



Executive Committee

**Adopted in House Comm. on Nov 19, 2008**

09500SB0113ham001

LRB095 03951 RLJ 53566 a

1 AMENDMENT TO SENATE BILL 113

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 113 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 1-2-1 and 1-2-1.1 as follows:

6 (65 ILCS 5/1-2-1) (from Ch. 24, par. 1-2-1)

7 Sec. 1-2-1. The corporate authorities of each municipality  
8 may pass all ordinances and make all rules and regulations  
9 proper or necessary, to carry into effect the powers granted to  
10 municipalities, with such fines or penalties as may be deemed  
11 proper. No fine or penalty, however, except civil penalties  
12 provided for failure to make returns or to pay any taxes levied  
13 by the municipality shall exceed \$750 and no imprisonment  
14 authorized in Section 1-2-9 for failure to pay any fine,  
15 penalty or cost shall exceed 6 months for one offense.

16 A penalty imposed for violation of an ordinance may

1 include, or consist of, a requirement that the defendant do one  
2 or both of the following:

3 (1) Complete an education program.

4 (2) Perform ~~perform~~ some reasonable public service  
5 work such as but not limited to the picking up of litter in  
6 public parks or along public highways or the maintenance of  
7 public facilities.

8 A default in the payment of a fine or penalty or any  
9 installment of a fine or penalty may be collected by any means  
10 authorized for the collection of monetary judgments. The  
11 municipal attorney of the municipality in which the fine or  
12 penalty was imposed may retain attorneys and private collection  
13 agents for the purpose of collecting any default in payment of  
14 any fine or penalty or installment of that fine or penalty. Any  
15 fees or costs incurred by the municipality with respect to  
16 attorneys or private collection agents retained by the  
17 municipal attorney under this Section shall be charged to the  
18 offender.

19 (Source: P.A. 95-389, eff. 1-1-08.)

20 (65 ILCS 5/1-2-1.1) (from Ch. 24, par. 1-2-1.1)

21 Sec. 1-2-1.1. The corporate authorities of each  
22 municipality may pass ordinances, not inconsistent with the  
23 criminal laws of this State, to regulate any matter expressly  
24 within the authorized powers of the municipality, or incidental  
25 thereto, making violation thereof a misdemeanor punishable by

1 incarceration in a penal institution other than the  
2 penitentiary not to exceed 6 months. The municipality is  
3 authorized to prosecute violations of penal ordinances enacted  
4 under this Section as criminal offenses by its corporate  
5 attorney in the circuit court by an information, or complaint  
6 sworn to, charging such offense. The prosecution shall be under  
7 and conform to the rules of criminal procedure. Conviction  
8 shall require the municipality to establish the guilt of the  
9 defendant beyond reasonable doubt.

10 A penalty imposed for violation of an ordinance may  
11 include, or consist of, a requirement that the defendant do one  
12 or both of the following:

13 (1) Complete an education program.

14 (2) Perform ~~perform~~ some reasonable public service  
15 work such as but not limited to the picking up of litter in  
16 public parks or along public highways or the maintenance of  
17 public facilities.

18 This Section shall not apply to or affect ordinances now or  
19 hereafter enacted pursuant to Sections 11-5-1, 11-5-2, 11-5-3,  
20 11-5-4, 11-5-5, 11-5-6, 11-40-1, 11-40-2, 11-40-2a, 11-40-3,  
21 11-80-9 and 11-80-16 of the Illinois Municipal Code, as now or  
22 hereafter amended, nor to Sections enacted after this 1969  
23 amendment which replace or add to the Sections herein  
24 enumerated, nor to ordinances now in force or hereafter enacted  
25 pursuant to authority granted to local authorities by Section  
26 11-208 of "The Illinois Vehicle Code", approved September 29,

1 1969, as now or hereafter amended.

2 (Source: P.A. 86-299.)

