



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2272

Introduced 2/10/2023, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-50 new
625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6
625 ILCS 5/11-208.8
625 ILCS 5/11-208.9

Amends the Election Code. Provides that a contractor that provides equipment and services for automated law enforcement, automated speed enforcement, or automated railroad grade crossing enforcement systems to municipalities or counties or any political action committee created by such a contractor may not make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official in an aggregate value over \$500 in a calendar year. Amends the Illinois Vehicle Code. Provides that a municipality's or county's automated speed enforcement system or automated traffic law ordinance shall require that the determination to issue a citation be vested solely with the municipality or county and that such authority may not be delegated to any contractor retained by the municipality or county. Provides that any contract or agreement violating such a provision in the ordinance is null and void. Provides that signage at an intersection informing drivers of an automated traffic law enforcement system shall also inform drivers whether, following a stop, a right turn at the intersection is permitted or prohibited. Requires a statistical analysis of automated traffic law and speed enforcement systems every 3 years. Provides that no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a contractor that provides automated enforcement system equipment or services to municipalities or counties until 2 years immediately after the termination of municipal or county employment. Effective January 1, 2024.

LRB103 30594 MXP 57034 b

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 Election Code is amended by adding Section
5 9-50 as follows:

6 (10 ILCS 5/9-50 new)

7 Sec. 9-50. Contractor providing automated traffic systems;
8 contributions. A contractor that provides equipment and
9 services for automated law enforcement, automated speed
10 enforcement, or automated railroad grade crossing enforcement
11 systems to municipalities or counties or any political action
12 committee created by such a contractor may not make a campaign
13 contribution to any political committee established to promote
14 the candidacy of a candidate or public official in an
15 aggregate value over \$500 in a calendar year. An officer or
16 agent of such a contractor may not consent to any contribution
17 or expenditure that is prohibited by this Section. A
18 candidate, political committee, or other person may not
19 knowingly accept or receive any contribution prohibited by
20 this Section. As used in this Section, "automated law
21 enforcement system", "automated speed enforcement system", and
22 "automated railroad grade crossing enforcement system" have
23 the meaning ascribed to those terms in Article II of Chapter 11

1 of the Illinois Vehicle Code.

2 Section 10. The Illinois Vehicle Code is amended by
3 changing Sections 11-208.3, 11-208.6, 11-208.8, and 11-208.9
4 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, automated traffic law violations, and
9 automated speed enforcement system violations.

10 (a) Any municipality or county may provide by ordinance
11 for a system of administrative adjudication of vehicular
12 standing and parking violations and vehicle compliance
13 violations as described in this subsection, automated traffic
14 law violations as defined in Section 11-208.6, 11-208.9, or
15 11-1201.1, and automated speed enforcement system violations
16 as defined in Section 11-208.8. The administrative system
17 shall have as its purpose the fair and efficient enforcement
18 of municipal or county regulations through the administrative
19 adjudication of automated speed enforcement system or
20 automated traffic law violations and violations of municipal
21 or county ordinances regulating the standing and parking of
22 vehicles, the condition and use of vehicle equipment, and the
23 display of municipal or county wheel tax licenses within the
24 municipality's or county's borders. The administrative system

1 shall only have authority to adjudicate civil offenses
2 carrying fines not in excess of \$500 or requiring the
3 completion of a traffic education program, or both, that occur
4 after the effective date of the ordinance adopting such a
5 system under this Section. For purposes of this Section,
6 "compliance violation" means a violation of a municipal or
7 county regulation governing the condition or use of equipment
8 on a vehicle or governing the display of a municipal or county
9 wheel tax license.

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

12 (1) A traffic compliance administrator authorized to
13 adopt, distribute, and process parking, compliance, and
14 automated speed enforcement system or automated traffic
15 law violation notices and other notices required by this
16 Section, collect money paid as fines and penalties for
17 violation of parking and compliance ordinances and
18 automated speed enforcement system or automated traffic
19 law violations, and operate an administrative adjudication
20 system.

21 (2) A parking, standing, compliance, automated speed
22 enforcement system, or automated traffic law violation
23 notice that shall specify or include the date, time, and
24 place of violation of a parking, standing, compliance,
25 automated speed enforcement system, or automated traffic
26 law regulation; the particular regulation violated; any

1 requirement to complete a traffic education program; the
2 fine and any penalty that may be assessed for late payment
3 or failure to complete a required traffic education
4 program, or both, when so provided by ordinance; the
5 vehicle make or a photograph of the vehicle; the state
6 registration number of the vehicle; and the identification
7 number of the person issuing the notice. With regard to
8 automated speed enforcement system or automated traffic
9 law violations, vehicle make shall be specified on the
10 automated speed enforcement system or automated traffic
11 law violation notice if the notice does not include a
12 photograph of the vehicle and the make is available and
13 readily discernible. With regard to municipalities or
14 counties with a population of 1 million or more, it shall
15 be grounds for dismissal of a parking violation if the
16 state registration number or vehicle make specified is
17 incorrect. The violation notice shall state that the
18 completion of any required traffic education program, the
19 payment of any indicated fine, and the payment of any
20 applicable penalty for late payment or failure to complete
21 a required traffic education program, or both, shall
22 operate as a final disposition of the violation. The
23 notice also shall contain information as to the
24 availability of a hearing in which the violation may be
25 contested on its merits. The violation notice shall
26 specify the time and manner in which a hearing may be had.

1 (3) Service of a parking, standing, or compliance
2 violation notice by: (i) affixing the original or a
3 facsimile of the notice to an unlawfully parked or
4 standing vehicle; (ii) handing the notice to the operator
5 of a vehicle if he or she is present; or (iii) mailing the
6 notice to the address of the registered owner or lessee of
7 the cited vehicle as recorded with the Secretary of State
8 or the lessor of the motor vehicle within 30 days after the
9 Secretary of State or the lessor of the motor vehicle
10 notifies the municipality or county of the identity of the
11 owner or lessee of the vehicle, but not later than 90 days
12 after the date of the violation, except that in the case of
13 a lessee of a motor vehicle, service of a parking,
14 standing, or compliance violation notice may occur no
15 later than 210 days after the violation; and service of an
16 automated speed enforcement system or automated traffic
17 law violation notice by mail to the address of the
18 registered owner or lessee of the cited vehicle as
19 recorded with the Secretary of State or the lessor of the
20 motor vehicle within 30 days after the Secretary of State
21 or the lessor of the motor vehicle notifies the
22 municipality or county of the identity of the owner or
23 lessee of the vehicle, but not later than 90 days after the
24 violation, except that in the case of a lessee of a motor
25 vehicle, service of an automated traffic law violation
26 notice may occur no later than 210 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
4 on 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
11 violation, the ordinance shall require a determination by
12 a technician employed or contracted by the municipality or
13 county that, based on inspection of recorded images, the
14 motor vehicle was being operated in violation of Section
15 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
16 the technician determines that the vehicle entered the
17 intersection as part of a funeral procession or in order
18 to yield the right-of-way to an emergency vehicle, a
19 citation shall not be issued. In municipalities with a
20 population of less than 1,000,000 inhabitants and counties
21 with a population of less than 3,000,000 inhabitants, the
22 automated traffic law ordinance shall require that all
23 determinations by a technician that a motor vehicle was
24 being operated in violation of Section 11-208.6, 11-208.9,
25 or 11-1201.1 or a local ordinance must be reviewed and
26 approved by a law enforcement officer or retired law

1 enforcement officer of the municipality or county issuing
2 the violation. In municipalities with a population of
3 1,000,000 or more inhabitants and counties with a
4 population of 3,000,000 or more inhabitants, the automated
5 traffic law ordinance shall require that all
6 determinations by a technician that a motor vehicle was
7 being operated in violation of Section 11-208.6, 11-208.9,
8 or 11-1201.1 or a local ordinance must be reviewed and
9 approved by a law enforcement officer or retired law
10 enforcement officer of the municipality or county issuing
11 the violation or by an additional fully trained reviewing
12 technician who is not employed by the contractor who
13 employs the technician who made the initial determination.
14 In the case of an automated speed enforcement system
15 violation, the ordinance shall require a determination by
16 a technician employed by the municipality, based upon an
17 inspection of recorded images, video or other
18 documentation, including documentation of the speed limit
19 and automated speed enforcement signage, and documentation
20 of the inspection, calibration, and certification of the
21 speed equipment, that the vehicle was being operated in
22 violation of Article VI of Chapter 11 of this Code or a
23 similar local ordinance. If the technician determines that
24 the vehicle speed was not determined by a calibrated,
25 certified speed equipment device based upon the speed
26 equipment documentation, or if the vehicle was an

