



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3927

Introduced 10/28/2019, by Rep. Kambium Buckner

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

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

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

26 "Restricted Plates" shall include, but is not limited to,

1 dealer, manufacturer, transporter, farm, reposessor, and
2 permanently mounted type plates. Vehicles displaying any of
3 these type plates from a foreign jurisdiction that is a member
4 of the International Registration Plan shall be granted
5 reciprocity but shall be subject to the same limitations as
6 similar plated Illinois registered vehicles.

7 (Source: P.A. 101-395, eff. 8-16-19.)

8 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

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

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

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

26 (c) The report of the appropriate municipal or county

1 official notifying the Secretary of State of unpaid fines or
2 penalties pursuant to this Section shall be certified and shall
3 contain the following:

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

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

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

1 county with a population of 1,000,000 or more, the report
2 shall also include a statement that the alleged violator's
3 State vehicle registration number and vehicle make, if
4 specified on the automated speed enforcement system
5 violation or automated traffic law violation notice, are
6 correct as they appear on the citations.

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

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

24 (e) Any municipality or county making a certified report to
25 the Secretary of State pursuant to this Section shall also by
26 ordinance establish procedures for persons to challenge the

1 accuracy of the certified report. The ordinance shall also
2 state the grounds for such a challenge, which may be limited to
3 (1) the person not having been the owner or lessee of the
4 vehicle or vehicles receiving 10 or more standing, parking, or
5 compliance violation notices or a combination of 5 or more
6 automated speed enforcement system or automated traffic law
7 violations on the date or dates such notices were issued; and
8 (2) the person having already paid the fine or penalty for the
9 10 or more standing, parking, or compliance violations or
10 combination of 5 or more automated speed enforcement system or
11 automated traffic law violations indicated on the certified
12 report.

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

1 only if:

2 (1) the municipality or county complies with the
3 provisions of this Section in all respects except in regard
4 to enacting an ordinance pursuant to Section 11-208.3;

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

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

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

1 notice sent to the person liable for any fine or penalty shall
2 state that failure to pay the fine or penalty owing within 45
3 days of the notice's date will result in the municipality or
4 county notifying the Secretary of State that the person's
5 drivers license is eligible for suspension pursuant to this
6 Section. The notice of impending drivers license suspension
7 shall be sent by first class United States mail, postage
8 prepaid, to the address recorded with the Secretary of State or
9 at the last address known to the lessor of the cited vehicle at
10 the time of lease or, if any notice sent under Section 11-208.3
11 of this Code is returned as undeliverable, to the last known
12 address recorded in a United States Post Office approved
13 database.

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

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

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

5 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
6 98-556, eff. 1-1-14.)

7 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

8 Sec. 11-208. Powers of local authorities.

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

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

16 2. Regulating traffic by means of police officers or
17 traffic control signals;

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

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

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

1 6. Designating any highway as a through highway, as
2 authorized in Section 11-302, and requiring that all
3 vehicles stop before entering or crossing the same or
4 designating any intersection as a stop intersection or a
5 yield right-of-way intersection and requiring all vehicles
6 to stop or yield the right-of-way at one or more entrances
7 to such intersections;

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

10 8. Regulating the operation of mobile carrying
11 devices, bicycles, low-speed electric bicycles, and
12 low-speed gas bicycles, and requiring the registration and
13 licensing of same, including the requirement of a
14 registration fee;

15 9. Regulating or prohibiting the turning of vehicles or
16 specified types of vehicles at intersections;

17 10. Altering the speed limits as authorized in Section
18 11-604;

19 11. Prohibiting U-turns;

20 12. Prohibiting pedestrian crossings at other than
21 designated and marked crosswalks or at intersections;

22 13. Prohibiting parking during snow removal operation;

23 14. Imposing fines in accordance with Section
24 11-1301.3 as penalties for use of any parking place
25 reserved for persons with disabilities, as defined by
26 Section 1-159.1, or veterans with disabilities by any

1 person using a motor vehicle not bearing registration
2 plates specified in Section 11-1301.1 or a special decal or
3 device as defined in Section 11-1301.2 as evidence that the
4 vehicle is operated by or for a person with disabilities or
5 a veteran with a disability;

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

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

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

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

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

24 (e) No unit of local government, including a home rule
25 unit, may enact or enforce an ordinance that applies only to
26 motorcycles if the principal purpose for that ordinance is to

