



Rep. Dan Brady

Filed: 3/28/2007

09500HB1818ham002

LRB095 03856 DRH 34604 a

1 AMENDMENT TO HOUSE BILL 1818

2 AMENDMENT NO. _____. Amend House Bill 1818, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (625 ILCS 5/11-208.6)

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, in

1 a municipality or county operated by a governmental agency,
2 that produces a recorded image of a motor vehicle's violation
3 of a provision of this Code or a local ordinance and is
4 designed to obtain a clear recorded image of the vehicle and
5 the vehicle's license plate. The recorded image must also
6 display the time, date, and location of the violation.

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

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

12 (4) a video recording showing the motor vehicle and, on
13 at least one image or portion of the recording, clearly
14 identifying the registration plate number of the motor
15 vehicle.

16 (c) 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. The regulation
20 of the use of automated traffic law enforcement systems to
21 record vehicle speeds is an exclusive power and function of the
22 State. This subsection (c) is a denial and limitation of home
23 rule powers and functions under subsection (h) of Section 6 of
24 Article VII of the Illinois Constitution.

25 (d) For each violation of a provision of this Code or a
26 local ordinance recorded by an automatic traffic law

1 enforcement system, the county or municipality having
2 jurisdiction shall issue a written notice of the violation to
3 the registered owner of the vehicle as the alleged violator.
4 The notice shall be delivered to the registered owner of the
5 vehicle, by mail, within 30 days after the Secretary of State
6 notifies the municipality or county of the identity of the
7 owner of the vehicle, but in no event later than 90 days after
8 the violation.

9 The notice shall include:

10 (1) the name and address of the registered owner of the
11 vehicle;

12 (2) the registration number of the motor vehicle
13 involved in the violation;

14 (3) the violation charged;

15 (4) the location where the violation occurred;

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

17 (6) a copy of the recorded images;

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

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

22 (9) a warning that failure to pay the civil penalty or
23 to 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; and

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

1 by:

2 (A) paying the fine; or

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

5 (e) If a person charged with a traffic violation, as a
6 result of an automated traffic law enforcement system, does not
7 pay or successfully contest the civil penalty resulting from
8 that violation, the Secretary of State shall suspend the
9 driving privileges of the registered owner of the vehicle under
10 Section 6-306.5 of this Code for failing to pay any fine or
11 penalty due and owing as a result of 5 violations of the
12 automated traffic law enforcement system.

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

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

26 (h) The court or hearing officer may consider in defense of

1 a violation:

2 (1) that the motor vehicle or registration plates of
3 the motor vehicle were stolen before the violation occurred
4 and not under the control of or in the possession of the
5 owner at the time of the violation;

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

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

12 (i) To demonstrate that the motor vehicle or the
13 registration plates were stolen before the violation occurred
14 and were not under the control or possession of the owner at
15 the time of the violation, the owner must submit proof that a
16 report concerning the stolen motor vehicle or registration
17 plates was filed with a law enforcement agency in a timely
18 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, plus an additional penalty of not
23 more than \$100 for failure to pay the original penalty in a
24 timely manner, if the motor vehicle is recorded by an automated
25 traffic law enforcement system. A violation for which a civil
26 penalty is imposed under this Section is not a violation of a

1 traffic regulation governing the movement of vehicles and may
2 not be recorded on the driving record of the owner of the
3 vehicle.

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

13 (m) This Section applies only to the counties of Champaign,
14 Cook, DeKalb, DuPage, Kane, Kankakee, Lake, La Salle, Madison,
15 McHenry, McLean, Peoria, St. Clair, Sangamon, Vermilion, ~~and~~
16 Will, and Winnebago and to municipalities located within those
17 counties.

18 (Source: P.A. 94-795, eff. 5-22-06.)

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