1 emergency vehicle, a citation may not be issued. The
2 automated speed enforcement ordinance shall require that
3 all determinations by a technician that a violation
4 occurred be reviewed and approved by a law enforcement
5 officer or retired law enforcement officer of the
6 municipality issuing the violation or by an additional
7 fully trained reviewing technician who is not employed by
8 the contractor who employs the technician who made the
9 initial determination. Routine and independent calibration
10 of the speeds produced by automated speed enforcement
11 systems and equipment shall be conducted annually by a
12 qualified technician. Speeds produced by an automated
13 speed enforcement system shall be compared with speeds
14 produced by lidar or other independent equipment. Radar or
15 lidar equipment shall undergo an internal validation test
16 no less frequently than once each week. Qualified
17 technicians shall test loop-based equipment no less
18 frequently than once a year. Radar equipment shall be
19 checked for accuracy by a qualified technician when the
20 unit is serviced, when unusual or suspect readings
21 persist, or when deemed necessary by a reviewing
22 technician. Radar equipment shall be checked with the
23 internal frequency generator and the internal circuit test
24 whenever the radar is turned on. Technicians must be alert
25 for any unusual or suspect readings, and if unusual or
26 suspect readings of a radar unit persist, that unit shall

1 immediately be removed from service and not returned to
2 service until it has been checked by a qualified
3 technician and determined to be functioning properly.
4 Documentation of the annual calibration results, including
5 the equipment tested, test date, technician performing the
6 test, and test results, shall be maintained and available
7 for use in the determination of an automated speed
8 enforcement system violation and issuance of a citation.
9 The technician performing the calibration and testing of
10 the automated speed enforcement equipment shall be trained
11 and certified in the use of equipment for speed
12 enforcement purposes. Training on the speed enforcement
13 equipment may be conducted by law enforcement, civilian,
14 or manufacturer's personnel and if applicable may be
15 equivalent to the equipment use and operations training
16 included in the Speed Measuring Device Operator Program
17 developed by the National Highway Traffic Safety
18 Administration (NHTSA). The vendor or technician who
19 performs the work shall keep accurate records on each
20 piece of equipment the technician calibrates and tests. As
21 used in this paragraph, "fully trained reviewing
22 technician" means a person who has received at least 40
23 hours of supervised training in subjects which shall
24 include image inspection and interpretation, the elements
25 necessary to prove a violation, license plate
26 identification, and traffic safety and management. In all

1 municipalities and counties, the automated speed
2 enforcement system or automated traffic law ordinance
3 shall require that no additional fee shall be charged to
4 the alleged violator for exercising his or her right to an
5 administrative hearing, and persons shall be given at
6 least 25 days following an administrative hearing to pay
7 any civil penalty imposed by a finding that Section
8 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
9 local ordinance has been violated. The original or a
10 facsimile of the violation notice or, in the case of a
11 notice produced by a computerized device, a printed record
12 generated by the device showing the facts entered on the
13 notice, shall be retained by the traffic compliance
14 administrator, and shall be a record kept in the ordinary
15 course of business. A parking, standing, compliance,
16 automated speed enforcement system, or automated traffic
17 law violation notice issued, signed, and served in
18 accordance with this Section, a copy of the notice, or the
19 computer-generated record shall be prima facie correct and
20 shall be prima facie evidence of the correctness of the
21 facts shown on the notice. The notice, copy, or
22 computer-generated record shall be admissible in any
23 subsequent administrative or legal proceedings.

24 (4) An opportunity for a hearing for the registered
25 owner of the vehicle cited in the parking, standing,
26 compliance, automated speed enforcement system, or

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

17 (5) Service of additional notices, sent by first class
18 United States mail, postage prepaid, to the address of the
19 registered owner of the cited vehicle as recorded with the
20 Secretary of State or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database,
23 or, under Section 11-1306 or subsection (p) of Section
24 11-208.6 or 11-208.9, or subsection (p) of Section
25 11-208.8 of this Code, to the lessee of the cited vehicle
26 at the last address known to the lessor of the cited

1 vehicle at the time of lease or, if any notice to that
2 address is returned as undeliverable, to the last known
3 address recorded in a United States Post Office approved
4 database. The service shall be deemed complete as of the
5 date of deposit in the United States mail. The notices
6 shall be in the following sequence and shall include, but
7 not be limited to, the information specified herein:

8 (i) A second notice of parking, standing, or
9 compliance violation if the first notice of the
10 violation was issued by affixing the original or a
11 facsimile of the notice to the unlawfully parked
12 vehicle or by handing the notice to the operator. This
13 notice shall specify or include the date and location
14 of the violation cited in the parking, standing, or
15 compliance violation notice, the particular regulation
16 violated, the vehicle make or a photograph of the
17 vehicle, the state registration number of the vehicle,
18 any requirement to complete a traffic education
19 program, the fine and any penalty that may be assessed
20 for late payment or failure to complete a traffic
21 education program, or both, when so provided by
22 ordinance, the availability of a hearing in which the
23 violation may be contested on its merits, and the time
24 and manner in which the hearing may be had. The notice
25 of violation shall also state that failure to complete
26 a required traffic education program, to pay the

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

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

1 municipality or county, or both, within the time
2 specified may result in the municipality's or county's
3 filing of a petition in the Circuit Court to have the
4 incomplete traffic education program or unpaid fine or
5 penalty, or both, rendered a judgment as provided by
6 this Section, or, where applicable, may result in
7 suspension of the person's driver's license for
8 failure to complete a traffic education program.

9 (6) A notice of impending driver's license suspension.

10 This notice shall be sent to the person liable for failure
11 to complete a required traffic education program. The
12 notice shall state that failure to complete a required
13 traffic education program within 45 days of the notice's
14 date will result in the municipality or county notifying
15 the Secretary of State that the person is eligible for
16 initiation of suspension proceedings under Section 6-306.5
17 of this Code. The notice shall also state that the person
18 may obtain a photostatic copy of an original ticket
19 imposing a fine or penalty by sending a self-addressed,
20 stamped envelope to the municipality or county along with
21 a request for the photostatic copy. The notice of
22 impending driver's license suspension shall be sent by
23 first class United States mail, postage prepaid, to the
24 address recorded with the Secretary of State or, if any
25 notice to that address is returned as undeliverable, to
26 the last known address recorded in a United States Post

1 Office approved database.

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

16 (8) A petition to set aside a determination of
17 parking, standing, compliance, automated speed enforcement
18 system, or automated traffic law violation liability that
19 may be filed by a person owing an unpaid fine or penalty. A
20 petition to set aside a determination of liability may
21 also be filed by a person required to complete a traffic
22 education program. The petition shall be filed with and
23 ruled upon by the traffic compliance administrator in the
24 manner and within the time specified by ordinance. The
25 grounds for the petition may be limited to: (A) the person
26 not having been the owner or lessee of the cited vehicle on

1 the date the violation notice was issued, (B) the person
2 having already completed the required traffic education
3 program or paid the fine or penalty, or both, for the
4 violation in question, and (C) excusable failure to appear
5 at or request a new date for a hearing. With regard to
6 municipalities or counties with a population of 1 million
7 or more, it shall be grounds for dismissal of a parking
8 violation if the state registration number or vehicle
9 make, only if specified in the violation notice, is
10 incorrect. After the determination of parking, standing,
11 compliance, automated speed enforcement system, or
12 automated traffic law violation liability has been set
13 aside upon a showing of just cause, the registered owner
14 shall be provided with a hearing on the merits for that
15 violation.

16 (9) Procedures for non-residents. Procedures by which
17 persons who are not residents of the municipality or
18 county may contest the merits of the alleged violation
19 without attending a hearing.

20 (10) A schedule of civil fines for violations of
21 vehicular standing, parking, compliance, automated speed
22 enforcement system, or automated traffic law regulations
23 enacted by ordinance pursuant to this Section, and a
24 schedule of penalties for late payment of the fines or
25 failure to complete required traffic education programs,
26 provided, however, that the total amount of the fine and

1 penalty for any one violation shall not exceed \$250,
2 except as provided in subsection (c) of Section 11-1301.3
3 of this Code.

4 (11) Other provisions as are necessary and proper to
5 carry into effect the powers granted and purposes stated
6 in this Section.

7 (b-5) An automated speed enforcement system or automated
8 traffic law ordinance adopted under this Section by a
9 municipality or county shall require that the determination to
10 issue a citation be vested solely with the municipality or
11 county and that such authority may not be delegated to any
12 contractor retained by the municipality or county. Any
13 contract or agreement violating such a provision in the
14 ordinance is null and void.

