

1 AMENDMENT TO SENATE BILL 173

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 173 on page 17, by  
3 replacing lines 22 through 33 with the following:

4 "(625 ILCS 5/11-208.5 new)

5 Sec. 11-208.5. Automated traffic law enforcement system.

6 (a) As used in this Section, "automated traffic law  
7 enforcement system" means a device with one or more motor  
8 vehicle sensors working in conjunction with:

9 (1) a red light signal to produce recorded images  
10 of motor vehicles entering an intersection against a red  
11 signal indication in violation of Section 11-306 of this  
12 Code or a similar provision of a local ordinance;

13 (2) a speed measuring device to produce recorded  
14 images of motor vehicles traveling at a prohibited rate  
15 of speed; or

16 (3) any other traffic control device designed to  
17 enhance highway safety.

18 An automated traffic law enforcement system is a system  
19 in a municipality or county operated by a governmental  
20 agency, in cooperation with a law enforcement agency, that  
21 produces a recorded image of a motor vehicle's violation of a  
22 provision of this Code or a local ordinance and is designed  
23 to obtain a clear recorded image of the vehicle and the

1 vehicle's license plate. The recorded image must also display  
2 the time, date, and location of the violation.

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

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

9 (4) a videotape showing the motor vehicle and, on  
10 at least one image or portion of tape, clearly  
11 identifying the registration plate number of the motor  
12 vehicle.

13 (c) For each violation of a provision of this Code or a  
14 local ordinance recorded by an automatic traffic law  
15 enforcement system, the local law enforcement agency having  
16 jurisdiction shall issue a written citation and a notice of  
17 the violation to the registered owner of the motor vehicle as  
18 the alleged violator. A violation of this Section shall  
19 result in the imposition of a civil penalty not exceeding  
20 \$250 upon the registered owner of the motor vehicle. The  
21 citation and notice shall be delivered to the registered  
22 owner of the motor vehicle, by mail, within 30 days of the  
23 violation.

24 The citation shall include:

25 (1) the name and address of the registered owner of  
26 the motor vehicle;

27 (2) the registration number of the motor vehicle  
28 involved in the violation;

29 (3) the violation charged;

30 (4) the location where the violation occurred;

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

32 (6) a copy of the recorded images;

33 (7) the amount of the civil penalty imposed and the  
34 date by which the civil penalty should be paid;

1           (8) a signed statement by a technician employed by  
2 the agency that, based on inspection of recorded images,  
3 the motor vehicle was being operated in violation of a  
4 automated traffic law enforcement system;

5           (9) a statement that recorded images are evidence  
6 of a violation of a traffic control device or posted rate  
7 of speed; and

8           (10) warning that failure to pay the civil penalty  
9 or to contest liability in a timely manner is an  
10 admission of liability and may result in a suspension of  
11 the driving privileges of the registered owner of the  
12 motor vehicle.

13       (d) The citation issued to the registered owner of the  
14 motor vehicle shall be accompanied by a written notice, the  
15 contents of which is set forth in subsection (e) of this  
16 Section, explaining how the registered owner of the motor  
17 vehicle can elect to proceed by either paying the civil  
18 penalty or challenging the issuance of the citation.

19       (e) The written notice explaining the alleged violator's  
20 rights and obligations must include the following text:

21       "You have been served with the accompanying citation and  
22 cited with having violated Section 11-208.5 of the  
23 Illinois Vehicle Code. You can elect to proceed by:

24           1. paying the fine; or

25           2. challenging the issuance of the Citation in  
26 court."

27       (f) If a person charged with a traffic violation, as a  
28 result of an automated traffic law enforcement system, does  
29 not pay or successfully contest the civil penalty resulting  
30 from that violation, the Secretary of State shall suspend the  
31 driving privileges of the registered owner of the motor  
32 vehicle under Section 6-306.5 of this Code for failing to pay  
33 any fine or penalty due and owing as a result of 5 violations  
34 of the automated traffic law enforcement system.

1       (g) Based on inspection of recorded images produced by  
2 an automated traffic law enforcement system, a citation or a  
3 copy of a citation alleging that the violation occurred and  
4 signed by a duly authorized agent of the agency shall be  
5 evidence of the facts contained in the citation or copy and  
6 admissible in any proceeding alleging a violation under this  
7 Section.

8       (h) Recorded images made by an automatic traffic law  
9 enforcement system are confidential and shall be made  
10 available only to the alleged violator and governmental and  
11 law enforcement agencies for purposes of adjudicating a  
12 violation of this Section. Any recorded image evidencing a  
13 violation of this Section, however, is admissible in any  
14 proceeding resulting from the issuance of the citation when  
15 there is reasonable and sufficient proof of the accuracy of  
16 the camera or electronic instrument recording the image.  
17 There is a rebuttable presumption that the recorded image is  
18 accurate if the camera or electronic recording instrument was  
19 in good working order at the beginning and the end of the day  
20 of the alleged offense.

21       (i) The court may consider in defense of a violation:

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

26           (2) with respect to an alleged automated red light  
27 violation, that the driver of the vehicle passed through  
28 the intersection when the light was red either (i) in  
29 order to yield the right-of-way to an emergency vehicle  
30 or (ii) as part of a funeral procession; and

31           (3) any other evidence or issues that the Court  
32 deems pertinent.

33       (j) To demonstrate that the motor vehicle or the  
34 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner at  
2 the time of the violation, the owner must submit proof that a  
3 police report concerning the stolen motor vehicle or  
4 registration plates was filed in a timely manner.

5 (k) 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 registered owner of the motor vehicle is  
8 subject to a civil penalty not exceeding \$250 if the motor  
9 vehicle is recorded by an automated traffic law enforcement  
10 system. The registered owner of the motor vehicle shall be  
11 the alleged violator when any violation of a provision of  
12 this Code or a local ordinance 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 registered owner  
17 of the motor vehicle.

18 (l) A roadway or intersection equipped with an automated  
19 traffic law enforcement system must be posted with a sign  
20 visible to approaching traffic indicating that the roadway or  
21 intersection is being monitored by an automated traffic law  
22 enforcement system.

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

28 by deleting pages 18, 19, and 20; and

29 on page 21, by deleting lines 1 through 28.