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

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

26 (e-10) A unit of local government, including a home rule

1 unit, may not enact an ordinance prohibiting the use of
2 Automated Driving System equipped vehicles on its roadways.
3 Nothing in this subsection (e-10) shall affect the authority of
4 a unit of local government to regulate Automated Driving System
5 equipped vehicles for traffic control purposes. No unit of
6 local government, including a home rule unit, may regulate
7 Automated Driving System equipped vehicles in a manner
8 inconsistent with this Code. For purposes of this subsection
9 (e-10), "Automated Driving System equipped vehicle" means any
10 vehicle equipped with an Automated Driving System of hardware
11 and software that are collectively capable of performing the
12 entire dynamic driving task on a sustained basis, regardless of
13 whether it is limited to a specific operational domain. This
14 subsection (e-10) is a limitation under subsection (i) of
15 Section 6 of Article VII of the Illinois Constitution on the
16 concurrent exercise by home rule units of powers and functions
17 exercised by the State.

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

1 in conjunction with a red light signal to produce recorded
2 images of motor vehicles entering into an intersection against
3 a red signal indication in violation of Section 11-306 of this
4 Code or a similar provision of a local ordinance. This
5 subsection (f) is a denial and limitation of home rule powers
6 and functions under subsection (g) of Section 6 of Article VII
7 of the Illinois Constitution.

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

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

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

24 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;
25 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.
26 7-26-19.)

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

2 Sec. 11-208.3. Administrative adjudication of violations
3 of traffic regulations concerning the standing, parking, or
4 condition of vehicles, automated traffic law violations, and
5 automated speed enforcement system violations.

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

1 municipal or county regulation governing the condition or use
2 of equipment on a vehicle or governing the display of a
3 municipal or county wheel tax license.

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

6 (1) A traffic compliance administrator authorized to
7 adopt, distribute and process parking, compliance, and
8 automated speed enforcement system or automated traffic
9 law violation notices and other notices required by this
10 Section, collect money paid as fines and penalties for
11 violation of parking and compliance ordinances and
12 automated speed enforcement system or automated traffic
13 law violations, and operate an administrative adjudication
14 system. The traffic compliance administrator also may make
15 a certified report to the Secretary of State under Section
16 6-306.5.

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

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

23 (3) Service of a parking, standing, or compliance
24 violation notice by: (i) affixing the original or a
25 facsimile of the notice to an unlawfully parked or standing
26 vehicle; (ii) handing the notice to the operator of a

1 vehicle if he or she is present; or (iii) mailing the
2 notice to the address of the registered owner or lessee of
3 the cited vehicle as recorded with the Secretary of State
4 or the lessor of the motor vehicle within 30 days after the
5 Secretary of State or the lessor of the motor vehicle
6 notifies the municipality or county of the identity of the
7 owner or lessee of the vehicle, but not later than 90 days
8 after the date of the violation, except that in the case of
9 a lessee of a motor vehicle, service of a parking,
10 standing, or compliance violation notice may occur no later
11 than 210 days after the violation; and service of an
12 automated speed enforcement system or automated traffic
13 law violation notice by mail to the address of the
14 registered owner or lessee of the cited vehicle as recorded
15 with the Secretary of State or the lessor of the motor
16 vehicle within 30 days after the Secretary of State or the
17 lessor of the motor vehicle notifies the municipality or
18 county of the identity of the owner or lessee of the
19 vehicle, but not later than 90 days after the violation,
20 except that in the case of a lessee of a motor vehicle,
21 service of an automated traffic law violation notice may
22 occur no later than 210 days after the violation. A person
23 authorized by ordinance to issue and serve parking,
24 standing, and compliance violation notices shall certify
25 as to the correctness of the facts entered on the violation
26 notice by signing his or her name to the notice at the time

