000,000  
12 inhabitants, including a home rule county or municipality, may  
13 not use an automated traffic law enforcement system to issue  
14 violations in instances where a motorcyclist enters an  
15 intersection against a red signal indication when the red  
16 signal fails to change to a green signal within a reasonable  
17 period of time not less than 120 seconds because of a signal  
18 malfunction or because the signal has failed to detect the  
19 arrival of the motorcycle due to the motorcycle's size or  
20 weight.

21 (d) For each violation of a provision of this Code or a  
22 local ordinance recorded by an automatic traffic law  
23 enforcement system, the county or municipality having  
24 jurisdiction shall issue a written notice of the violation to  
25 the registered owner of the vehicle as the alleged violator.  
26 The notice shall be delivered to the registered owner of the

1 vehicle, by mail, within 30 days after the Secretary of State  
2 notifies the municipality or county of the identity of the  
3 owner of the vehicle, but in no event later than 90 days after  
4 the violation.

5 The notice shall include:

6 (1) the name and address of the registered owner of  
7 the vehicle;

8 (2) the registration number of the motor vehicle  
9 involved in the violation;

10 (3) the violation charged;

11 (4) the location where the violation occurred;

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

13 (6) a copy of the recorded images;

14 (7) the amount of the civil penalty imposed and the  
15 requirements of any traffic education program imposed and  
16 the date by which the civil penalty should be paid and the  
17 traffic education program should be completed;

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

20 (9) a warning that failure to pay the civil penalty,  
21 to complete a required traffic education program, or to  
22 contest liability in a timely manner is an admission of  
23 liability and may result in a suspension of the driving  
24 privileges of the registered owner of the vehicle;

25 (10) a statement that the person may elect to proceed  
26 by:

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

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

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

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

20 (f) Based on inspection of recorded images produced by an  
21 automated traffic law enforcement system, a notice alleging  
22 that the violation occurred shall be evidence of the facts  
23 contained in the notice and admissible in any proceeding  
24 alleging a violation under this Section.

25 (g) Recorded images made by an automatic traffic law  
26 enforcement system are confidential and shall be made

1 available only to the alleged violator and governmental and  
2 law enforcement agencies for purposes of adjudicating a  
3 violation of this Section, for statistical purposes, or for  
4 other governmental purposes. Any recorded image evidencing a  
5 violation of this Section, however, may be admissible in any  
6 proceeding resulting from the issuance of the citation.

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

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

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

18 (3) any other evidence or issues provided by municipal  
19 or county ordinance.

20 (i) To demonstrate that the motor vehicle or the  
21 registration plates or digital registration plates were stolen  
22 before the violation occurred and were not under the control  
23 or possession of the owner at the time of the violation, the  
24 owner must submit proof that a report concerning the stolen  
25 motor vehicle or registration plates was filed with a law  
26 enforcement agency in a timely manner.

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

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

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



1 violation completes the required traffic education program,  
2 the registered owner of the vehicle is not required to  
3 complete a traffic education program.

4 (k) An intersection equipped with an automated traffic law  
5 enforcement system must be posted with a sign visible to  
6 approaching traffic indicating that the intersection is being  
7 monitored by an automated traffic law enforcement system.

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

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

18 (k-7) A municipality or county operating an automated  
19 traffic law enforcement system shall conduct a statistical  
20 analysis to assess the safety impact of each automated traffic  
21 law enforcement system at an intersection following  
22 installation of the system. The statistical analysis shall be  
23 based upon the best available crash, traffic, and other data,  
24 and shall cover a period of time before and after installation  
25 of the system sufficient to provide a statistically valid  
26 comparison of safety impact. The statistical analysis shall be

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

17 (k-10) Thirty days after the effective date of this  
18 amendatory Act of the 102nd General Assembly, the Department  
19 shall conduct a study evaluating automated traffic law  
20 enforcement systems in this State. On or before December 31,  
21 2021, the Department shall file a report with the General  
22 Assembly which shall include input from local law enforcement  
23 on the overall operation, usage, permit process, and  
24 regulation of automated traffic law enforcement systems and  
25 any recommendations the Department deems necessary.

26 (1) The compensation paid for an automated traffic law

1 enforcement system must be based on the value of the equipment  
2 or the services provided and may not be based on the number of  
3 traffic citations issued or the revenue generated by the  
4 system.

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

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

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

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

23 (p) No person who is the lessor of a motor vehicle pursuant  
24 to a written lease agreement shall be liable for an automated  
25 speed or traffic law enforcement system violation involving  
26 such motor vehicle during the period of the lease; provided

1 that upon the request of the appropriate authority received  
2 within 120 days after the violation occurred, the lessor  
3 provides within 60 days after such receipt the name and  
4 address of the lessee. The drivers license number of a lessee  
5 may be subsequently individually requested by the appropriate  
6 authority if needed for enforcement of this Section.

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

13 (Source: P.A. 101-395, eff. 8-16-19.)

14       Section 99. Effective date. This Act takes effect upon  
15 becoming law.