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

25 (1) Criteria for the designation of vehicles eligible
26 for immobilization. A vehicle shall be eligible for

1 immobilization when the registered owner of the vehicle
2 has accumulated the number of incomplete traffic education
3 programs or unpaid final determinations of parking,
4 standing, compliance, automated speed enforcement system,
5 or automated traffic law violation liability, or both, as
6 determined by ordinance.

7 (2) A notice of impending vehicle immobilization and a
8 right to a hearing to challenge the validity of the notice
9 by disproving liability for the incomplete traffic
10 education programs or unpaid final determinations of
11 parking, standing, compliance, automated speed enforcement
12 system, or automated traffic law violation liability, or
13 both, listed on the notice.

14 (3) The right to a prompt hearing after a vehicle has
15 been immobilized or subsequently towed without the
16 completion of the required traffic education program or
17 payment of the outstanding fines and penalties on parking,
18 standing, compliance, automated speed enforcement system,
19 or automated traffic law violations, or both, for which
20 final determinations have been issued. An order issued
21 after the hearing is a final administrative decision
22 within the meaning of Section 3-101 of the Code of Civil
23 Procedure.

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

1 (d) Judicial review of final determinations of parking,
2 standing, compliance, automated speed enforcement system, or
3 automated traffic law violations and final administrative
4 decisions issued after hearings regarding vehicle
5 immobilization and impoundment made under this Section shall
6 be subject to the provisions of the Administrative Review Law.

7 (e) Any fine, penalty, incomplete traffic education
8 program, or part of any fine or any penalty remaining unpaid
9 after the exhaustion of, or the failure to exhaust,
10 administrative remedies created under this Section and the
11 conclusion of any judicial review procedures shall be a debt
12 due and owing the municipality or county and, as such, may be
13 collected in accordance with applicable law. Completion of any
14 required traffic education program and payment in full of any
15 fine or penalty resulting from a standing, parking,
16 compliance, automated speed enforcement system, or automated
17 traffic law violation shall constitute a final disposition of
18 that violation.

19 (f) After the expiration of the period within which
20 judicial review may be sought for a final determination of
21 parking, standing, compliance, automated speed enforcement
22 system, or automated traffic law violation, the municipality
23 or county may commence a proceeding in the Circuit Court for
24 purposes of obtaining a judgment on the final determination of
25 violation. Nothing in this Section shall prevent a
26 municipality or county from consolidating multiple final

1 determinations of parking, standing, compliance, automated
2 speed enforcement system, or automated traffic law violations
3 against a person in a proceeding. Upon commencement of the
4 action, the municipality or county shall file a certified copy
5 or record of the final determination of parking, standing,
6 compliance, automated speed enforcement system, or automated
7 traffic law violation, which shall be accompanied by a
8 certification that recites facts sufficient to show that the
9 final determination of violation was issued in accordance with
10 this Section and the applicable municipal or county ordinance.
11 Service of the summons and a copy of the petition may be by any
12 method provided by Section 2-203 of the Code of Civil
13 Procedure or by certified mail, return receipt requested,
14 provided that the total amount of fines and penalties for
15 final determinations of parking, standing, compliance,
16 automated speed enforcement system, or automated traffic law
17 violations does not exceed \$2500. If the court is satisfied
18 that the final determination of parking, standing, compliance,
19 automated speed enforcement system, or automated traffic law
20 violation was entered in accordance with the requirements of
21 this Section and the applicable municipal or county ordinance,
22 and that the registered owner or the lessee, as the case may
23 be, had an opportunity for an administrative hearing and for
24 judicial review as provided in this Section, the court shall
25 render judgment in favor of the municipality or county and
26 against the registered owner or the lessee for the amount

1 indicated in the final determination of parking, standing,
2 compliance, automated speed enforcement system, or automated
3 traffic law violation, plus costs. The judgment shall have the
4 same effect and may be enforced in the same manner as other
5 judgments for the recovery of money.

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

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

15 (h) Notwithstanding any other provision of law to the
16 contrary, a person shall not be liable for violations, fees,
17 fines, or penalties under this Section during the period in
18 which the motor vehicle was stolen or hijacked, as indicated
19 in a report to the appropriate law enforcement agency filed in
20 a timely manner.

21 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
22 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; 102-905, eff.
23 1-1-23.)

24 (625 ILCS 5/11-208.6)

25 (Text of Section before amendment by P.A. 102-982)

1 Sec. 11-208.6. Automated traffic law enforcement system.

2 (a) As used in this Section, "automated traffic law
3 enforcement system" means a device with one or more motor
4 vehicle sensors working in conjunction with a red light signal
5 to produce recorded images of motor vehicles entering an
6 intersection against a red signal indication in violation of
7 Section 11-306 of this Code or a similar provision of a local
8 ordinance.

9 An automated traffic law enforcement system is a system,
10 in a municipality or county operated by a governmental agency,
11 that produces a recorded image of a motor vehicle's violation
12 of a provision of this Code or a local ordinance and is
13 designed to obtain a clear recorded image of the vehicle and
14 the vehicle's license plate. The recorded image must also
15 display the time, date, and location of the violation.

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

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and,
23 on at least one image or portion of the recording, clearly
24 identifying the registration plate or digital registration
25 plate number of the motor vehicle.

26 (b-5) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this
2 Code or a local ordinance must make the recorded images of a
3 violation accessible to the alleged violator by providing the
4 alleged violator with a website address, accessible through
5 the Internet.

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

17 (c-5) A county or municipality, including a home rule
18 county or municipality, may not use an automated traffic law
19 enforcement system to issue violations in instances where the
20 motor vehicle comes to a complete stop and does not enter the
21 intersection, as defined by Section 1-132 of this Code, during
22 the cycle of the red signal indication unless one or more
23 pedestrians or bicyclists are present, even if the motor
24 vehicle stops at a point past a stop line or crosswalk where a
25 driver is required to stop, as specified in subsection (c) of
26 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

2 (c-6) A county, or a municipality with less than 2,000,000
3 inhabitants, including a home rule county or municipality, may
4 not use an automated traffic law enforcement system to issue
5 violations in instances where a motorcyclist enters an
6 intersection against a red signal indication when the red
7 signal fails to change to a green signal within a reasonable
8 period of time not less than 120 seconds because of a signal
9 malfunction or because the signal has failed to detect the
10 arrival of the motorcycle due to the motorcycle's size or
11 weight.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automatic traffic law
14 enforcement system, the county or municipality having
15 jurisdiction shall issue a written notice of the violation to
16 the registered owner of the vehicle as the alleged violator.
17 The notice shall be delivered to the registered owner of the
18 vehicle, by mail, within 30 days after the Secretary of State
19 notifies the municipality or county of the identity of the
20 owner of the vehicle, but in no event later than 90 days after
21 the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of
24 the vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
6 requirements of any traffic education program imposed and
7 the date by which the civil penalty should be paid and the
8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a
10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty,
12 to complete a required traffic education program, or to
13 contest liability in a timely manner is an admission of
14 liability;
- 15 (10) a statement that the person may elect to proceed
16 by:
- 17 (A) paying the fine, completing a required traffic
18 education program, or both; or
- 19 (B) challenging the charge in court, by mail, or
20 by administrative hearing; and
- 21 (11) a website address, accessible through the
22 Internet, where the person may view the recorded images of
23 the violation.
- 24 (e) (Blank).
- 25 (f) Based on inspection of recorded images produced by an
26 automated traffic law enforcement system, a notice alleging

1 that the violation occurred shall be evidence of the facts
2 contained in the notice and admissible in any proceeding
3 alleging a violation under this Section.

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

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

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

19 (1.5) that the motor vehicle was hijacked before the
20 violation occurred and not under the control of or in the
21 possession of the owner or lessee at the time of the
22 violation;

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

1 (3) any other evidence or issues provided by municipal
2 or county ordinance.

3 (i) To demonstrate that the motor vehicle was hijacked or
4 the motor vehicle or registration plates or digital
5 registration plates were stolen before the violation occurred
6 and were not under the control or possession of the owner or
7 lessee at the time of the violation, the owner or lessee must
8 submit proof that a report concerning the motor vehicle or
9 registration plates was filed with a law enforcement agency in
10 a timely manner.

