

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 changing
5 Section 11-208.6 as follows:

6 (625 ILCS 5/11-208.6)

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, in
16 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 images
23 recorded by an automated traffic law enforcement system on:

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

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

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

25 (c-5) A county or municipality, including a home rule
26 county or municipality, may not use an automated traffic law

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

10 (c-6) A county, or a municipality with less than 2,000,000
11 inhabitants, including a home rule county or municipality, may
12 not use an automated traffic law enforcement system to issue
13 violations in instances where a motorcyclist enters an
14 intersection against a red signal indication when the red
15 signal fails to change to a green signal within a reasonable
16 period of time because of a signal malfunction or because the
17 signal has failed to detect the arrival of the motorcycle due
18 to the motorcycle's size or 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 the
5 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, to
19 complete a required traffic education program, or to
20 contest liability in a timely manner is an admission of
21 liability and may result in a suspension of the driving
22 privileges of the registered owner of the vehicle;

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

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

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

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

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

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

22 (g) Recorded images made by an automatic traffic law
23 enforcement system are confidential and shall be made available
24 only to the alleged violator and governmental and law
25 enforcement agencies for purposes of adjudicating a violation
26 of this Section, for statistical purposes, or for other

1 governmental purposes. Any recorded image evidencing a
2 violation of this Section, however, may be admissible in any
3 proceeding resulting from the issuance of the citation.

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

6 (1) that the motor vehicle or registration plates of
7 the motor vehicle were stolen before the violation occurred
8 and not under the control of or in the possession of the
9 owner at the time of the violation;

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

14 (3) evidence that the minimal yellow light change
15 interval does not conform with the requirements of
16 subsection (k-5) of this Section; and

17 (4) ~~(3)~~ any other evidence or issues provided by
18 municipal or county ordinance.

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

26 (j) Unless the driver of the motor vehicle received a

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

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

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

1 registered owner of the vehicle is not required to complete a
2 traffic education program.

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

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

12 (k-5) An intersection equipped with an automated traffic
13 law enforcement system must have a yellow change interval that
14 conforms with the Illinois Manual on Uniform Traffic Control
15 Devices (IMUTCD) published by the Illinois Department of
16 Transportation. The minimal yellow light change interval shall
17 be established in accordance with nationally recognized
18 engineering standards using the 85th percentile approach
19 traffic speed, derived from engineering speed studies
20 conducted under good conditions and not influenced by law
21 enforcement actions or visible speed display signs, and any
22 established time may not be less than the recognized national
23 standard plus one additional second.

24 (k-7) A municipality or county operating an automated
25 traffic law enforcement system shall conduct a statistical
26 analysis to assess the safety impact of each automated traffic

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

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

1 system.

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

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

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

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

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

1 of the lessee. The drivers license number of a lessee may be
2 subsequently individually requested by the appropriate
3 authority if needed for enforcement of this Section.

4 Upon the provision of information by the lessor pursuant to
5 this subsection, the county or municipality may issue the
6 violation to the lessee of the vehicle in the same manner as it
7 would issue a violation to a registered owner of a vehicle
8 pursuant to this Section, and the lessee may be held liable for
9 the violation.

10 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;
11 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672, eff. 7-1-12;
12 revised 2-8-12.)