



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0323

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.2	
625 ILCS 5/3-400	from Ch. 95 1/2, par. 3-400
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.8	
625 ILCS 5/11-208.6 rep.	
30 ILCS 805/8.43 new	

Amends the Illinois Vehicle Code. Repeals a Section providing authority to use automated traffic law enforcement systems at intersections in which cameras are used to photograph or video record a motor vehicle's failure to stop and yield as required by traffic control signals. Imposes limits on the power of local governments to use automated speed enforcement systems to provide recorded images of a motor vehicle for the purpose of recording its speed. Denies home rule powers. Amends the State Mandates Act to require implementation without reimbursement from the State. Makes conforming and other technical changes.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 1-105.2, 3-400, 6-306.5, 11-208, 11-208.3, and
6 11-208.8 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation
9 described in Section ~~11-208.6~~, 11-208.9~~7~~, or 11-1201.1 of this
10 Code.

11 (Source: P.A. 98-556, eff. 1-1-14.)

12 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

13 Sec. 3-400. Definitions. Notwithstanding the definitions
14 set forth in Chapter 1 of this Act, for the purposes of this
15 Article, the following words shall have the meaning ascribed to
16 them as follows:

17 "Apportionable Fee" means any periodic recurring fee
18 required for licensing or registering vehicles, such as, but
19 not limited to, registration fees, license or weight fees.

20 "Apportionable Vehicle" means any vehicle, except
21 recreational vehicles, vehicles displaying restricted plates,
22 city pickup and delivery vehicles, buses used in transportation

1 of chartered parties, and government owned vehicles that are
2 used or intended for use in 2 or more member jurisdictions that
3 allocate or proportionally register vehicles, in a fleet which
4 is used for the transportation of persons for hire or the
5 transportation of property and which has a gross vehicle weight
6 in excess of 26,000 pounds; or has three or more axles
7 regardless of weight; or is used in combination when the weight
8 of such combination exceeds 26,000 pounds gross vehicle weight.
9 Vehicles, or combinations having a gross vehicle weight of
10 26,000 pounds or less and two-axle vehicles may be
11 proportionally registered at the option of such owner.

12 "Base Jurisdiction" means, for purposes of fleet
13 registration, the jurisdiction where the registrant has an
14 established place of business, where operational records of the
15 fleet are maintained and where mileage is accrued by the fleet.
16 In case a registrant operates more than one fleet, and
17 maintains records for each fleet in different places, the "base
18 jurisdiction" for a fleet shall be the jurisdiction where an
19 established place of business is maintained, where records of
20 the operation of that fleet are maintained and where mileage is
21 accrued by that fleet.

22 "Operational Records" means documents supporting miles
23 traveled in each jurisdiction and total miles traveled, such as
24 fuel reports, trip leases, and logs.

25 "Owner" means a person who holds legal title of a motor
26 vehicle, or in the event a motor vehicle is the subject of an

1 agreement for the conditional sale or lease thereof with the
2 right of purchase upon performance of the conditions stated in
3 the agreement and with an immediate right of possession vested
4 in the conditional vendee or lessee with right of purchase, or
5 in the event a mortgagor of such motor vehicle is entitled to
6 possession, or in the event a lessee of such motor vehicle is
7 entitled to possession or control, then such conditional vendee
8 or lessee with right of purchase or mortgagor or lessee is
9 considered to be the owner for the purpose of this Act.

10 "Registration plate cover" means any tinted, colored,
11 painted, marked, clear, or illuminated object that is designed
12 to (i) cover any of the characters of a motor vehicle's
13 registration plate; or (ii) distort a recorded image of any of
14 the characters of a motor vehicle's registration plate recorded
15 by an automated enforcement system as defined in Section
16 ~~11-208.6~~, 11-208.8~~7~~ or 11-1201.1 of this Code or recorded by an
17 automated traffic control system as defined in Section 15 of
18 the Automated Traffic Control Systems in Highway Construction
19 or Maintenance Zones Act.

20 "Rental Owner" means an owner principally engaged, with
21 respect to one or more rental fleets, in renting to others or
22 offering for rental the vehicles of such fleets, without
23 drivers.

24 "Restricted Plates" shall include, but is not limited to,
25 dealer, manufacturer, transporter, farm, reposessor, and
26 permanently mounted type plates. Vehicles displaying any of

1 these type plates from a foreign jurisdiction that is a member
2 of the International Registration Plan shall be granted
3 reciprocity but shall be subject to the same limitations as
4 similar plated Illinois registered vehicles.

5 (Source: P.A. 98-463, eff. 8-16-13; 99-78, eff. 7-20-15.)