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

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

1 (j-5) For purposes of the required traffic education
2 program only, a registered owner may submit an affidavit to
3 the court or hearing officer swearing that at the time of the
4 alleged violation, the vehicle was in the custody and control
5 of another person. The affidavit must identify the person in
6 custody and control of the vehicle, including the person's
7 name and current address. The person in custody and control of
8 the vehicle at the time of the violation is required to
9 complete the required traffic education program. If the person
10 in custody and control of the vehicle at the time of the
11 violation completes the required traffic education program,
12 the registered owner of the vehicle is not required to
13 complete a traffic education program.

14 (k) An intersection equipped with an automated traffic law
15 enforcement system must be posted with a sign visible to
16 approaching traffic indicating that the intersection is being
17 monitored by an automated traffic law enforcement system and
18 informing drivers whether, following a stop, a right turn at
19 the intersection is permitted or prohibited.

20 (k-3) A municipality or county that has one or more
21 intersections equipped with an automated traffic law
22 enforcement system must provide notice to drivers by posting
23 the locations of automated traffic law systems on the
24 municipality or county website.

25 (k-5) An intersection equipped with an automated traffic
26 law enforcement system must have a yellow change interval that

1 conforms with the Illinois Manual on Uniform Traffic Control
2 Devices (IMUTCD) published by the Illinois Department of
3 Transportation.

4 (k-7) A municipality or county operating an automated
5 traffic law enforcement system shall conduct a statistical
6 analysis to assess the safety impact of each automated traffic
7 law enforcement system at an intersection following
8 installation of the system and every 3 years thereafter. Each
9 ~~The~~ statistical analysis shall be based upon the best
10 available crash, traffic, and other data, and shall cover a
11 period of time before and after installation of the system
12 sufficient to provide a statistically valid comparison of
13 safety impact. Each ~~The~~ statistical analysis shall be
14 consistent with professional judgment and acceptable industry
15 practice. Each ~~The~~ statistical analysis also shall be
16 consistent with the data required for valid comparisons of
17 before and after conditions and shall be conducted within a
18 reasonable period following the installation of the automated
19 traffic law enforcement system. Each ~~The~~ statistical analysis
20 required by this subsection (k-7) shall be made available to
21 the public and shall be published on the website of the
22 municipality or county. If a ~~the~~ statistical analysis ~~for the~~
23 ~~36 month period following installation of the system~~ indicates
24 that there has been an increase in the rate of accidents at the
25 approach to the intersection monitored by the system, the
26 municipality or county shall undertake additional studies to

1 determine the cause and severity of the accidents, and may
2 take any action that it determines is necessary or appropriate
3 to reduce the number or severity of the accidents at that
4 intersection.

5 (k-8) Any municipality or county operating an automated
6 traffic law enforcement system before the effective date of
7 this amendatory Act of the 103rd General Assembly shall
8 conduct a statistical analysis to assess the safety impact of
9 each automated traffic law enforcement system at an
10 intersection by no later than one year after the effective
11 date of this amendatory Act of the 103rd General Assembly and
12 every 3 years thereafter. The statistical analyses shall be
13 based upon the best available crash, traffic, and other data,
14 and shall cover a period of time before and after installation
15 of the system sufficient to provide a statistically valid
16 comparison of safety impact. The statistical analyses shall be
17 consistent with professional judgment and acceptable industry
18 practice. The statistical analyses also shall be consistent
19 with the data required for valid comparisons of before and
20 after conditions. The statistical analyses required by this
21 subsection shall be made available to the public and shall be
22 published on the website of the municipality or county. If the
23 statistical analysis for any period following installation of
24 the system indicates that there has been an increase in the
25 rate of accidents at the approach to the intersection
26 monitored by the system, the municipality or county shall

1 undertake additional studies to determine the cause and
2 severity of the accidents, and may take any action that it
3 determines is necessary or appropriate to reduce the number or
4 severity of the accidents at that intersection.

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

10 (l-1) No officer or employee of a municipality or county
11 shall knowingly accept employment or receive compensation or
12 fees for services from a contractor that provides automated
13 law enforcement system equipment or services to municipalities
14 or counties. No former officer or employee of a municipality
15 or county shall, within a period of 2 years immediately after
16 the termination of municipal or county employment, knowingly
17 accept employment or receive compensation or fees for services
18 from a contractor that provides automated law enforcement
19 system equipment or services to municipalities or counties.

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

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

25 A low-income individual required to complete a traffic
26 education program under this Section who provides proof of

1 eligibility for the federal earned income tax credit under
2 Section 32 of the Internal Revenue Code or the Illinois earned
3 income tax credit under Section 212 of the Illinois Income Tax
4 Act shall not be required to pay any fee for participating in a
5 required traffic education program.

6 (o) (Blank).

7 (p) No person who is the lessor of a motor vehicle pursuant
8 to a written lease agreement shall be liable for an automated
9 speed or traffic law enforcement system violation involving
10 such motor vehicle during the period of the lease; provided
11 that upon the request of the appropriate authority received
12 within 120 days after the violation occurred, the lessor
13 provides within 60 days after such receipt the name and
14 address of the lessee.

15 Upon the provision of information by the lessor pursuant
16 to this subsection, the county or municipality may issue the
17 violation to the lessee of the vehicle in the same manner as it
18 would issue a violation to a registered owner of a vehicle
19 pursuant to this Section, and the lessee may be held liable for
20 the violation.

21 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
22 102-905, eff. 1-1-23; revised 12-14-22.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 11-208.6. Automated traffic law enforcement system.

25 (a) As used in this Section, "automated traffic law

1 enforcement system" means a device with one or more motor
2 vehicle sensors working in conjunction with a red light signal
3 to produce recorded images of motor vehicles entering an
4 intersection against a red signal indication in violation of
5 Section 11-306 of this Code or a similar provision of a local
6 ordinance.

7 An automated traffic law enforcement system is a system,
8 in a municipality or county operated by a governmental agency,
9 that produces a recorded image of a motor vehicle's violation
10 of a provision of this Code or a local ordinance and is
11 designed to obtain a clear recorded image of the vehicle and
12 the vehicle's license plate. The recorded image must also
13 display the time, date, and location of the violation.

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

17 (1) 2 or more photographs;

18 (2) 2 or more microphotographs;

19 (3) 2 or more electronic images; or

20 (4) a video recording showing the motor vehicle and,
21 on at least one image or portion of the recording, clearly
22 identifying the registration plate or digital registration
23 plate number of the motor vehicle.

24 (b-5) A municipality or county that produces a recorded
25 image of a motor vehicle's violation of a provision of this
26 Code or a local ordinance must make the recorded images of a

1 violation accessible to the alleged violator by providing the
2 alleged violator with a website address, accessible through
3 the Internet.

4 (c) Except as provided under Section 11-208.8 of this
5 Code, a county or municipality, including a home rule county
6 or municipality, may not use an automated traffic law
7 enforcement system to provide recorded images of a motor
8 vehicle for the purpose of recording its speed. Except as
9 provided under Section 11-208.8 of this Code, the regulation
10 of the use of automated traffic law enforcement systems to
11 record vehicle speeds is an exclusive power and function of
12 the State. This subsection (c) is a denial and limitation of
13 home rule powers and functions under subsection (h) of Section
14 6 of Article VII of the Illinois Constitution.

15 (c-5) A county or municipality, including a home rule
16 county or municipality, may not use an automated traffic law
17 enforcement system to issue violations in instances where the
18 motor vehicle comes to a complete stop and does not enter the
19 intersection, as defined by Section 1-132 of this Code, during
20 the cycle of the red signal indication unless one or more
21 pedestrians or bicyclists are present, even if the motor
22 vehicle stops at a point past a stop line or crosswalk where a
23 driver is required to stop, as specified in subsection (c) of
24 Section 11-306 of this Code or a similar provision of a local
25 ordinance.

26 (c-6) A county, or a municipality with less than 2,000,000

1 inhabitants, including a home rule county or municipality, may
2 not use an automated traffic law enforcement system to issue
3 violations in instances where a motorcyclist enters an
4 intersection against a red signal indication when the red
5 signal fails to change to a green signal within a reasonable
6 period of time not less than 120 seconds because of a signal
7 malfunction or because the signal has failed to detect the
8 arrival of the motorcycle due to the motorcycle's size or
9 weight.