3 Section 10. The Illinois Vehicle Code is amended by  
4 changing Sections 11-208.3 and 11-208.6 as follows:

5 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

6 Sec. 11-208.3. Administrative adjudication of violations  
7 of traffic regulations concerning the standing, parking, or  
8 condition of vehicles and automated traffic law violations.

9 (a) Any municipality may provide by ordinance for a system  
10 of administrative adjudication of vehicular standing and  
11 parking violations and vehicle compliance violations as  
12 defined in this subsection and automated traffic law violations  
13 as defined in Section 11-208.6. The administrative system shall  
14 have as its purpose the fair and efficient enforcement of  
15 municipal regulations through the administrative adjudication  
16 of automated traffic law violations and violations of municipal  
17 ordinances regulating the standing and parking of vehicles, the  
18 condition and use of vehicle equipment, and the display of  
19 municipal wheel tax licenses within the municipality's  
20 borders. The administrative system shall only have authority to  
21 adjudicate civil offenses carrying fines not in excess of \$250  
22 or requiring the completion of a traffic education program, or  
23 both, that occur after the effective date of the ordinance  
24 adopting such a system under this Section. For purposes of this

1 Section, "compliance violation" means a violation of a  
2 municipal regulation governing the condition or use of  
3 equipment on a vehicle or governing the display of a municipal  
4 wheel tax license.

5 (b) Any ordinance establishing a system of administrative  
6 adjudication under this Section shall provide for:

7 (1) A traffic compliance administrator authorized to  
8 adopt, distribute and process parking, compliance, and  
9 automated traffic law violation notices and other notices  
10 required by this Section, collect money paid as fines and  
11 penalties for violation of parking and compliance  
12 ordinances and automated traffic law violations, and  
13 operate an administrative adjudication system. The traffic  
14 compliance administrator also may make a certified report  
15 to the Secretary of State under Section 6-306.5.

16 (2) A parking, standing, compliance, or automated  
17 traffic law violation notice that shall specify the date,  
18 time, and place of violation of a parking, standing,  
19 compliance, or automated traffic law regulation; the  
20 particular regulation violated; any requirement to  
21 complete a traffic education program; the fine and any  
22 penalty that may be assessed for late payment or failure to  
23 complete a required traffic education program, or both,  
24 when so provided by ordinance; the vehicle make and state  
25 registration number; and the identification number of the  
26 person issuing the notice. With regard to automated traffic

1 law violations, vehicle make shall be specified on the  
2 automated traffic law violation notice if the make is  
3 available and readily discernible. With regard to  
4 municipalities with a population of 1 million or more, it  
5 shall be grounds for dismissal of a parking violation if  
6 the state registration number or vehicle make specified is  
7 incorrect. The violation notice shall state that the  
8 completion of any required traffic education program, the  
9 payment of any ~~the~~ indicated fine, and the payment of any  
10 applicable penalty for late payment or failure to complete  
11 a required traffic education program, or both, shall  
12 operate as a final disposition of the violation. The notice  
13 also shall contain information as to the availability of a  
14 hearing in which the violation may be contested on its  
15 merits. The violation notice shall specify the time and  
16 manner in which a hearing may be had.

17 (3) Service of the parking, standing, or compliance  
18 violation notice by affixing the original or a facsimile of  
19 the notice to an unlawfully parked vehicle or by handing  
20 the notice to the operator of a vehicle if he or she is  
21 present and service of an automated traffic law violation  
22 notice by mail to the address of the registered owner of  
23 the cited vehicle as recorded with the Secretary of State  
24 within 30 days after the Secretary of State notifies the  
25 municipality or county of the identity of the owner of the  
26 vehicle, but in no event later than 90 days after the