6 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

7 Sec. 6-306.5. Failure to pay fine or penalty for standing,
8 parking, compliance, automated speed enforcement system, or
9 automated traffic law violations; suspension of driving
10 privileges.

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality or county
13 stating that the owner of a registered vehicle: (1) has failed
14 to pay any fine or penalty due and owing as a result of 10 or
15 more violations of a municipality's or county's vehicular
16 standing, parking, or compliance regulations established by
17 ordinance pursuant to Section 11-208.3 of this Code, (2) has
18 failed to pay any fine or penalty due and owing as a result of 5
19 offenses for automated speed enforcement system violations or
20 automated traffic violations as defined in Sections ~~11-208.6,~~
21 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
22 (3) is more than 14 days in default of a payment plan pursuant
23 to which a suspension had been terminated under subsection (c)
24 of this Section, the Secretary of State shall suspend the
25 driving privileges of such person in accordance with the

1 procedures set forth in this Section. The Secretary shall also
2 suspend the driving privileges of an owner of a registered
3 vehicle upon receipt of a certified report, as prescribed by
4 subsection (f) of this Section, from any municipality or county
5 stating that such person has failed to satisfy any fines or
6 penalties imposed by final judgments for 5 or more automated
7 speed enforcement system or automated traffic law violations,
8 or combination thereof, or 10 or more violations of local
9 standing, parking, or compliance regulations after exhaustion
10 of judicial review procedures.

11 (b) Following receipt of the certified report of the
12 municipality or county as specified in this Section, the
13 Secretary of State shall notify the person whose name appears
14 on the certified report that the person's drivers license will
15 be suspended at the end of a specified period of time unless
16 the Secretary of State is presented with a notice from the
17 municipality or county certifying that the fine or penalty due
18 and owing the municipality or county has been paid or that
19 inclusion of that person's name on the certified report was in
20 error. The Secretary's notice shall state in substance the
21 information contained in the municipality's or county's
22 certified report to the Secretary, and shall be effective as
23 specified by subsection (c) of Section 6-211 of this Code.

24 (c) The report of the appropriate municipal or county
25 official notifying the Secretary of State of unpaid fines or
26 penalties pursuant to this Section shall be certified and shall

1 contain the following:

2 (1) The name, last known address as recorded with the
3 Secretary of State, as provided by the lessor of the cited
4 vehicle at the time of lease, or as recorded in a United
5 States Post Office approved database if any notice sent
6 under Section 11-208.3 of this Code is returned as
7 undeliverable, and drivers license number of the person who
8 failed to pay the fine or penalty or who has defaulted in a
9 payment plan and the registration number of any vehicle
10 known to be registered to such person in this State.

11 (2) The name of the municipality or county making the
12 report pursuant to this Section.

13 (3) A statement that the municipality or county sent a
14 notice of impending drivers license suspension as
15 prescribed by ordinance enacted pursuant to Section
16 11-208.3 of this Code or a notice of default in a payment
17 plan, to the person named in the report at the address
18 recorded with the Secretary of State or at the last address
19 known to the lessor of the cited vehicle at the time of
20 lease or, if any notice sent under Section 11-208.3 of this
21 Code is returned as undeliverable, at the last known
22 address recorded in a United States Post Office approved
23 database; the date on which such notice was sent; and the
24 address to which such notice was sent. In a municipality or
25 county with a population of 1,000,000 or more, the report
26 shall also include a statement that the alleged violator's

1 State vehicle registration number and vehicle make, if
2 specified on the automated speed enforcement system
3 violation or automated traffic law violation notice, are
4 correct as they appear on the citations.

5 (4) A unique identifying reference number for each
6 request of suspension sent whenever a person has failed to
7 pay the fine or penalty or has defaulted on a payment plan.

8 (d) Any municipality or county making a certified report to
9 the Secretary of State pursuant to this Section shall notify
10 the Secretary of State, in a form prescribed by the Secretary,
11 whenever a person named in the certified report has paid the
12 previously reported fine or penalty, whenever a person named in
13 the certified report has entered into a payment plan pursuant
14 to which the municipality or county has agreed to terminate the
15 suspension, or whenever the municipality or county determines
16 that the original report was in error. A certified copy of such
17 notification shall also be given upon request and at no
18 additional charge to the person named therein. Upon receipt of
19 the municipality's or county's notification or presentation of
20 a certified copy of such notification, the Secretary of State
21 shall terminate the suspension.

