

HB3275



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3275

Introduced 2/17/2023, by Rep. Paul Jacobs

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6

Amends the Illinois Vehicle Code. Provides that a written notice of a violation that was recorded by an automated traffic law enforcement system must be sent via certified (rather than regular) mail to the registered owner of the vehicle as the alleged violator. Provides that no violation issued due to it being recorded by an automated traffic law enforcement system shall be actionable after one year.

LRB103 27634 MXP 54010 b

A BILL FOR

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. 102-982)

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;

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) (Blank).

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

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

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

24 (1) that the motor vehicle or registration plates or
25 digital registration plates of the motor vehicle were
26 stolen before the violation occurred and not under the

1 control of or in the possession of the owner or lessee at
2 the time of the violation;

3 (1.5) that the motor vehicle was hijacked before the
4 violation occurred and not under the control of or in the
5 possession of the owner or lessee at the time of the
6 violation;

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

11 (3) any other evidence or issues provided by municipal
12 or county ordinance.

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

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

1 complete a required traffic education program, or both, in a
2 timely manner, if the motor vehicle is recorded by an
3 automated traffic law enforcement system. A violation for
4 which a civil penalty is imposed under this Section is not a
5 violation of a traffic regulation governing the movement of
6 vehicles and may not be recorded on the driving record of the
7 owner of the vehicle.

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

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

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

1 monitored by an automated traffic law enforcement system.

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

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

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

1 subsection (k-7) shall be made available to the public and
2 shall be published on the website of the municipality or
3 county. If the statistical analysis for the 36-month ~~36-month~~
4 period following installation of the system indicates that
5 there has been an increase in the rate of accidents at the
6 approach to the intersection monitored by the system, the
7 municipality or county shall undertake additional studies to
8 determine the cause and severity of the accidents, and may
9 take any action that it determines is necessary or appropriate
10 to reduce the number or severity of the accidents at that
11 intersection.

12 (l) The compensation paid for an automated traffic law
13 enforcement system must be based on the value of the equipment
14 or the services provided and may not be based on the number of
15 traffic citations issued or the revenue generated by the
16 system.

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

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

22 A low-income individual required to complete a traffic
23 education program under this Section who provides proof of
24 eligibility for the federal earned income tax credit under
25 Section 32 of the Internal Revenue Code or the Illinois earned
26 income tax credit under Section 212 of the Illinois Income Tax

1 Act shall not be required to pay any fee for participating in a
2 required traffic education program.

3 (o) (Blank).

4 (p) No person who is the lessor of a motor vehicle pursuant
5 to a written lease agreement shall be liable for an automated
6 speed or traffic law enforcement system violation involving
7 such motor vehicle during the period of the lease; provided
8 that upon the request of the appropriate authority received
9 within 120 days after the violation occurred, the lessor
10 provides within 60 days after such receipt the name and
11 address of the lessee.

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

18 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
19 102-905, eff. 1-1-23; revised 12-14-22.)

20 (Text of Section after amendment by P.A. 102-982)

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

22 (a) As used in this Section, "automated traffic law
23 enforcement system" means a device with one or more motor
24 vehicle sensors working in conjunction with a red light signal
25 to produce recorded images of motor vehicles entering an

1 intersection against a red signal indication in violation of
2 Section 11-306 of this Code or a similar provision of a local
3 ordinance.

4 An automated traffic law enforcement system is a system,
5 in a municipality or county operated by a governmental agency,
6 that produces a recorded image of a motor vehicle's violation
7 of a provision of this Code or a local ordinance and is
8 designed to obtain a clear recorded image of the vehicle and
9 the vehicle's license plate. The recorded image must also
10 display the time, date, and location of the violation.

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

14 (1) 2 or more photographs;

15 (2) 2 or more microphotographs;

16 (3) 2 or more electronic images; or

17 (4) a video recording showing the motor vehicle and,
18 on at least one image or portion of the recording, clearly
19 identifying the registration plate or digital registration
20 plate number of the motor vehicle.

21 (b-5) A municipality or county that produces a recorded
22 image of a motor vehicle's violation of a provision of this
23 Code or a local ordinance must make the recorded images of a
24 violation accessible to the alleged violator by providing the
25 alleged violator with a website address, accessible through
26 the Internet.

1 (c) Except as provided under Section 11-208.8 of this
2 Code, a county or municipality, including a home rule county
3 or municipality, may not use an automated traffic law
4 enforcement system to provide recorded images of a motor
5 vehicle for the purpose of recording its speed. Except as
6 provided under Section 11-208.8 of this Code, the regulation
7 of the use of automated traffic law enforcement systems to
8 record vehicle speeds is an exclusive power and function of
9 the State. This subsection (c) is a denial and limitation of
10 home rule powers and functions under subsection (h) of Section
11 6 of Article VII of the Illinois Constitution.

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

23 (c-6) A county, or a municipality with less than 2,000,000
24 inhabitants, including a home rule county or municipality, may
25 not use an automated traffic law enforcement system to issue
26 violations in instances where a motorcyclist enters an

1 intersection against a red signal indication when the red
2 signal fails to change to a green signal within a reasonable
3 period of time not less than 120 seconds because of a signal
4 malfunction or because the signal has failed to detect the
5 arrival of the motorcycle due to the motorcycle's size or
6 weight.

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

17 The notice shall include:

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

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

22 (3) the violation charged;

23 (4) the location where the violation occurred;

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

25 (6) a copy of the recorded images;

26 (7) the amount of the civil penalty imposed and the

1 requirements of any traffic education program imposed and
2 the date by which the civil penalty should be paid and the
3 traffic education program should be completed;

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

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

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

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

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

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

19 (e) (Blank).

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 or lessee at
13 the time of the violation;

14 (1.5) that the motor vehicle was hijacked before the
15 violation occurred and not under the control of or in the
16 possession of the owner or lessee at the time of the
17 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 (2.5) that any action for a violation of this Section
23 is barred by the statute of limitation under subsection
24 (g); and

25 (3) any other evidence or issues provided by municipal
26 or county ordinance.

1 (i) To demonstrate that the motor vehicle was hijacked or
2 the motor vehicle or registration plates or digital
3 registration plates were stolen before the violation occurred
4 and were not under the control or possession of the owner or
5 lessee at the time of the violation, the owner or lessee must
6 submit proof that a report concerning the motor vehicle or
7 registration plates was filed with a law enforcement agency in
8 a timely manner.

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

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

25 (j-5) For purposes of the required traffic education
26 program only, a registered owner may submit an affidavit to

1 the court or hearing officer swearing that at the time of the
2 alleged violation, the vehicle was in the custody and control
3 of another person. The affidavit must identify the person in
4 custody and control of the vehicle, including the person's
5 name and current address. The person in custody and control of
6 the vehicle at the time of the violation is required to
7 complete the required traffic education program. If the person
8 in custody and control of the vehicle at the time of the
9 violation completes the required traffic education program,
10 the registered owner of the vehicle is not required to
11 complete a traffic education program.

12 (k) An intersection equipped with an automated traffic law
13 enforcement system must be posted with a sign visible to
14 approaching traffic indicating that the intersection is being
15 monitored by an automated traffic law enforcement system.

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

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

26 (k-7) A municipality or county operating an automated

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

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) (Blank).

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

26 Upon the provision of information by the lessor pursuant

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

6 (q) A municipality or county shall not take action on any
7 violation issued under this Section one year after issuance of
8 the citation.

9 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
10 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.