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

20 The notice shall include:

21 (1) the name and address of the registered owner of
22 the vehicle;

23 (2) the registration number of the motor vehicle
24 involved in the violation;

25 (3) the violation charged;

26 (4) the location where the violation occurred;

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

2 (6) a copy of the recorded images;

3 (7) the amount of the civil penalty imposed and the
4 requirements of any traffic education program imposed and
5 the date by which the civil penalty should be paid and the
6 traffic education program should be completed;

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

9 (9) a warning that failure to pay the civil penalty,
10 to complete a required traffic education program, or to
11 contest liability in a timely manner is an admission of
12 liability;

13 (10) a statement that the person may elect to proceed
14 by:

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

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

19 (11) a website address, accessible through the
20 Internet, where the person may view the recorded images of
21 the violation.

22 (e) (Blank).

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
4 available only to the alleged violator and governmental and
5 law enforcement agencies for purposes of adjudicating a
6 violation of this Section, for statistical purposes, or for
7 other 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
11 of a violation:

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

17 (1.5) that the motor vehicle was hijacked before the
18 violation occurred and not under the control of or in the
19 possession of the owner or lessee at the time of the
20 violation;

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

25 (3) any other evidence or issues provided by municipal
26 or county ordinance.

1 (i) To demonstrate that the motor vehicle was hijacked or
2 the motor vehicle or registration plates or digital
3 registration plates were stolen before the violation occurred
4 and were not under the control or possession of the owner or
5 lessee at the time of the violation, the owner or lessee must
6 submit proof that a report concerning the motor vehicle or
7 registration plates was filed with a law enforcement agency in
8 a timely manner.

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

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

25 (j-5) For purposes of the required traffic education
26 program only, a registered owner may submit an affidavit to

1 the court or hearing officer swearing that at the time of the
2 alleged violation, the vehicle was in the custody and control
3 of another person. The affidavit must identify the person in
4 custody and control of the vehicle, including the person's
5 name and current address. The person in custody and control of
6 the vehicle at the time of the violation is required to
7 complete the required traffic education program. If the person
8 in custody and control of the vehicle at the time of the
9 violation completes the required traffic education program,
10 the registered owner of the vehicle is not required to
11 complete a traffic education program.

12 (k) An intersection equipped with an automated traffic law
13 enforcement system must be posted with a sign visible to
14 approaching traffic indicating that the intersection is being
15 monitored by an automated traffic law enforcement system and
16 informing drivers whether, following a stop, a right turn at
17 the intersection is permitted or prohibited.

18 (k-3) A municipality or county that has one or more
19 intersections equipped with an automated traffic law
20 enforcement system must provide notice to drivers by posting
21 the locations of automated traffic law systems on the
22 municipality or county website.

23 (k-5) An intersection equipped with an automated traffic
24 law enforcement system must have a yellow change interval that
25 conforms with the Illinois Manual on Uniform Traffic Control
26 Devices (IMUTCD) published by the Illinois Department of

1 Transportation.

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

1 reduce the number or severity of the crashes at that
2 intersection.

3 (k-8) Any municipality or county operating an automated
4 traffic law enforcement system before the effective date of
5 this amendatory Act of the 103rd General Assembly shall
6 conduct a statistical analysis to assess the safety impact of
7 each automated traffic law enforcement system at an
8 intersection by no later than one year after the effective
9 date of this amendatory Act of the 103rd General Assembly and
10 every 3 years thereafter. The statistical analyses shall be
11 based upon the best available crash, traffic, and other data,
12 and shall cover a period of time before and after installation
13 of the system sufficient to provide a statistically valid
14 comparison of safety impact. The statistical analyses shall be
15 consistent with professional judgment and acceptable industry
16 practice. The statistical analyses also shall be consistent
17 with the data required for valid comparisons of before and
18 after conditions. The statistical analyses required by this
19 subsection shall be made available to the public and shall be
20 published on the website of the municipality or county. If the
21 statistical analysis for any period following installation of
22 the system indicates that there has been an increase in the
23 rate of accidents at the approach to the intersection
24 monitored by the system, the municipality or county shall
25 undertake additional studies to determine the cause and
26 severity of the accidents, and may take any action that it

1 determines is necessary or appropriate to reduce the number or
2 severity of the accidents at that intersection.

3 (l) The compensation paid for an automated traffic law
4 enforcement system must be based on the value of the equipment
5 or the services provided and may not be based on the number of
6 traffic citations issued or the revenue generated by the
7 system.

8 (l-1) No officer or employee of a municipality or county
9 shall knowingly accept employment or receive compensation or
10 fees for services from a contractor that provides automated
11 law enforcement system equipment or services to municipalities
12 or counties. No former officer or employee of a municipality
13 or county shall, within a period of 2 years immediately after
14 the termination of municipal or county employment, knowingly
15 accept employment or receive compensation or fees for services
16 from a contractor that provides automated law enforcement
17 system equipment or services to municipalities or counties.

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

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

23 A low-income individual required to complete a traffic
24 education program under this Section who provides proof of
25 eligibility for the federal earned income tax credit under
26 Section 32 of the Internal Revenue Code or the Illinois earned

1 income tax credit under Section 212 of the Illinois Income Tax
2 Act shall not be required to pay any fee for participating in a
3 required traffic education program.

4 (o) (Blank).

5 (p) No person who is the lessor of a motor vehicle pursuant
6 to a written lease agreement shall be liable for an automated
7 speed or traffic law enforcement system violation involving
8 such motor vehicle during the period of the lease; provided
9 that upon the request of the appropriate authority received
10 within 120 days after the violation occurred, the lessor
11 provides within 60 days after such receipt the name and
12 address of the lessee.

13 Upon the provision of information by the lessor pursuant
14 to this subsection, the county or municipality may issue the
15 violation to the lessee of the vehicle in the same manner as it
16 would issue a violation to a registered owner of a vehicle
17 pursuant to this Section, and the lessee may be held liable for
18 the violation.

19 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
20 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

21 (625 ILCS 5/11-208.8)

22 Sec. 11-208.8. Automated speed enforcement systems in
23 safety zones.

24 (a) As used in this Section:

25 "Automated speed enforcement system" means a photographic

1 device, radar device, laser device, or other electrical or
2 mechanical device or devices installed or utilized in a safety
3 zone and designed to record the speed of a vehicle and obtain a
4 clear photograph or other recorded image of the vehicle and
5 the vehicle's registration plate or digital registration plate
6 while the driver is violating Article VI of Chapter 11 of this
7 Code or a similar provision of a local ordinance.

8 An automated speed enforcement system is a system, located
9 in a safety zone which is under the jurisdiction of a
10 municipality, that produces a recorded image of a motor
11 vehicle's violation of a provision of this Code or a local
12 ordinance and is designed to obtain a clear recorded image of
13 the vehicle and the vehicle's license plate. The recorded
14 image must also display the time, date, and location of the
15 violation.

16 "Owner" means the person or entity to whom the vehicle is
17 registered.

18 "Recorded image" means images recorded by an automated
19 speed enforcement system on:

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

23 (4) a video recording showing the motor vehicle and,
24 on at least one image or portion of the recording, clearly
25 identifying the registration plate or digital registration
26 plate number of the motor vehicle.

1 "Safety zone" means an area that is within one-eighth of a
2 mile from the nearest property line of any public or private
3 elementary or secondary school, or from the nearest property
4 line of any facility, area, or land owned by a school district
5 that is used for educational purposes approved by the Illinois
6 State Board of Education, not including school district
7 headquarters or administrative buildings. A safety zone also
8 includes an area that is within one-eighth of a mile from the
9 nearest property line of any facility, area, or land owned by a
10 park district used for recreational purposes. However, if any
11 portion of a roadway is within either one-eighth mile radius,
12 the safety zone also shall include the roadway extended to the
13 furthest portion of the next furthest intersection. The term
14 "safety zone" does not include any portion of the roadway
15 known as Lake Shore Drive or any controlled access highway
16 with 8 or more lanes of traffic.

17 (a-5) The automated speed enforcement system shall be
18 operational and violations shall be recorded only at the
19 following times:

20 (i) if the safety zone is based upon the property line
21 of any facility, area, or land owned by a school district,
22 only on school days and no earlier than 6 a.m. and no later
23 than 8:30 p.m. if the school day is during the period of
24 Monday through Thursday, or 9 p.m. if the school day is a
25 Friday; and

26 (ii) if the safety zone is based upon the property

1 line of any facility, area, or land owned by a park
2 district, no earlier than one hour prior to the time that
3 the facility, area, or land is open to the public or other
4 patrons, and no later than one hour after the facility,
5 area, or land is closed to the public or other patrons.