22 (e) Any municipality or county making a certified report to
23 the Secretary of State pursuant to this Section shall also by
24 ordinance establish procedures for persons to challenge the
25 accuracy of the certified report. The ordinance shall also
26 state the grounds for such a challenge, which may be limited to

1 (1) the person not having been the owner or lessee of the
2 vehicle or vehicles receiving 10 or more standing, parking, or
3 compliance violation notices or a combination of 5 or more
4 automated speed enforcement system or automated traffic law
5 violations on the date or dates such notices were issued; and
6 (2) the person having already paid the fine or penalty for the
7 10 or more standing, parking, or compliance violations or
8 combination of 5 or more automated speed enforcement system or
9 automated traffic law violations indicated on the certified
10 report.

11 (f) Any municipality or county, other than a municipality
12 or county establishing vehicular standing, parking, and
13 compliance regulations pursuant to Section 11-208.3, automated
14 speed enforcement system regulations under Section 11-208.8,
15 or automated traffic law regulations under Section ~~11-208.6,~~
16 ~~11-208.9,~~ or 11-1201.1, may also cause a suspension of a
17 person's drivers license pursuant to this Section. Such
18 municipality or county may invoke this sanction by making a
19 certified report to the Secretary of State upon a person's
20 failure to satisfy any fine or penalty imposed by final
21 judgment for 10 or more violations of local standing, parking,
22 or compliance regulations or a combination of 5 or more
23 automated speed enforcement system or automated traffic law
24 violations after exhaustion of judicial review procedures, but
25 only if:

26 (1) the municipality or county complies with the

1 provisions of this Section in all respects except in regard
2 to enacting an ordinance pursuant to Section 11-208.3;

3 (2) the municipality or county has sent a notice of
4 impending drivers license suspension as prescribed by an
5 ordinance enacted pursuant to subsection (g) of this
6 Section; and

7 (3) in municipalities or counties with a population of
8 1,000,000 or more, the municipality or county has verified
9 that the alleged violator's State vehicle registration
10 number and vehicle make are correct as they appear on the
11 citations.

12 (g) Any municipality or county, other than a municipality
13 or county establishing standing, parking, and compliance
14 regulations pursuant to Section 11-208.3, automated speed
15 enforcement system regulations under Section 11-208.8, or
16 automated traffic law regulations under Section ~~11-208.6,~~
17 ~~11-208.9,~~ or 11-1201.1, may provide by ordinance for the
18 sending of a notice of impending drivers license suspension to
19 the person who has failed to satisfy any fine or penalty
20 imposed by final judgment for 10 or more violations of local
21 standing, parking, or compliance regulations or a combination
22 of 5 or more automated speed enforcement system or automated
23 traffic law violations after exhaustion of judicial review
24 procedures. An ordinance so providing shall specify that the
25 notice sent to the person liable for any fine or penalty shall
26 state that failure to pay the fine or penalty owing within 45

1 days of the notice's date will result in the municipality or
2 county notifying the Secretary of State that the person's
3 drivers license is eligible for suspension pursuant to this
4 Section. The notice of impending drivers license suspension
5 shall be sent by first class United States mail, postage
6 prepaid, to the address recorded with the Secretary of State or
7 at the last address known to the lessor of the cited vehicle at
8 the time of lease or, if any notice sent under Section 11-208.3
9 of this Code is returned as undeliverable, to the last known
10 address recorded in a United States Post Office approved
11 database.

12 (h) An administrative hearing to contest an impending
13 suspension or a suspension made pursuant to this Section may be
14 had upon filing a written request with the Secretary of State.
15 The filing fee for this hearing shall be \$20, to be paid at the
16 time the request is made. A municipality or county which files
17 a certified report with the Secretary of State pursuant to this
18 Section shall reimburse the Secretary for all reasonable costs
19 incurred by the Secretary as a result of the filing of the
20 report, including but not limited to the costs of providing the
21 notice required pursuant to subsection (b) and the costs
22 incurred by the Secretary in any hearing conducted with respect
23 to the report pursuant to this subsection and any appeal from
24 such a hearing.

25 (i) The provisions of this Section shall apply on and after
26 January 1, 1988.

1 (j) For purposes of this Section, the term "compliance
2 violation" is defined as in Section 11-208.3.

3 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
4 98-556, eff. 1-1-14.)

5 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)
6 Sec. 11-208. Powers of local authorities.