1 violation. A person authorized by ordinance to issue and  
2 serve parking, standing, and compliance violation notices  
3 shall certify as to the correctness of the facts entered on  
4 the violation notice by signing his or her name to the  
5 notice at the time of service or in the case of a notice  
6 produced by a computerized device, by signing a single  
7 certificate to be kept by the traffic compliance  
8 administrator attesting to the correctness of all notices  
9 produced by the device while it was under his or her  
10 control. In the case of an automated traffic law violation,  
11 the ordinance shall require a determination by a technician  
12 employed or contracted by the municipality or county that,  
13 based on inspection of recorded images, the motor vehicle  
14 was being operated in violation of Section 11-208.6 or a  
15 local ordinance. If the technician determines that the  
16 vehicle entered the intersection as part of a funeral  
17 procession or in order to yield the right-of-way to an  
18 emergency vehicle, a citation shall not be issued. The  
19 original or a facsimile of the violation notice or, in the  
20 case of a notice produced by a computerized device, a  
21 printed record generated by the device showing the facts  
22 entered on the notice, shall be retained by the traffic  
23 compliance administrator, and shall be a record kept in the  
24 ordinary course of business. A parking, standing,  
25 compliance, or automated traffic law violation notice  
26 issued, signed and served in accordance with this Section,

1 a copy of the notice, or the computer generated record  
2 shall be prima facie correct and shall be prima facie  
3 evidence of the correctness of the facts shown on the  
4 notice. The notice, copy, or computer generated record  
5 shall be admissible in any subsequent administrative or  
6 legal proceedings.

7 (4) An opportunity for a hearing for the registered  
8 owner of the vehicle cited in the parking, standing,  
9 compliance, or automated traffic law violation notice in  
10 which the owner may contest the merits of the alleged  
11 violation, and during which formal or technical rules of  
12 evidence shall not apply; provided, however, that under  
13 Section 11-1306 of this Code the lessee of a vehicle cited  
14 in the violation notice likewise shall be provided an  
15 opportunity for a hearing of the same kind afforded the  
16 registered owner. The hearings shall be recorded, and the  
17 person conducting the hearing on behalf of the traffic  
18 compliance administrator shall be empowered to administer  
19 oaths and to secure by subpoena both the attendance and  
20 testimony of witnesses and the production of relevant books  
21 and papers. Persons appearing at a hearing under this  
22 Section may be represented by counsel at their expense. The  
23 ordinance may also provide for internal administrative  
24 review following the decision of the hearing officer.

25 (5) Service of additional notices, sent by first class  
26 United States mail, postage prepaid, to the address of the



1 registered owner of the cited vehicle as recorded with the  
2 Secretary of State or, if any notice to that address is  
3 returned as undeliverable, to the last known address  
4 recorded in a United States Post Office approved database,  
5 or, under Section 11-1306 of this Code, to the lessee of  
6 the cited vehicle at the last address known to the lessor  
7 of the cited vehicle at the time of lease or, if any notice  
8 to that address is returned as undeliverable, to the last  
9 known address recorded in a United States Post Office  
10 approved database. The service shall be deemed complete as  
11 of the date of deposit in the United States mail. The  
12 notices shall be in the following sequence and shall  
13 include but not be limited to the information specified  
14 herein:

15 (i) A second notice of parking, standing, or  
16 compliance violation. This notice shall specify the  
17 date and location of the violation cited in the  
18 parking, standing, or compliance violation notice, the  
19 particular regulation violated, the vehicle make and  
20 state registration number, any requirement to complete  
21 a traffic education program, the fine and any penalty  
22 that may be assessed for late payment or failure to  
23 complete a traffic education program, or both, when so  
24 provided by ordinance, the availability of a hearing in  
25 which the violation may be contested on its merits, and  
26 the time and manner in which the hearing may be had.

1           The notice of violation shall also state that failure  
2           to complete a required traffic education program,  
3           ~~either~~ to pay the indicated fine and any applicable  
4           penalty, or to appear at a hearing on the merits in the  
5           time and manner specified, will result in a final  
6           determination of violation liability for the cited  
7           violation in the amount of the fine or penalty  
8           indicated, and that, upon the occurrence of a final  
9           determination of violation liability for the failure,  
10          and the exhaustion of, or failure to exhaust, available  
11          administrative or judicial procedures for review, any  
12          incomplete traffic education program or any unpaid  
13          fine or penalty, or both, will constitute a debt due  
14          and owing the municipality.

