



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4102

Introduced 9/3/2021, by Rep. Deanne M. Mazzochi, Dan Caulkins, Joe Sosnowski, Tom Weber, Seth Lewis, et al.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Provides that the approval to operate an automated traffic law enforcement system at an intersection shall be revoked by the municipality or county operating the automated traffic law enforcement system if the installation, operation, or request for approval to operate an automated traffic law enforcement system has been associated with civil or criminal corruption charges involving: (i) a State legislator; (ii) a member of the executive branch having oversight authority over approvals to operate the automated traffic law enforcement system; or (iii) a member of municipal or county government who holds or held the power to vote for or to issue a local ordinance pertaining to the automated traffic law enforcement system. Makes corresponding changes.

LRB102 18886 RAM 27614 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 (Text of Section before amendment by P.A. 101-652)

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

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

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

23 (b) As used in this Section, "recorded images" means

1 images recorded by an automated traffic law enforcement system
2 on:

- 3 (1) 2 or more photographs;
- 4 (2) 2 or more microphotographs;
- 5 (3) 2 or more electronic images; or
- 6 (4) a video recording showing the motor vehicle and,
7 on at least one image or portion of the recording, clearly
8 identifying the registration plate or digital registration
9 plate number of the motor vehicle.

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

16 (c) Except as provided under Section 11-208.8 of this
17 Code, a county or municipality, including a home rule county
18 or municipality, may not use an automated traffic law
19 enforcement system to provide recorded images of a motor
20 vehicle for the purpose of recording its speed. Except as
21 provided under Section 11-208.8 of this Code, the regulation
22 of the use of automated traffic law enforcement systems to
23 record vehicle speeds is an exclusive power and function of
24 the State. This subsection (c) is a denial and limitation of
25 home rule powers and functions under subsection (h) of Section
26 6 of Article VII of the Illinois Constitution.

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

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

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

1 The notice shall be delivered to the registered owner of the
2 vehicle, by mail, within 30 days after the Secretary of State
3 notifies the municipality or county of the identity of the
4 owner of the vehicle, but in no event later than 90 days after
5 the violation.

6 The notice shall include:

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

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

11 (3) the violation charged;

12 (4) the location where the violation occurred;

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

14 (6) a copy of the recorded images;

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

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

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

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

1 by:

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

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

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

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

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

26 (g) Recorded images made by an automatic traffic law

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

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

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

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

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

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

1 enforcement agency in a timely manner.

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

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

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

1 in custody and control of the vehicle at the time of the
2 violation completes the required traffic education program,
3 the registered owner of the vehicle is not required to
4 complete a traffic education program.

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

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

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

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

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

18 (l) The compensation paid for an automated traffic law
19 enforcement system must be based on the value of the equipment
20 or the services provided and may not be based on the number of
21 traffic citations issued or the revenue generated by the
22 system.

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

26 (n) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

2 A low-income individual required to complete a traffic
3 education program under this Section who provides proof of
4 eligibility for the federal earned income tax credit under
5 Section 32 of the Internal Revenue Code or the Illinois earned
6 income tax credit under Section 212 of the Illinois Income Tax
7 Act shall not be required to pay any fee for participating in a
8 required traffic education program.

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

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

25 Upon the provision of information by the lessor pursuant
26 to this subsection, the county or municipality may issue the

1 violation to the lessee of the vehicle in the same manner as it
2 would issue a violation to a registered owner of a vehicle
3 pursuant to this Section, and the lessee may be held liable for
4 the violation.

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

6 (Text of Section after amendment by P.A. 101-652)

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
24 on:

25 (1) 2 or more photographs;

- 1 (2) 2 or more microphotographs;
- 2 (3) 2 or more electronic images; or
- 3 (4) a video recording showing the motor vehicle and,
4 on at least one image or portion of the recording, clearly
5 identifying the registration plate or digital registration
6 plate number of the motor vehicle.