7 (a) The provisions of this Code shall not be deemed to
8 prevent local authorities with respect to streets and highways
9 under their jurisdiction and within the reasonable exercise of
10 the police power from:

11 1. Regulating the standing or parking of vehicles,
12 except as limited by Sections 11-1306 and 11-1307 of this
13 Act;

14 2. Regulating traffic by means of police officers or
15 traffic control signals;

16 3. Regulating or prohibiting processions or
17 assemblages on the highways; and certifying persons to
18 control traffic for processions or assemblages;

19 4. Designating particular highways as one-way highways
20 and requiring that all vehicles thereon be moved in one
21 specific direction;

22 5. Regulating the speed of vehicles in public parks
23 subject to the limitations set forth in Section 11-604;

24 6. Designating any highway as a through highway, as
25 authorized in Section 11-302, and requiring that all

1 vehicles stop before entering or crossing the same or
2 designating any intersection as a stop intersection or a
3 yield right-of-way intersection and requiring all vehicles
4 to stop or yield the right-of-way at one or more entrances
5 to such intersections;

6 7. Restricting the use of highways as authorized in
7 Chapter 15;

8 8. Regulating the operation of bicycles, low-speed
9 electric bicycles, and low-speed gas bicycles, and
10 requiring the registration and licensing of same,
11 including the requirement of a registration fee;

12 9. Regulating or prohibiting the turning of vehicles or
13 specified types of vehicles at intersections;

14 10. Altering the speed limits as authorized in Section
15 11-604;

16 11. Prohibiting U-turns;

17 12. Prohibiting pedestrian crossings at other than
18 designated and marked crosswalks or at intersections;

19 13. Prohibiting parking during snow removal operation;

20 14. Imposing fines in accordance with Section
21 11-1301.3 as penalties for use of any parking place
22 reserved for persons with disabilities, as defined by
23 Section 1-159.1, or veterans with disabilities by any
24 person using a motor vehicle not bearing registration
25 plates specified in Section 11-1301.1 or a special decal or
26 device as defined in Section 11-1301.2 as evidence that the

1 vehicle is operated by or for a person with disabilities or
2 a veteran with a disability;

3 15. Adopting such other traffic regulations as are
4 specifically authorized by this Code; or

5 16. Enforcing the provisions of subsection (f) of
6 Section 3-413 of this Code or a similar local ordinance.

7 (b) No ordinance or regulation enacted under paragraph 1,
8 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be effective
9 until signs giving reasonable notice of such local traffic
10 regulations are posted.

11 (c) The provisions of this Code shall not prevent any
12 municipality having a population of 500,000 or more inhabitants
13 from prohibiting any person from driving or operating any motor
14 vehicle upon the roadways of such municipality with headlamps
15 on high beam or bright.

16 (d) The provisions of this Code shall not be deemed to
17 prevent local authorities within the reasonable exercise of
18 their police power from prohibiting, on private property, the
19 unauthorized use of parking spaces reserved for persons with
20 disabilities.

21 (e) No unit of local government, including a home rule
22 unit, may enact or enforce an ordinance that applies only to
23 motorcycles if the principal purpose for that ordinance is to
24 restrict the access of motorcycles to any highway or portion of
25 a highway for which federal or State funds have been used for
26 the planning, design, construction, or maintenance of that

1 highway. No unit of local government, including a home rule
2 unit, may enact an ordinance requiring motorcycle users to wear
3 protective headgear. Nothing in this subsection (e) shall
4 affect the authority of a unit of local government to regulate
5 motorcycles for traffic control purposes or in accordance with
6 Section 12-602 of this Code. No unit of local government,
7 including a home rule unit, may regulate motorcycles in a
8 manner inconsistent with this Code. This subsection (e) is a
9 limitation under subsection (i) of Section 6 of Article VII of
10 the Illinois Constitution on the concurrent exercise by home
11 rule units of powers and functions exercised by the State.

12 (e-5) The City of Chicago may enact an ordinance providing
13 for a noise monitoring system upon any portion of the roadway
14 known as Lake Shore Drive. Twelve months after the installation
15 of the noise monitoring system, and any time after the first
16 report as the City deems necessary, the City of Chicago shall
17 prepare a noise monitoring report with the data collected from
18 the system and shall, upon request, make the report available
19 to the public. For purposes of this subsection (e-5), "noise
20 monitoring system" means an automated noise monitor capable of
21 recording noise levels 24 hours per day and 365 days per year
22 with computer equipment sufficient to process the data.

23 (e-10) A unit of local government, including a home rule
24 unit, may not enact an ordinance prohibiting the use of
25 Automated Driving System equipped vehicles on its roadways.
26 Nothing in this subsection (e-10) shall affect the authority of

1 a unit of local government to regulate Automated Driving System
2 equipped vehicles for traffic control purposes. No unit of
3 local government, including a home rule unit, may regulate
4 Automated Driving System equipped vehicles in a manner
5 inconsistent with this Code. For purposes of this subsection
6 (e-10), "Automated Driving System equipped vehicle" means any
7 vehicle equipped with an Automated Driving System of hardware
8 and software that are collectively capable of performing the
9 entire dynamic driving task on a sustained basis, regardless of
10 whether it is limited to a specific operational domain. This
11 subsection (e-10) is a limitation under subsection (i) of
12 Section 6 of Article VII of the Illinois Constitution on the
13 concurrent exercise by home rule units of powers and functions
14 exercised by the State.