15           (ii) A notice of final determination of parking,  
16          standing, compliance, or automated traffic law  
17          violation liability. This notice shall be sent  
18          following a final determination of parking, standing,  
19          compliance, or automated traffic law violation  
20          liability and the conclusion of judicial review  
21          procedures taken under this Section. The notice shall  
22          state that the incomplete traffic education program or  
23          the unpaid fine or penalty, or both, is a debt due and  
24          owing the municipality. The notice shall contain  
25          warnings that failure to complete any required traffic  
26          education program or to pay any fine or penalty due and

1           owing the municipality, or both, within the time  
2           specified may result in the municipality's filing of a  
3           petition in the Circuit Court to have the incomplete  
4           traffic education program or unpaid fine or penalty, or  
5           both, rendered a judgment as provided by this Section,  
6           or may result in suspension of the person's drivers  
7           license for failure to complete a traffic education  
8           program or to pay fines or penalties, or both, for 10  
9           or more parking violations under Section 6-306.5 or 5  
10          or more automated traffic law violations under Section  
11          11-208.6.

12          (6) A notice ~~Notice~~ of impending drivers license  
13          suspension. This notice shall be sent to the person liable  
14          for failure to complete a required traffic education  
15          program or to pay any fine or penalty that remains due and  
16          owing, or both, on 10 or more parking violations or 5 or  
17          more unpaid automated traffic law violations. The notice  
18          shall state that failure to complete a required traffic  
19          education program or to pay the fine or penalty owing, or  
20          both, within 45 days of the notice's date will result in  
21          the municipality notifying the Secretary of State that the  
22          person is eligible for initiation of suspension  
23          proceedings under Section 6-306.5 of this Code. The notice  
24          shall also state that the person may obtain a photostatic  
25          copy of an original ticket imposing a fine or penalty by  
26          sending a self addressed, stamped envelope to the

1 municipality along with a request for the photostatic copy.  
2 The notice of impending drivers license suspension shall be  
3 sent by first class United States mail, postage prepaid, to  
4 the address recorded with the Secretary of State or, if any  
5 notice to that address is returned as undeliverable, to the  
6 last known address recorded in a United States Post Office  
7 approved database.

8 (7) Final determinations of violation liability. A  
9 final determination of violation liability shall occur  
10 following failure to complete the required traffic  
11 education program or to pay the fine or penalty, or both,  
12 after a hearing officer's determination of violation  
13 liability and the exhaustion of or failure to exhaust any  
14 administrative review procedures provided by ordinance.  
15 Where a person fails to appear at a hearing to contest the  
16 alleged violation in the time and manner specified in a  
17 prior mailed notice, the hearing officer's determination  
18 of violation liability shall become final: (A) upon denial  
19 of a timely petition to set aside that determination, or  
20 (B) upon expiration of the period for filing the petition  
21 without a filing having been made.

22 (8) A petition to set aside a determination of parking,  
23 standing, compliance, or automated traffic law violation  
24 liability that may be filed by a person owing an unpaid  
25 fine or penalty. A petition to set aside a determination of  
26 liability may also be filed by a person required to

1       complete a traffic education program. The petition shall be  
2       filed with and ruled upon by the traffic compliance  
3       administrator in the manner and within the time specified  
4       by ordinance. The grounds for the petition may be limited  
5       to: (A) the person not having been the owner or lessee of  
6       the cited vehicle on the date the violation notice was  
7       issued, (B) the person having already completed the  
8       required traffic education program or paid the fine or  
9       penalty, or both, for the violation in question, and (C)  
10      excusable failure to appear at or request a new date for a  
11      hearing. With regard to municipalities with a population of  
12      1 million or more, it shall be grounds for dismissal of a  
13      parking violation if the state registration number, or  
14      vehicle make if specified, is incorrect. After the  
15      determination of parking, standing, compliance, or  
16      automated traffic law violation liability has been set  
17      aside upon a showing of just cause, the registered owner  
18      shall be provided with a hearing on the merits for that  
19      violation.