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

12 (c) Notwithstanding any penalties for any other violations
13 of this Code, the owner of a motor vehicle used in a traffic
14 violation recorded by an automated speed enforcement system
15 shall be subject to the following penalties:

16 (1) if the recorded speed is no less than 6 miles per
17 hour and no more than 10 miles per hour over the legal
18 speed limit, a civil penalty not exceeding \$50, plus an
19 additional penalty of not more than \$50 for failure to pay
20 the original penalty in a timely manner; or

21 (2) if the recorded speed is more than 10 miles per
22 hour over the legal speed limit, a civil penalty not
23 exceeding \$100, plus an additional penalty of not more
24 than \$100 for failure to pay the original penalty in a
25 timely manner.

26 A penalty may not be imposed under this Section if the

1 driver of the motor vehicle received a Uniform Traffic
2 Citation from a police officer for a speeding violation
3 occurring within one-eighth of a mile and 15 minutes of the
4 violation that was recorded by the system. A violation for
5 which a civil penalty is imposed under this Section is not a
6 violation of a traffic regulation governing the movement of
7 vehicles and may not be recorded on the driving record of the
8 owner of the vehicle. A law enforcement officer is not
9 required to be present or to witness the violation. No penalty
10 may be imposed under this Section if the recorded speed of a
11 vehicle is 5 miles per hour or less over the legal speed limit.
12 The municipality may send, in the same manner that notices are
13 sent under this Section, a speed violation warning notice
14 where the violation involves a speed of 5 miles per hour or
15 less above the legal speed limit.

16 (d) The net proceeds that a municipality receives from
17 civil penalties imposed under an automated speed enforcement
18 system, after deducting all non-personnel and personnel costs
19 associated with the operation and maintenance of such system,
20 shall be expended or obligated by the municipality for the
21 following purposes:

22 (i) public safety initiatives to ensure safe passage
23 around schools, and to provide police protection and
24 surveillance around schools and parks, including but not
25 limited to: (1) personnel costs; and (2) non-personnel
26 costs such as construction and maintenance of public

1 safety infrastructure and equipment;

2 (ii) initiatives to improve pedestrian and traffic
3 safety;

4 (iii) construction and maintenance of infrastructure
5 within the municipality, including but not limited to
6 roads and bridges; and

7 (iv) after school programs.

8 (e) For each violation of a provision of this Code or a
9 local ordinance recorded by an automated speed enforcement
10 system, the municipality having jurisdiction shall issue a
11 written notice of the violation to the registered owner of the
12 vehicle as the alleged violator. The notice shall be delivered
13 to the registered owner of the vehicle, by mail, within 30 days
14 after the Secretary of State notifies the municipality of the
15 identity of the owner of the vehicle, but in no event later
16 than 90 days after the violation.

17 (f) The notice required under subsection (e) of this
18 Section shall include:

19 (1) the name and address of the registered owner of
20 the vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the date, time, and location where the violation
25 occurred;

26 (5) a copy of the recorded image or images;

1 (6) the amount of the civil penalty imposed and the
2 date by which the civil penalty should be paid;

3 (7) a statement that recorded images are evidence of a
4 violation of a speed restriction;

5 (8) a warning that failure to pay the civil penalty or
6 to contest liability in a timely manner is an admission of
7 liability;

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

10 (A) paying the fine; or

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

13 (10) a website address, accessible through the
14 Internet, where the person may view the recorded images of
15 the violation.

16 (g) (Blank).

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

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

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

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

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

11 (1.5) that the motor vehicle was hijacked before the
12 violation occurred and not under the control of or in the
13 possession of the owner or lessee at the time of the
14 violation;

15 (2) that the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer for a
17 speeding violation occurring within one-eighth of a mile
18 and 15 minutes of the violation that was recorded by the
19 system; and

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

22 (k) To demonstrate that the motor vehicle was hijacked or
23 the motor vehicle or registration plates or digital
24 registration plates were stolen before the violation occurred
25 and were not under the control or possession of the owner or
26 lessee at the time of the violation, the owner or lessee must

1 submit proof that a report concerning the motor vehicle or
2 registration plates was filed with a law enforcement agency in
3 a timely manner.

4 (l) A roadway equipped with an automated speed enforcement
5 system shall be posted with a sign conforming to the national
6 Manual on Uniform Traffic Control Devices that is visible to
7 approaching traffic stating that vehicle speeds are being
8 photo-enforced and indicating the speed limit. The
9 municipality shall install such additional signage as it
10 determines is necessary to give reasonable notice to drivers
11 as to where automated speed enforcement systems are installed.

12 (m) A roadway where a new automated speed enforcement
13 system is installed shall be posted with signs providing 30
14 days notice of the use of a new automated speed enforcement
15 system prior to the issuance of any citations through the
16 automated speed enforcement system.

17 (n) The compensation paid for an automated speed
18 enforcement system must be based on the value of the equipment
19 or the services provided and may not be based on the number of
20 traffic citations issued or the revenue generated by the
21 system.

22 (n-1) No officer or employee of a municipality or county
23 shall knowingly accept employment or receive compensation or
24 fees for services from a contractor that provides automated
25 speed enforcement system equipment or services to
26 municipalities. No former officer or employee of a

1 municipality or county shall, within a period of 2 years
2 immediately after termination of municipal or county
3 employment, knowingly accept employment or receive
4 compensation or fees for services from a contractor that
5 provides automated speed enforcement system equipment or
6 services to municipalities.

7 (o) (Blank).

8 (p) No person who is the lessor of a motor vehicle pursuant
9 to a written lease agreement shall be liable for an automated
10 speed or traffic law enforcement system violation involving
11 such motor vehicle during the period of the lease; provided
12 that upon the request of the appropriate authority received
13 within 120 days after the violation occurred, the lessor
14 provides within 60 days after such receipt the name and
15 address of the lessee. The drivers license number of a lessee
16 may be subsequently individually requested by the appropriate
17 authority if needed for enforcement of this Section.

18 Upon the provision of information by the lessor pursuant
19 to this subsection, the municipality may issue the violation
20 to the lessee of the vehicle in the same manner as it would
21 issue a violation to a registered owner of a vehicle pursuant
22 to this Section, and the lessee may be held liable for the
23 violation.

24 (q) A municipality using an automated speed enforcement
25 system must provide notice to drivers by publishing the
26 locations of all safety zones where system equipment is

1 installed on the website of the municipality.

2 (r) A municipality operating an automated speed
3 enforcement system shall conduct a statistical analysis to
4 assess the safety impact of the system following installation
5 of the system and every 3 years thereafter. A municipality
6 operating an automated speed enforcement system before the
7 effective date of this amendatory Act of the 103rd General
8 Assembly shall conduct a statistical analysis to assess the
9 safety impact of the system by no later than one year after the
10 effective date of this amendatory Act of the 103rd General
11 Assembly and every 3 years thereafter. Each ~~The~~ statistical
12 analysis shall be based upon the best available crash,
13 traffic, and other data, and shall cover a period of time
14 before and after installation of the system sufficient to
15 provide a statistically valid comparison of safety impact.
16 Each ~~The~~ statistical analysis shall be consistent with
17 professional judgment and acceptable industry practice. Each
18 ~~The~~ statistical analysis also shall be consistent with the
19 data required for valid comparisons of before and after
20 conditions and shall be conducted within a reasonable period
21 following the installation of the automated traffic law
22 enforcement system. Each ~~The~~ statistical analysis required by
23 this subsection shall be made available to the public and
24 shall be published on the website of the municipality.

25 (s) This Section applies only to municipalities with a
26 population of 1,000,000 or more inhabitants.

1 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
2 102-905, eff. 1-1-23.)

3 (625 ILCS 5/11-208.9)

4 (Text of Section before amendment by P.A. 102-982)

5 Sec. 11-208.9. Automated traffic law enforcement system;
6 approaching, overtaking, and passing a school bus.

7 (a) As used in this Section, "automated traffic law
8 enforcement system" means a device with one or more motor
9 vehicle sensors working in conjunction with the visual signals
10 on a school bus, as specified in Sections 12-803 and 12-805 of
11 this Code, to produce recorded images of motor vehicles that
12 fail to stop before meeting or overtaking, from either
13 direction, any school bus stopped at any location for the
14 purpose of receiving or discharging pupils in violation of
15 Section 11-1414 of this Code or a similar provision of a local
16 ordinance.

17 An automated traffic law enforcement system is a system,
18 in a municipality or county operated by a governmental agency,
19 that produces a recorded image of a motor vehicle's violation
20 of a provision of this Code or a local ordinance and is
21 designed to obtain a clear recorded image of the vehicle and
22 the vehicle's license plate. The recorded image must also
23 display the time, date, and location of the violation.