15 (f) No unit of local government, including a home rule
16 unit, A municipality or county designated in Section 11-208.6
17 may enact or enforce an ordinance providing for an automated
18 traffic law enforcement system to enforce violations of Section
19 11-306 of this Code or a similar provision of a local ordinance
20 and imposing liability on a registered owner or lessee of a
21 vehicle used in such a violation. For purposes of this
22 subsection (f), "automated traffic law enforcement system"
23 means a device with one or more motor vehicle sensors working
24 in conjunction with a red light signal to produce recorded
25 images of motor vehicles entering into an intersection against
26 a red signal indication in violation of Section 11-306 of this

1 Code or a similar provision of a local ordinance. This
2 subsection (f) is a denial and limitation of home rule powers
3 and functions under subsection (g) of Section 6 of Article VII
4 of the Illinois Constitution.

5 (g) A municipality or county, as provided in Section
6 11-1201.1, may enact an ordinance providing for an automated
7 traffic law enforcement system to enforce violations of Section
8 11-1201 of this Code or a similar provision of a local
9 ordinance and imposing liability on a registered owner of a
10 vehicle used in such a violation.

11 (h) A municipality designated in Section 11-208.8 may enact
12 an ordinance providing for an automated speed enforcement
13 system to enforce violations of Article VI of Chapter 11 of
14 this Code or a similar provision of a local ordinance.

15 (i) A municipality or county designated in Section 11-208.9
16 may enact an ordinance providing for an automated traffic law
17 enforcement system to enforce violations of Section 11-1414 of
18 this Code or a similar provision of a local ordinance and
19 imposing liability on a registered owner or lessee of a vehicle
20 used in such a violation.

21 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;
22 100-257, eff. 8-22-17; 100-352, eff. 6-1-18; 100-863, eff.
23 8-14-18.)

24 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

25 Sec. 11-208.3. Administrative adjudication of violations

1 of traffic regulations concerning the standing, parking, or
2 condition of vehicles, automated traffic law violations, and
3 automated speed enforcement system violations.

4 (a) Any municipality or county may provide by ordinance for
5 a system of administrative adjudication of vehicular standing
6 and parking violations and vehicle compliance violations as
7 described in this subsection, automated traffic law violations
8 as defined in Section ~~11-208.6~~, 11-208.9~~7~~, or 11-1201.1, and
9 automated speed enforcement system violations as defined in
10 Section 11-208.8. The administrative system shall have as its
11 purpose the fair and efficient enforcement of municipal or
12 county regulations through the administrative adjudication of
13 automated speed enforcement system or automated traffic law
14 violations and violations of municipal or county ordinances
15 regulating the standing and parking of vehicles, the condition
16 and use of vehicle equipment, and the display of municipal or
17 county wheel tax licenses within the municipality's or county's
18 borders. The administrative system shall only have authority to
19 adjudicate civil offenses carrying fines not in excess of \$500
20 or requiring the completion of a traffic education program, or
21 both, that occur after the effective date of the ordinance
22 adopting such a system under this Section. For purposes of this
23 Section, "compliance violation" means a violation of a
24 municipal or county regulation governing the condition or use
25 of equipment on a vehicle or governing the display of a
26 municipal or county wheel tax license.

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

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

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

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

18 (3) Service of the parking, standing, or compliance
19 violation notice by affixing the original or a facsimile of
20 the notice to an unlawfully parked vehicle or by handing
21 the notice to the operator of a vehicle if he or she is
22 present and service of an automated speed enforcement
23 system or automated traffic law violation notice by mail to
24 the address of the registered owner or lessee of the cited
25 vehicle as recorded with the Secretary of State or the
26 lessor of the motor vehicle within 30 days after the

1 Secretary of State or the lessor of the motor vehicle
2 notifies the municipality or county of the identity of the
3 owner or lessee of the vehicle, but not later than 90 days
4 after the violation, except that in the case of a lessee of
5 a motor vehicle, service of an automated traffic law
6 violation notice may occur no later than 210 days after the
7 violation. A person authorized by ordinance to issue and
8 serve parking, standing, and compliance violation notices
9 shall certify as to the correctness of the facts entered on
10 the violation notice by signing his or her name to the
11 notice at the time of service or in the case of a notice
12 produced by a computerized device, by signing a single
13 certificate to be kept by the traffic compliance
14 administrator attesting to the correctness of all notices
15 produced by the device while it was under his or her
16 control. In the case of an automated traffic law violation,
17 the ordinance shall require a determination by a technician
18 employed or contracted by the municipality or county that,
19 based on inspection of recorded images, the motor vehicle
20 was being operated in violation of Section ~~11-208.6,~~
21 ~~11-208.9,~~ or 11-1201.1 or a local ordinance. ~~If the~~
22 ~~technician determines that the vehicle entered the~~
23 ~~intersection as part of a funeral procession or in order to~~
24 ~~yield the right of way to an emergency vehicle, a citation~~
25 ~~shall not be issued.~~ In municipalities with a population of
26 less than 1,000,000 inhabitants and counties with a

