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## Red-light camera class action awaits Illinois Supreme Court decision

This is how it goes: A flash, then a ticket in the mail — no sirens, no police officer and no opportunity to plead your case before a citation is issued. On July 9, 2003, the city of Chicago enacted a red-light camera program under the Chicago Municipal Code.

Under the red-light camera program, electronic monitoring devices were installed on certain intersections throughout the city in order to detect and record drivers who violated red-light traffic signals. Since then, many upset drivers have attempted to challenge the cameras, seeing them as an unfair and inaccurate way for the city to collect money.

In May 2006, under the Illinois Vehicle Code, the state legislature passed an enabling act which authorized red-light camera programs in Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair and Will counties.

If the camera records a red-light violation, the registered owner of the vehicle receives a citation in the mail along with copies of the photographs taken. While the registered owner of the vehicle is allowed to contest the citation, they are responsible for the ticket even if they were not driving at the time the citation was issued.

Challenges regarding the accu-

racy of the cameras and the impact of the city's failure to post warning signs have made their way into court. *Keating v. City of Chicago*, a class-action lawsuit which is now before the Illinois Supreme Court, challenges the constitutionality of the city's red-light ordinance.

The plaintiffs in *Keating*, all of whom received red-light violation citations, initially claimed that the city lacked home-rule authority to enact the red-light ordinance. They also claimed that the 2006 enabling act was unconstitutional.

The Cook County Circuit Court dismissed the case, finding that plaintiffs Elizabeth Keating and Shirley Peacock lacked standing because they did not receive citations from the city and that the remaining plaintiffs also lacked standing to challenge the city's

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home-rule power for the period of time from the enactment of the ordinance until the Illinois legislation enabling act because no plaintiff received a citation during that time.

The court further rejected the



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plaintiffs' claim that the enabling act violated the special or local law provision of the Illinois Constitution because there was a rational basis for the legislature to enact the provision.

The appellate court upheld the circuit court's decision. It held that the circuit court did not err in dismissing the plaintiffs' complaint for failure to state a claim because the city of Chicago's red-light camera ordinance was valid and the Illinois enabling legislation was constitutional and not special local legislation.

The appellate court held that the city had jurisdiction to enact the provision under its home-rule authority and that the enactment

was not in conflict with the Illinois Vehicle Code's prohibition against the enactment of ordinances regulating moving violations.

As Chicago had home-rule authority to enact the ordinance and did not need an enabling act, the ordinance was not void either before or after the enabling act.

On appeal, the appellate court found that the ordinance was valid because Chicago is a home rule unit. Under Article VII, Section 6, of the Illinois Constitution, cities with a population exceeding 25,000 are granted authority to enact laws relating to the rights and duties of their citizens. Home-rule units may also enact regulations when the state has not specifically declared its exercise to be exclusive.

The Illinois Supreme Court granted the petition for leave to appeal and heard oral argument in the case on May 21. The plaintiffs renewed their argument that the city did not have the legal authority to start using cameras in 2003 because the Illinois General Assembly did not pass a law allowing that specific type of traffic enforcement. The plaintiffs also argued that the cameras violated Illinois laws requiring uniform traffic rules statewide.

The city has installed speeding cameras throughout the city. Eleven years after the city first installed the cameras, the program remains a relevant and heated issue for Illinois drivers.