24 (b) As used in this Section, "recorded images" means
25 images recorded by an automated traffic law enforcement system

1 on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

5 (4) a video recording showing the motor vehicle and,
6 on at least one image or portion of the recording, clearly
7 identifying the registration plate or digital registration
8 plate number of the motor vehicle.

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

15 (d) For each violation of a provision of this Code or a
16 local ordinance recorded by an automated traffic law
17 enforcement system, the county or municipality having
18 jurisdiction shall issue a written notice of the violation to
19 the registered owner of the vehicle as the alleged violator.
20 The notice shall be delivered to the registered owner of the
21 vehicle, by mail, within 30 days after the Secretary of State
22 notifies the municipality or county of the identity of the
23 owner of the vehicle, but in no event later than 90 days after
24 the violation.

25 (e) The notice required under subsection (d) shall
26 include:

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

3 (2) the registration number of the motor vehicle
4 involved in the violation;

5 (3) the violation charged;

6 (4) the location where the violation occurred;

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

8 (6) a copy of the recorded images;

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

11 (8) a statement that recorded images are evidence of a
12 violation of overtaking or passing a school bus stopped
13 for the purpose of receiving or discharging pupils;

14 (9) a warning that failure to pay the civil penalty or
15 to contest liability in a timely manner is an admission of
16 liability;

17 (10) a statement that the person may elect to proceed
18 by:

19 (A) paying the fine; or

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

22 (11) a website address, accessible through the
23 Internet, where the person may view the recorded images of
24 the violation.

25 (f) (Blank).

26 (g) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging
2 that the violation occurred shall be evidence of the facts
3 contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (g-1) No officer or employee of a municipality or county
6 shall knowingly accept employment or receive compensation or
7 fees for services from a contractor that provides automated
8 railroad grade crossing enforcement system equipment or
9 services to municipalities or counties. No former officer or
10 employee of a municipality or county shall, within a period of
11 2 years immediately after termination of municipal or county
12 employment, knowingly accept employment or receive
13 compensation or fees for services from a contractor that
14 provides automated railroad grade crossing enforcement system
15 equipment or services to municipalities or counties.

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

24 (i) The court or hearing officer may consider in defense
25 of a violation:

26 (1) that the motor vehicle or registration plates or

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

5 (1.5) that the motor vehicle was hijacked before the
6 violation occurred and not under the control of or in the
7 possession of the owner or lessee at the time of the
8 violation;

9 (2) that the driver of the motor vehicle received a
10 Uniform Traffic Citation from a police officer for a
11 violation of Section 11-1414 of this Code within
12 one-eighth of a mile and 15 minutes of the violation that
13 was recorded by the system;

14 (3) that the visual signals required by Sections
15 12-803 and 12-805 of this Code were damaged, not
16 activated, not present in violation of Sections 12-803 and
17 12-805, or inoperable; and

18 (4) any other evidence or issues provided by municipal
19 or county ordinance.

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

1 a timely manner.

2 (k) Unless the driver of the motor vehicle received a
3 Uniform Traffic Citation from a police officer at the time of
4 the violation, the motor vehicle owner is subject to a civil
5 penalty not exceeding \$150 for a first time violation or \$500
6 for a second or subsequent violation, plus an additional
7 penalty of not more than \$100 for failure to pay the original
8 penalty in a timely manner, if the motor vehicle is recorded by
9 an automated traffic law enforcement system. A violation for
10 which a civil penalty is imposed under this Section is not a
11 violation of a traffic regulation governing the movement of
12 vehicles and may not be recorded on the driving record of the
13 owner of the vehicle, but may be recorded by the municipality
14 or county for the purpose of determining if a person is subject
15 to the higher fine for a second or subsequent offense.

16 (l) A school bus equipped with an automated traffic law
17 enforcement system must be posted with a sign indicating that
18 the school bus is being monitored by an automated traffic law
19 enforcement system.

20 (m) A municipality or county that has one or more school
21 buses equipped with an automated traffic law enforcement
22 system must provide notice to drivers by posting a list of
23 school districts using school buses equipped with an automated
24 traffic law enforcement system on the municipality or county
25 website. School districts that have one or more school buses
26 equipped with an automated traffic law enforcement system must

1 provide notice to drivers by posting that information on their
2 websites.

3 (n) A municipality or county operating an automated
4 traffic law enforcement system shall conduct a statistical
5 analysis to assess the safety impact in each school district
6 using school buses equipped with an automated traffic law
7 enforcement system following installation of the system and
8 every 3 years thereafter. A municipality or county operating
9 an automated speed enforcement system before the effective
10 date of this amendatory Act of the 103rd General Assembly
11 shall conduct a statistical analysis to assess the safety
12 impact of the system by no later than one year after the
13 effective date of this amendatory Act of the 103rd General
14 Assembly and every 3 years thereafter. Each ~~The~~ statistical
15 analysis shall be based upon the best available crash,
16 traffic, and other data, and shall cover a period of time
17 before and after installation of the system sufficient to
18 provide a statistically valid comparison of safety impact.
19 Each ~~The~~ statistical analysis shall be consistent with
20 professional judgment and acceptable industry practice. Each
21 ~~The~~ statistical analysis also shall be consistent with the
22 data required for valid comparisons of before and after
23 conditions and shall be conducted within a reasonable period
24 following the installation of the automated traffic law
25 enforcement system. Each ~~The~~ statistical analysis required by
26 this subsection shall be made available to the public and

1 shall be published on the website of the municipality or
2 county. If a ~~the~~ statistical analysis ~~for the 36-month period~~
3 ~~following installation of the system~~ indicates that there has
4 been an increase in the rate of accidents at the approach to
5 school buses monitored by the system, the municipality or
6 county shall undertake additional studies to determine the
7 cause and severity of the accidents, and may take any action
8 that it determines is necessary or appropriate to reduce the
9 number or severity of the accidents involving school buses
10 equipped with an automated traffic law enforcement system.

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

16 (o-1) No officer or employee of a municipality or county
17 shall knowingly accept employment or receive compensation or
18 fees for services from a contractor that provides automated
19 law enforcement system equipment or services to municipalities
20 or counties. No former officer or employee of a municipality
21 or county shall, within a period of 2 years immediately after
22 termination of municipal or county employment, knowingly
23 accept employment or receive compensation or fees for services
24 from a contractor that provides automated law enforcement
25 system equipment or services to municipalities or counties.

26 (p) No person who is the lessor of a motor vehicle pursuant

1 to a written lease agreement shall be liable for an automated
2 speed or traffic law enforcement system violation involving
3 such motor vehicle during the period of the lease; provided
4 that upon the request of the appropriate authority received
5 within 120 days after the violation occurred, the lessor
6 provides within 60 days after such receipt the name and
7 address of the lessee.

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

14 (q) (Blank).

15 (r) After a municipality or county enacts an ordinance
16 providing for automated traffic law enforcement systems under
17 this Section, each school district within that municipality or
18 county's jurisdiction may implement an automated traffic law
19 enforcement system under this Section. The elected school
20 board for that district must approve the implementation of an
21 automated traffic law enforcement system. The school district
22 shall be responsible for entering into a contract, approved by
23 the elected school board of that district, with vendors for
24 the installation, maintenance, and operation of the automated
25 traffic law enforcement system. The school district must enter
26 into an intergovernmental agreement, approved by the elected

1 school board of that district, with the municipality or county
2 with jurisdiction over that school district for the
3 administration of the automated traffic law enforcement
4 system. The proceeds from a school district's automated
5 traffic law enforcement system's fines shall be divided
6 equally between the school district and the municipality or
7 county administering the automated traffic law enforcement
8 system.

9 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
10 102-905, eff. 1-1-23.)

11 (Text of Section after amendment by P.A. 102-982)

12 Sec. 11-208.9. Automated traffic law enforcement system;
13 approaching, overtaking, and passing a school bus.

14 (a) As used in this Section, "automated traffic law
15 enforcement system" means a device with one or more motor
16 vehicle sensors working in conjunction with the visual signals
17 on a school bus, as specified in Sections 12-803 and 12-805 of
18 this Code, to produce recorded images of motor vehicles that
19 fail to stop before meeting or overtaking, from either
20 direction, any school bus stopped at any location for the
21 purpose of receiving or discharging pupils in violation of
22 Section 11-1414 of this Code or a similar provision of a local
23 ordinance.

24 An automated traffic law enforcement system is a system,
25 in a municipality or county operated by a governmental agency,

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

6 (b) As used in this Section, "recorded images" means
7 images recorded by an automated traffic law enforcement system
8 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,
13 on at least one image or portion of the recording, clearly
14 identifying the registration plate or digital registration
15 plate number of the motor vehicle.