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

1 speed equipment, that the vehicle was being operated in
2 violation of Article VI of Chapter 11 of this Code or a
3 similar local ordinance. If the technician determines that
4 the vehicle speed was not determined by a calibrated,
5 certified speed equipment device based upon the speed
6 equipment documentation, or if the vehicle was an emergency
7 vehicle, a citation may not be issued. The automated speed
8 enforcement ordinance shall require that all
9 determinations by a technician that a violation occurred be
10 reviewed and approved by a law enforcement officer or
11 retired law enforcement officer of the municipality
12 issuing the violation or by an additional fully trained
13 reviewing technician who is not employed by the contractor
14 who employs the technician who made the initial
15 determination. Routine and independent calibration of the
16 speeds produced by automated speed enforcement systems and
17 equipment shall be conducted annually by a qualified
18 technician. Speeds produced by an automated speed
19 enforcement system shall be compared with speeds produced
20 by lidar or other independent equipment. Radar or lidar
21 equipment shall undergo an internal validation test no less
22 frequently than once each week. Qualified technicians
23 shall test loop based equipment no less frequently than
24 once a year. Radar equipment shall be checked for accuracy
25 by a qualified technician when the unit is serviced, when
26 unusual or suspect readings persist, or when deemed

1 necessary by a reviewing technician. Radar equipment shall
2 be checked with the internal frequency generator and the
3 internal circuit test whenever the radar is turned on.
4 Technicians must be alert for any unusual or suspect
5 readings, and if unusual or suspect readings of a radar
6 unit persist, that unit shall immediately be removed from
7 service and not returned to service until it has been
8 checked by a qualified technician and determined to be
9 functioning properly. Documentation of the annual
10 calibration results, including the equipment tested, test
11 date, technician performing the test, and test results,
12 shall be maintained and available for use in the
13 determination of an automated speed enforcement system
14 violation and issuance of a citation. The technician
15 performing the calibration and testing of the automated
16 speed enforcement equipment shall be trained and certified
17 in the use of equipment for speed enforcement purposes.
18 Training on the speed enforcement equipment may be
19 conducted by law enforcement, civilian, or manufacturer's
20 personnel and if applicable may be equivalent to the
21 equipment use and operations training included in the Speed
22 Measuring Device Operator Program developed by the
23 National Highway Traffic Safety Administration (NHTSA).
24 The vendor or technician who performs the work shall keep
25 accurate records on each piece of equipment the technician
26 calibrates and tests. As used in this paragraph,

1 "fully-trained reviewing technician" means a person who
2 has received at least 40 hours of supervised training in
3 subjects which shall include image inspection and
4 interpretation, the elements necessary to prove a
5 violation, license plate identification, and traffic
6 safety and management. In all municipalities and counties,
7 the automated speed enforcement system or automated
8 traffic law ordinance shall require that no additional fee
9 shall be charged to the alleged violator for exercising his
10 or her right to an administrative hearing, and persons
11 shall be given at least 25 days following an administrative
12 hearing to pay any civil penalty imposed by a finding that
13 Section ~~11-208.6~~, 11-208.8, 11-208.9, or 11-1201.1 or a
14 similar local ordinance has been violated. The original or
15 a facsimile of the violation notice or, in the case of a
16 notice produced by a computerized device, a printed record
17 generated by the device showing the facts entered on the
18 notice, shall be retained by the traffic compliance
19 administrator, and shall be a record kept in the ordinary
20 course of business. A parking, standing, compliance,
21 automated speed enforcement system, or automated traffic
22 law violation notice issued, signed and served in
23 accordance with this Section, a copy of the notice, or the
24 computer generated record shall be prima facie correct and
25 shall be prima facie evidence of the correctness of the
26 facts shown on the notice. The notice, copy, or computer

1 generated record shall be admissible in any subsequent
2 administrative or legal proceedings.