1 of service or in the case of a notice produced by a
2 computerized device, by signing a single certificate to be
3 kept by the traffic compliance administrator attesting to
4 the correctness of all notices produced by the device while
5 it was under his or her control. In the case of an
6 automated traffic law violation, the ordinance shall
7 require a determination by a technician employed or
8 contracted by the municipality or county that, based on
9 inspection of recorded images, the motor vehicle was being
10 operated in violation of Section ~~11-208.6~~, 11-208.9, or
11 11-1201.1 or a local ordinance. ~~If the technician~~
12 ~~determines that the vehicle entered the intersection as~~
13 ~~part of a funeral procession or in order to yield the~~
14 ~~right of way to an emergency vehicle, a citation shall not~~
15 ~~be issued.~~ In municipalities with a population of less than
16 1,000,000 inhabitants and counties with a population of
17 less than 3,000,000 inhabitants, the automated traffic law
18 ordinance shall require that all determinations by a
19 technician that a motor vehicle was being operated in
20 violation of Section ~~11-208.6~~, 11-208.9, or 11-1201.1 or a
21 local ordinance must be reviewed and approved by a law
22 enforcement officer or retired law enforcement officer of
23 the municipality or county issuing the violation. In
24 municipalities with a population of 1,000,000 or more
25 inhabitants and counties with a population of 3,000,000 or
26 more inhabitants, the automated traffic law ordinance

1 shall require that all determinations by a technician that
2 a motor vehicle was being operated in violation of Section
3 ~~11-208.6,~~ 11-208.9, or 11-1201.1 or a local ordinance must
4 be reviewed and approved by a law enforcement officer or
5 retired law enforcement officer of the municipality or
6 county 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. In the case of an automated speed
10 enforcement system violation, the ordinance shall require
11 a determination by a technician employed by the
12 municipality, based upon an inspection of recorded images,
13 video or other documentation, including documentation of
14 the speed limit and automated speed enforcement signage,
15 and documentation of the inspection, calibration, and
16 certification of the speed equipment, that the vehicle was
17 being operated in violation of Article VI of Chapter 11 of
18 this Code or a similar local ordinance. If the technician
19 determines that the vehicle speed was not determined by a
20 calibrated, certified speed equipment device based upon
21 the speed equipment documentation, or if the vehicle was an
22 emergency vehicle, a citation may not be issued. The
23 automated speed enforcement ordinance shall require that
24 all determinations by a technician that a violation
25 occurred be reviewed and approved by a law enforcement
26 officer or retired law enforcement officer of the

1 municipality issuing the violation or by an additional
2 fully trained reviewing technician who is not employed by
3 the contractor who employs the technician who made the
4 initial determination. Routine and independent calibration
5 of the speeds produced by automated speed enforcement
6 systems and equipment shall be conducted annually by a
7 qualified technician. Speeds produced by an automated
8 speed enforcement system shall be compared with speeds
9 produced by lidar or other independent equipment. Radar or
10 lidar equipment shall undergo an internal validation test
11 no less frequently than once each week. Qualified
12 technicians shall test loop based equipment no less
13 frequently than once a year. Radar equipment shall be
14 checked for accuracy by a qualified technician when the
15 unit is serviced, when unusual or suspect readings persist,
16 or when deemed necessary by a reviewing technician. Radar
17 equipment shall be checked with the internal frequency
18 generator and the internal circuit test whenever the radar
19 is turned on. Technicians must be alert for any unusual or
20 suspect readings, and if unusual or suspect readings of a
21 radar unit persist, that unit shall immediately be removed
22 from service and not returned to service until it has been
23 checked by a qualified technician and determined to be
24 functioning properly. Documentation of the annual
25 calibration results, including the equipment tested, test
26 date, technician performing the test, and test results,

1 shall be maintained and available for use in the
2 determination of an automated speed enforcement system
3 violation and issuance of a citation. The technician
4 performing the calibration and testing of the automated
5 speed enforcement equipment shall be trained and certified
6 in the use of equipment for speed enforcement purposes.
7 Training on the speed enforcement equipment may be
8 conducted by law enforcement, civilian, or manufacturer's
9 personnel and if applicable may be equivalent to the
10 equipment use and operations training included in the Speed
11 Measuring Device Operator Program developed by the
12 National Highway Traffic Safety Administration (NHTSA).
13 The vendor or technician who performs the work shall keep
14 accurate records on each piece of equipment the technician
15 calibrates and tests. As used in this paragraph,
16 "fully-trained reviewing technician" means a person who
17 has received at least 40 hours of supervised training in
18 subjects which shall include image inspection and
19 interpretation, the elements necessary to prove a
20 violation, license plate identification, and traffic
21 safety and management. In all municipalities and counties,
22 the automated speed enforcement system or automated
23 traffic law ordinance shall require that no additional fee
24 shall be charged to the alleged violator for exercising his
25 or her right to an administrative hearing, and persons
26 shall be given at least 25 days following an administrative