16 (c) A municipality or county that produces a recorded
17 image of a motor vehicle's violation of a provision of this
18 Code or a local ordinance must make the recorded images of a
19 violation accessible to the alleged violator by providing the
20 alleged violator with a website address, accessible through
21 the Internet.

22 (d) For each violation of a provision of this Code or a
23 local ordinance recorded by an automated traffic law
24 enforcement system, the county or municipality having
25 jurisdiction shall issue a written notice of the violation to
26 the registered owner of the vehicle as the alleged violator.

1 The notice shall be delivered to the registered owner of the
2 vehicle, by mail, within 30 days after the Secretary of State
3 notifies the municipality or county of the identity of the
4 owner of the vehicle, but in no event later than 90 days after
5 the violation.

6 (e) The notice required under subsection (d) shall
7 include:

8 (1) the name and address of the registered owner of
9 the vehicle;

10 (2) the registration number of the motor vehicle
11 involved in the violation;

12 (3) the violation charged;

13 (4) the location where the violation occurred;

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

15 (6) a copy of the recorded images;

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

18 (8) a statement that recorded images are evidence of a
19 violation of overtaking or passing a school bus stopped
20 for the purpose of receiving or discharging pupils;

21 (9) a warning that failure to pay the civil penalty or
22 to contest liability in a timely manner is an admission of
23 liability;

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

26 (A) paying the fine; or

1 (B) challenging the charge in court, by mail, or
2 by 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 (f) (Blank).

7 (g) Based on inspection of recorded images produced by an
8 automated traffic law enforcement system, a notice alleging
9 that the violation occurred shall be evidence of the facts
10 contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

12 (g-1) No officer or employee of a municipality or county
13 shall knowingly accept employment or receive compensation or
14 fees for services from a contractor that provides automated
15 railroad grade crossing enforcement system equipment or
16 services to municipalities or counties. No former officer or
17 employee of a municipality or county shall, within a period of
18 2 years immediately after termination of municipal or county
19 employment, knowingly accept employment or receive
20 compensation or fees for services from a contractor that
21 provides automated railroad grade crossing enforcement system
22 equipment or services to municipalities or counties.

23 (h) Recorded images made by an automated traffic law
24 enforcement system are confidential and shall be made
25 available only to the alleged violator and governmental and
26 law enforcement agencies for purposes of adjudicating a

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

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

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

12 (1.5) that the motor vehicle was hijacked before the
13 violation occurred and not under the control of or in the
14 possession of the owner or lessee at the time of the
15 violation;

16 (2) that the driver of the motor vehicle received a
17 Uniform Traffic Citation from a police officer for a
18 violation of Section 11-1414 of this Code within
19 one-eighth of a mile and 15 minutes of the violation that
20 was recorded by the system;

21 (3) that the visual signals required by Sections
22 12-803 and 12-805 of this Code were damaged, not
23 activated, not present in violation of Sections 12-803 and
24 12-805, or inoperable; and

25 (4) any other evidence or issues provided by municipal
26 or county ordinance.

1 (j) To demonstrate that the motor vehicle was hijacked or
2 the motor vehicle or registration plates or digital
3 registration plates were stolen before the violation occurred
4 and were not under the control or possession of the owner or
5 lessee at the time of the violation, the owner or lessee must
6 submit proof that a report concerning the motor vehicle or
7 registration plates was filed with a law enforcement agency in
8 a timely manner.

9 (k) Unless the driver of the motor vehicle received a
10 Uniform Traffic Citation from a police officer at the time of
11 the violation, the motor vehicle owner is subject to a civil
12 penalty not exceeding \$150 for a first time violation or \$500
13 for a second or subsequent violation, plus an additional
14 penalty of not more than \$100 for failure to pay the original
15 penalty in a timely manner, if the motor vehicle is recorded by
16 an automated traffic law enforcement system. A violation for
17 which a civil penalty is imposed under this Section is not a
18 violation of a traffic regulation governing the movement of
19 vehicles and may not be recorded on the driving record of the
20 owner of the vehicle, but may be recorded by the municipality
21 or county for the purpose of determining if a person is subject
22 to the higher fine for a second or subsequent offense.

23 (l) A school bus equipped with an automated traffic law
24 enforcement system must be posted with a sign indicating that
25 the school bus is being monitored by an automated traffic law
26 enforcement system.

1 (m) A municipality or county that has one or more school
2 buses equipped with an automated traffic law enforcement
3 system must provide notice to drivers by posting a list of
4 school districts using school buses equipped with an automated
5 traffic law enforcement system on the municipality or county
6 website. School districts that have one or more school buses
7 equipped with an automated traffic law enforcement system must
8 provide notice to drivers by posting that information on their
9 websites.

10 (n) A municipality or county operating an automated
11 traffic law enforcement system shall conduct a statistical
12 analysis to assess the safety impact in each school district
13 using school buses equipped with an automated traffic law
14 enforcement system following installation of the system and
15 every 3 years thereafter. A municipality or county operating
16 an automated speed enforcement system before the effective
17 date of this amendatory Act of the 103rd General Assembly
18 shall conduct a statistical analysis to assess the safety
19 impact of the system by no later than one year after the
20 effective date of this amendatory Act of the 103rd General
21 Assembly and every 3 years thereafter. Each ~~The~~ statistical
22 analysis shall be based upon the best available crash,
23 traffic, and other data, and shall cover a period of time
24 before and after installation of the system sufficient to
25 provide a statistically valid comparison of safety impact.
26 Each ~~The~~ statistical analysis shall be consistent with

1 professional judgment and acceptable industry practice. Each
2 ~~The~~ statistical analysis also shall be consistent with the
3 data required for valid comparisons of before and after
4 conditions and shall be conducted within a reasonable period
5 following the installation of the automated traffic law
6 enforcement system. Each ~~The~~ statistical analysis required by
7 this subsection shall be made available to the public and
8 shall be published on the website of the municipality or
9 county. If a ~~the~~ statistical analysis ~~for the 36 month period~~
10 ~~following installation of the system~~ indicates that there has
11 been an increase in the rate of crashes at the approach to
12 school buses monitored by the system, the municipality or
13 county shall undertake additional studies to determine the
14 cause and severity of the crashes, and may take any action that
15 it determines is necessary or appropriate to reduce the number
16 or severity of the crashes involving school buses equipped
17 with an automated traffic law enforcement system.

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

23 (o-1) No officer or employee of a municipality or county
24 shall knowingly accept employment or receive compensation or
25 fees for services from a contractor that provides automated
26 law enforcement system equipment or services to municipalities

1 or counties. No former officer or employee of a municipality
2 or county shall, within a period of 2 years immediately after
3 termination of municipal or county employment, knowingly
4 accept employment or receive compensation or fees for services
5 from a contractor that provides automated law enforcement
6 system equipment or services to municipalities or counties.

7 (p) No person who is the lessor of a motor vehicle pursuant
8 to a written lease agreement shall be liable for an automated
9 speed or traffic law enforcement system violation involving
10 such motor vehicle during the period of the lease; provided
11 that upon the request of the appropriate authority received
12 within 120 days after the violation occurred, the lessor
13 provides within 60 days after such receipt the name and
14 address of the lessee.

15 Upon the provision of information by the lessor pursuant
16 to this subsection, the county or municipality may issue the
17 violation to the lessee of the vehicle in the same manner as it
18 would issue a violation to a registered owner of a vehicle
19 pursuant to this Section, and the lessee may be held liable for
20 the violation.

21 (q) (Blank).

22 (r) After a municipality or county enacts an ordinance
23 providing for automated traffic law enforcement systems under
24 this Section, each school district within that municipality or
25 county's jurisdiction may implement an automated traffic law
26 enforcement system under this Section. The elected school

1 board for that district must approve the implementation of an
2 automated traffic law enforcement system. The school district
3 shall be responsible for entering into a contract, approved by
4 the elected school board of that district, with vendors for
5 the installation, maintenance, and operation of the automated
6 traffic law enforcement system. The school district must enter
7 into an intergovernmental agreement, approved by the elected
8 school board of that district, with the municipality or county
9 with jurisdiction over that school district for the
10 administration of the automated traffic law enforcement
11 system. The proceeds from a school district's automated
12 traffic law enforcement system's fines shall be divided
13 equally between the school district and the municipality or
14 county administering the automated traffic law enforcement
15 system.

16 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
17 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

25 Section 99. Effective date. This Act takes effect January

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1 1, 2024.