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

22 (5) Service of additional notices, sent by first class
23 United States mail, postage prepaid, to the address of the
24 registered owner of the cited vehicle as recorded with the
25 Secretary of State or, if any notice to that address is
26 returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database,
2 or, under Section 11-1306 or subsection (p) of Section
3 ~~11-208.6~~ or 11-208.9, or subsection (p) of Section 11-208.8
4 of this Code, to the lessee of the cited vehicle at the
5 last address known to the lessor of the cited vehicle at
6 the time of lease or, if any notice to that address is
7 returned as undeliverable, to the last known address
8 recorded in a United States Post Office approved database.
9 The service shall be deemed complete as of the date of
10 deposit in the United States mail. The notices shall be in
11 the following sequence and shall include but not be limited
12 to the information specified herein:

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

1 pay the indicated fine and any applicable penalty, or
2 to 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, upon
6 the occurrence of a final determination of violation
7 liability for the failure, and the exhaustion of, or
8 failure to exhaust, available administrative or
9 judicial procedures for review, any incomplete traffic
10 education program or any unpaid fine or penalty, or
11 both, will constitute a debt due and owing the
12 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 may result in suspension of the
7 person's drivers license for failure to complete a
8 traffic education program or to pay fines or penalties,
9 or both, for 10 or more parking violations under
10 Section 6-306.5, or a combination of 5 or more
11 automated traffic law violations under Section
12 ~~11-208.6~~ or 11-208.9 or automated speed enforcement
13 system violations under Section 11-208.8.

14 (6) A notice of impending drivers license suspension.
15 This notice shall be sent to the person liable for failure
16 to complete a required traffic education program or to pay
17 any fine or penalty that remains due and owing, or both, on
18 10 or more parking violations or combination of 5 or more
19 unpaid automated speed enforcement system or automated
20 traffic law violations. The notice shall state that failure
21 to complete a required traffic education program or to pay
22 the fine or penalty owing, or both, within 45 days of the
23 notice's date will result in the municipality or county
24 notifying the Secretary of State that the person is
25 eligible for initiation of suspension proceedings under
26 Section 6-306.5 of this Code. The notice shall also state

1 that the person may obtain a photostatic copy of an
2 original ticket imposing a fine or penalty by sending a
3 self addressed, stamped envelope to the municipality or
4 county along with a request for the photostatic copy. The
5 notice of impending drivers license suspension shall be
6 sent by first class United States mail, postage prepaid, to
7 the address recorded with the Secretary of State or, if any
8 notice to that address is returned as undeliverable, to the
9 last known address recorded in a United States Post Office
10 approved database.

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

25 (8) A petition to set aside a determination of parking,
26 standing, compliance, automated speed enforcement system,

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

24 (9) Procedures for non-residents. Procedures by which
25 persons who are not residents of the municipality or county
26 may contest the merits of the alleged violation without

1 attending a hearing.

2 (10) A schedule of civil fines for violations of
3 vehicular standing, parking, compliance, automated speed
4 enforcement system, or automated traffic law regulations
5 enacted by ordinance pursuant to this Section, and a
6 schedule of penalties for late payment of the fines or
7 failure to complete required traffic education programs,
8 provided, however, that the total amount of the fine and
9 penalty for any one violation shall not exceed \$250, except
10 as provided in subsection (c) of Section 11-1301.3 of this
11 Code.

12 (11) Other provisions as are necessary and proper to
13 carry into effect the powers granted and purposes stated in
14 this Section.

15 (c) Any municipality or county establishing vehicular
16 standing, parking, compliance, automated speed enforcement
17 system, or automated traffic law regulations under this Section
18 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 vehicle
24 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 has
2 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 within
22 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 be
6 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, compliance,
16 automated speed enforcement system, or automated traffic law
17 violation shall constitute a final disposition of that
18 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 or
23 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 municipality
26 or county from consolidating multiple final determinations of

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

1 final determination of parking, standing, compliance,
2 automated speed enforcement system, or automated traffic law
3 violation, plus costs. The judgment shall have the same effect
4 and may be enforced in the same manner as other judgments for
5 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 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,
16 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)

17 (625 ILCS 5/11-208.8)

18 Sec. 11-208.8. Automated speed enforcement systems in
19 safety zones.

20 (a) As used in this Section:

21 "Automated speed enforcement system" means a photographic
22 device, radar device, laser device, or other electrical or
23 mechanical device or devices installed or utilized in a safety
24 zone and designed to record the speed of a vehicle and obtain a
25 clear photograph or other recorded image of the vehicle and the

1 vehicle's registration plate while the driver is violating
2 Article VI of Chapter 11 of this Code or a similar provision of
3 a local ordinance.

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

12 "Owner" means the person or entity to whom the vehicle is
13 registered.