20           (9) Procedures for non-residents. Procedures by which  
21      persons who are not residents of the municipality may  
22      contest the merits of the alleged violation without  
23      attending a hearing.

24           (10) A schedule of civil fines for violations of  
25      vehicular standing, parking, compliance, or automated  
26      traffic law regulations enacted by ordinance pursuant to

1 this Section, and a schedule of penalties for late payment  
2 of the fines or failure to complete required traffic  
3 education programs, provided, however, that the total  
4 amount of the fine and penalty for any one violation shall  
5 not exceed \$250, except as provided in subsection (c) of  
6 Section 11-1301.3 of this Code.

7 (11) Other provisions as are necessary and proper to  
8 carry into effect the powers granted and purposes stated in  
9 this Section.

10 (c) Any municipality establishing vehicular standing,  
11 parking, compliance, or automated traffic law regulations  
12 under this Section may also provide by ordinance for a program  
13 of vehicle immobilization for the purpose of facilitating  
14 enforcement of those regulations. The program of vehicle  
15 immobilization shall provide for immobilizing any eligible  
16 vehicle upon the public way by presence of a restraint in a  
17 manner to prevent operation of the vehicle. Any ordinance  
18 establishing a program of vehicle immobilization under this  
19 Section shall provide:

20 (1) Criteria for the designation of vehicles eligible  
21 for immobilization. A vehicle shall be eligible for  
22 immobilization when the registered owner of the vehicle has  
23 accumulated the number of incomplete traffic education  
24 programs or unpaid final determinations of parking,  
25 standing, compliance, or automated traffic law violation  
26 liability, or both, as determined by ordinance.

1           (2) A notice of impending vehicle immobilization and a  
2 right to a hearing to challenge the validity of the notice  
3 by disproving liability for the incomplete traffic  
4 education programs or unpaid final determinations of  
5 parking, standing, compliance, or automated traffic law  
6 violation liability, or both, listed on the notice.

7           (3) The right to a prompt hearing after a vehicle has  
8 been immobilized or subsequently towed without the  
9 completion of the required traffic education program or  
10 payment of the outstanding fines and penalties on parking,  
11 standing, compliance, or automated traffic law violations, ,  
12 or both, for which final determinations have been issued.  
13 An order issued after the hearing is a final administrative  
14 decision within the meaning of Section 3-101 of the Code of  
15 Civil Procedure.

16           (4) A post immobilization and post-towing notice  
17 advising the registered owner of the vehicle of the right  
18 to a hearing to challenge the validity of the impoundment.

19           (d) Judicial review of final determinations of parking,  
20 standing, compliance, or automated traffic law violations and  
21 final administrative decisions issued after hearings regarding  
22 vehicle immobilization and impoundment made under this Section  
23 shall be subject to the provisions of the Administrative Review  
24 Law.

25           (e) Any fine, penalty, incomplete traffic education  
26 program, or part of any fine or any penalty remaining unpaid

1 after the exhaustion of, or the failure to exhaust,  
2 administrative remedies created under this Section and the  
3 conclusion of any judicial review procedures shall be a debt  
4 due and owing the municipality and, as such, may be collected  
5 in accordance with applicable law. Completion of any required  
6 traffic education program and payment ~~Payment~~ in full of any  
7 fine or penalty resulting from a standing, parking, compliance,  
8 or automated traffic law violation shall constitute a final  
9 disposition of that violation.