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

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

24 (c-5) A county or municipality, including a home rule
25 county or municipality, may not use an automated traffic law
26 enforcement system to issue violations in instances where the

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

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

19 (d) For each violation of a provision of this Code or a
20 local ordinance recorded by an automatic traffic law
21 enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle as the alleged violator.
24 The notice shall be delivered to the registered owner of the
25 vehicle, by mail, within 30 days after the Secretary of State
26 notifies the municipality or county of the identity of the

1 owner of the vehicle, but in no event later than 90 days after
2 the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of
5 the vehicle;

6 (2) the registration number of the motor vehicle
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

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

11 (6) a copy of the recorded images;

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

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

18 (9) a warning that failure to pay the civil penalty,
19 to complete a required traffic education program, or to
20 contest liability in a timely manner is an admission of
21 liability;

22 (10) a statement that the person may elect to proceed
23 by:

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

26 (B) challenging the charge in court, by mail, or

1 by administrative hearing; and

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

5 (e) (Blank).

6 (f) Based on inspection of recorded images produced by an
7 automated traffic law enforcement system, and confirmation
8 that the circumstances set forth in subsection (k-9) do not
9 apply, a notice alleging that the violation occurred shall be
10 evidence of the facts contained in the notice and admissible
11 in any proceeding 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
14 available only to the alleged violator and governmental and
15 law enforcement agencies for purposes of adjudicating a
16 violation of this Section, for statistical purposes, or for
17 other 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 shall ~~may~~ consider in
21 defense of a violation, if raised:

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

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

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

7 (4) that, at the time the violation occurred, the
8 authority to operate an automated traffic law enforcement
9 system was revoked, should have been revoked, or was
10 otherwise subject to revocation pursuant to subsection
11 (k-9).

12 (i) To demonstrate that the motor vehicle or the
13 registration plates or digital registration plates were stolen
14 before the violation occurred and were not under the control
15 or possession of the owner at the time of the violation, the
16 owner must submit proof that a report concerning the stolen
17 motor vehicle or registration plates was filed with a law
18 enforcement agency in a timely manner.

19 (j) Unless the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time of
21 the violation, the motor vehicle owner is subject to a civil
22 penalty not exceeding \$100 or the completion of a traffic
23 education program, or both, plus an additional penalty of not
24 more than \$100 for failure to pay the original penalty or to
25 complete a required traffic education program, or both, in a
26 timely manner, if the motor vehicle is recorded by an

1 automated traffic law enforcement system. A violation for
2 which a civil penalty is imposed under this Section is not a
3 violation of a traffic regulation governing the movement of
4 vehicles and may not be recorded on the driving record of the
5 owner of the vehicle.

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

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

22 (k) An intersection equipped with an automated traffic law
23 enforcement system must be posted with a sign visible to
24 approaching traffic indicating that the intersection is being
25 monitored by an automated traffic law enforcement system.

26 (k-3) A municipality or county that has one or more

1 intersections equipped with an automated traffic law
2 enforcement system must provide notice to drivers by posting
3 the locations of automated traffic law systems on the
4 municipality or county website.

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

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

1 county. If the statistical analysis for the 36 month period
2 following installation of the system indicates that there has
3 been an increase in the rate of accidents at the approach to
4 the intersection monitored by the system, the municipality or
5 county shall undertake additional studies to determine the
6 cause and severity of the accidents, and may take any action
7 that it determines is necessary or appropriate to reduce the
8 number or severity of the accidents at that intersection.

9 (k-9) Approval to operate an automated traffic law
10 enforcement system at an intersection shall be revoked by the
11 municipality or county operating the automated traffic law
12 enforcement system if the installation, operation, or request
13 for approval to operate an automated traffic law enforcement
14 system has been associated with civil or criminal corruption
15 charges involving: (i) a State legislator; (ii) a member of
16 the executive branch having oversight authority over approvals
17 to operate the automated traffic law enforcement system; or
18 (iii) a member of municipal or county government who holds or
19 held the power to vote for or to issue a local ordinance
20 pertaining to the automated traffic law enforcement system.

21 (l) The compensation paid for an automated traffic law
22 enforcement system must be based on the value of the equipment
23 or the services provided and may not be based on the number of
24 traffic citations issued or the revenue generated by the
25 system.

26 (m) This Section applies only to the counties of Cook,

1 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
2 to municipalities located within those counties.

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

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

12 (o) (Blank).

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

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

1 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.