14 "Recorded image" means images recorded by an automated
15 speed enforcement system on:

16 (1) 2 or more photographs;

17 (2) 2 or more microphotographs;

18 (3) 2 or more electronic images; or

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

23 "Safety zone" means an area that is within one-eighth of a
24 mile from the nearest property line of any public or private
25 elementary or secondary school, or from the nearest property
26 line of any facility, area, or land owned by a school district

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

13 (a-5) The automated speed enforcement system shall be
14 operational and violations shall be recorded only at the
15 following times:

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

22 (ii) if the safety zone is based upon the property line
23 of any facility, area, or land owned by a park district, no
24 earlier than one hour prior to the time that the facility,
25 area, or land is open to the public or other patrons, and
26 no later than one hour after the facility, area, or land is

1 closed to the public or other patrons.

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

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

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

17 (2) if the recorded speed is more than 10 miles per
18 hour over the legal speed limit, a civil penalty not
19 exceeding \$100, plus an additional penalty of not more than
20 \$100 for failure to pay the original penalty in a timely
21 manner.

22 A penalty may not be imposed under this Section if the
23 driver of the motor vehicle received a Uniform Traffic Citation
24 from a police officer for a speeding violation occurring within
25 one-eighth of a mile and 15 minutes of the violation that was
26 recorded by the system. A violation for which a civil penalty

1 is imposed under this Section is not a violation of a traffic
2 regulation governing the movement of vehicles and may not be
3 recorded on the driving record of the owner of the vehicle. A
4 law enforcement officer is not required to be present or to
5 witness the violation. No penalty may be imposed under this
6 Section if the recorded speed of a vehicle is 5 miles per hour
7 or less over the legal speed limit. The municipality may send,
8 in the same manner that notices are sent under this Section, a
9 speed violation warning notice where the violation involves a
10 speed of 5 miles per hour or less above the legal speed limit.

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

17 (i) public safety initiatives to ensure safe passage
18 around schools, and to provide police protection and
19 surveillance around schools and parks, including but not
20 limited to: (1) personnel costs; and (2) non-personnel
21 costs such as construction and maintenance of public safety
22 infrastructure and equipment;

23 (ii) initiatives to improve pedestrian and traffic
24 safety;

25 (iii) construction and maintenance of infrastructure
26 within the municipality, including but not limited to roads

1 and bridges; and

2 (iv) after school programs.

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

12 (f) The notice required under subsection (e) of this
13 Section shall include:

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

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

18 (3) the violation charged;

19 (4) the date, time, and location where the violation
20 occurred;

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

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

24 (7) a statement that recorded images are evidence of a
25 violation of a speed restriction;

26 (8) a warning that failure to pay the civil penalty or

1 to contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle;

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

6 (A) paying the fine; or

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

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

12 (g) If a person charged with a traffic violation, as a
13 result of an automated speed enforcement system, does not pay
14 the fine or successfully contest the civil penalty resulting
15 from that violation, the Secretary of State shall suspend the
16 driving privileges of the registered owner of the vehicle under
17 Section 6-306.5 of this Code for failing to pay any fine or
18 penalty due and owing, or both, as a result of ~~a combination of~~
19 ~~5 violations of the automated speed enforcement system or the~~
20 ~~automated traffic law under Section 11-208.6 of this Code.~~

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

26 (i) Recorded images made by an automated speed enforcement

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

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

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

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

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

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

1 manner.

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

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

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

20 (o) A municipality shall make a certified report to the
21 Secretary of State pursuant to Section 6-306.5 of this Code
22 whenever a registered owner of a vehicle has failed to pay any
23 fine or penalty due and owing as a result of a combination of 5
24 offenses for automated speed or traffic law enforcement system
25 violations.

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 address
7 of the lessee. The drivers license number of a lessee may be
8 subsequently individually requested by the appropriate
9 authority if needed for enforcement of this Section.

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

15 (q) A municipality using an automated speed enforcement
16 system must provide notice to drivers by publishing the
17 locations of all safety zones where system equipment is
18 installed on the website of the municipality.

19 (r) A municipality operating an automated speed
20 enforcement system shall conduct a statistical analysis to
21 assess the safety impact of the system. The statistical
22 analysis shall be based upon the best available crash, traffic,
23 and other data, and shall cover a period of time before and
24 after installation of the system sufficient to provide a
25 statistically valid comparison of safety impact. The
26 statistical analysis shall be consistent with professional

1 judgment and acceptable industry practice. The statistical
2 analysis also shall be consistent with the data required for
3 valid comparisons of before and after conditions and shall be
4 conducted within a reasonable period following the
5 installation of the automated traffic law enforcement system.
6 The statistical analysis required by this subsection shall be
7 made available to the public and shall be published on the
8 website of the municipality.

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

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

21 (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12; 98-463,
22 eff. 8-16-13.)

23 (625 ILCS 5/11-208.6 rep.)

24 Section 10. The Illinois Vehicle Code is amended by
25 repealing Section 11-208.6.

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.43 as follows:

3 (30 ILCS 805/8.43 new)

4 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 101st General Assembly.