10 (f) After the expiration of the period within which  
11 judicial review may be sought for a final determination of  
12 parking, standing, compliance, or automated traffic law  
13 violation, the municipality may commence a proceeding in the  
14 Circuit Court for purposes of obtaining a judgment on the final  
15 determination of violation. Nothing in this Section shall  
16 prevent a municipality from consolidating multiple final  
17 determinations of parking, standing, compliance, or automated  
18 traffic law violations against a person in a proceeding. Upon  
19 commencement of the action, the municipality shall file a  
20 certified copy or record of the final determination of parking,  
21 standing, compliance, or automated traffic law violation,  
22 which shall be accompanied by a certification that recites  
23 facts sufficient to show that the final determination of  
24 violation was issued in accordance with this Section and the  
25 applicable municipal ordinance. Service of the summons and a  
26 copy of the petition may be by any method provided by Section



1 2-203 of the Code of Civil Procedure or by certified mail,  
2 return receipt requested, provided that the total amount of  
3 fines and penalties for final determinations of parking,  
4 standing, compliance, or automated traffic law violations does  
5 not exceed \$2500. If the court is satisfied that the final  
6 determination of parking, standing, compliance, or automated  
7 traffic law violation was entered in accordance with the  
8 requirements of this Section and the applicable municipal  
9 ordinance, and that the registered owner or the lessee, as the  
10 case may be, had an opportunity for an administrative hearing  
11 and for judicial review as provided in this Section, the court  
12 shall render judgment in favor of the municipality and against  
13 the registered owner or the lessee for the amount indicated in  
14 the final determination of parking, standing, compliance, or  
15 automated traffic law violation, plus costs. The judgment shall  
16 have the same effect and may be enforced in the same manner as  
17 other judgments for the recovery of money.

18 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;  
19 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

20 (625 ILCS 5/11-208.6)

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, in  
5 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 images  
12 recorded by an automated traffic law enforcement system on:

- 13 (1) 2 or more photographs;  
14 (2) 2 or more microphotographs;  
15 (3) 2 or more electronic images; or  
16 (4) a video recording showing the motor vehicle and, on  
17 at least one image or portion of the recording, clearly  
18 identifying the registration plate number of the motor  
19 vehicle.

20 (c) A county or municipality, including a home rule county  
21 or municipality, may not use an automated traffic law  
22 enforcement system to provide recorded images of a motor  
23 vehicle for the purpose of recording its speed. The regulation  
24 of the use of automated traffic law enforcement systems to  
25 record vehicle speeds is an exclusive power and function of the  
26 State. This subsection (c) is a denial and limitation of home

1 rule powers and functions under subsection (h) of Section 6 of  
2 Article VII of the Illinois Constitution.

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

13 The notice shall include:

14 (1) the name and address of the registered owner of the  
15 vehicle;

16 (2) the registration number of the motor vehicle  
17 involved in the violation;

18 (3) the violation charged;

19 (4) the location where the violation occurred;

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

21 (6) a copy of the recorded images;

22 (7) the amount of the civil penalty imposed and the  
23 requirements of any traffic education program imposed and  
24 the date by which the civil penalty should be paid and the  
25 traffic education program should be completed;

26 (8) a statement that recorded images are evidence of a

1 violation of a red light signal;

2 (9) a warning that failure to pay the civil penalty, to  
3 complete a required traffic education program, or to  
4 contest liability in a timely manner is an admission of  
5 liability and may result in a suspension of the driving  
6 privileges of the registered owner of the vehicle; and

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

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

11 (B) challenging the charge in court, by mail, or by  
12 administrative hearing.

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

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

1 alleging a violation under this Section.

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

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

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

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

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

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

1 plates was filed with a law enforcement agency in a timely  
2 manner.

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

16 (k) An intersection equipped with an automated traffic law  
17 enforcement system must be posted with a sign visible to  
18 approaching traffic indicating that the intersection is being  
19 monitored by an automated traffic law enforcement system.

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

25 (m) This Section applies only to the counties of Cook,  
26 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and

1 to municipalities located within those counties.

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