1 hearing to pay any civil penalty imposed by a finding that
2 Section ~~11-208.6~~, 11-208.8, 11-208.9, or 11-1201.1 or a
3 similar local ordinance has been violated. The original or
4 a facsimile of the violation notice or, in the case of a
5 notice produced by a computerized device, a printed record
6 generated by the device showing the facts entered on the
7 notice, shall be retained by the traffic compliance
8 administrator, and shall be a record kept in the ordinary
9 course of business. A parking, standing, compliance,
10 automated speed enforcement system, or automated traffic
11 law violation notice issued, signed and served in
12 accordance with this Section, a copy of the notice, or the
13 computer generated record shall be prima facie correct and
14 shall be prima facie evidence of the correctness of the
15 facts shown on the notice. The notice, copy, or computer
16 generated record shall be admissible in any subsequent
17 administrative or legal proceedings.

18 (4) An opportunity for a hearing for the registered
19 owner of the vehicle cited in the parking, standing,
20 compliance, automated speed enforcement system, or
21 automated traffic law violation notice in which the owner
22 may contest the merits of the alleged violation, and during
23 which formal or technical rules of evidence shall not
24 apply; provided, however, that under Section 11-1306 of
25 this Code the lessee of a vehicle cited in the violation
26 notice likewise shall be provided an opportunity for a

1 hearing of the same kind afforded the registered owner. The
2 hearings shall be recorded, and the person conducting the
3 hearing on behalf of the traffic compliance administrator
4 shall be empowered to administer oaths and to secure by
5 subpoena both the attendance and testimony of witnesses and
6 the production of relevant books and papers. Persons
7 appearing at a hearing under this Section may be
8 represented by counsel at their expense. The ordinance may
9 also provide for internal administrative review following
10 the decision of the hearing officer.

11 (5) Service of additional notices, sent by first class
12 United States mail, postage prepaid, to the address of the
13 registered owner of the cited vehicle as recorded with the
14 Secretary of State or, if any notice to that address is
15 returned as undeliverable, to the last known address
16 recorded in a United States Post Office approved database,
17 or, under Section 11-1306 or subsection (p) of Section
18 ~~11-208.6~~ or 11-208.9, or subsection (p) of Section 11-208.8
19 of this Code, to the lessee of the cited vehicle at the
20 last address known to the lessor of the cited vehicle at
21 the time of lease or, if any notice to that address is
22 returned as undeliverable, to the last known address
23 recorded in a United States Post Office approved database.
24 The service shall be deemed complete as of the date of
25 deposit in the United States mail. The notices shall be in
26 the following sequence and shall include but not be limited

1 to the information specified herein:

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

1 liability for the failure, and the exhaustion of, or
2 failure to exhaust, available administrative or
3 judicial procedures for review, any incomplete traffic
4 education program or any unpaid fine or penalty, or
5 both, will constitute a debt due and owing the
6 municipality or county.

7 (ii) A notice of final determination of parking,
8 standing, compliance, automated speed enforcement
9 system, or automated traffic law violation liability.
10 This notice shall be sent following a final
11 determination of parking, standing, compliance,
12 automated speed enforcement system, or automated
13 traffic law violation liability and the conclusion of
14 judicial review procedures taken under this Section.
15 The notice shall state that the incomplete traffic
16 education program or the unpaid fine or penalty, or
17 both, is a debt due and owing the municipality or
18 county. The notice shall contain warnings that failure
19 to complete any required traffic education program or
20 to pay any fine or penalty due and owing the
21 municipality or county, or both, within the time
22 specified may result in the municipality's or county's
23 filing of a petition in the Circuit Court to have the
24 incomplete traffic education program or unpaid fine or
25 penalty, or both, rendered a judgment as provided by
26 this Section, or may result in suspension of the

1 person's drivers license for failure to complete a
2 traffic education program or to pay fines or penalties,
3 or both, for 10 or more parking violations under
4 Section 6-306.5, or a combination of 5 or more
5 automated traffic law violations under Section
6 ~~11-208.6~~ or 11-208.9 or automated speed enforcement
7 system violations under Section 11-208.8.

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

1 the address recorded with the Secretary of State or, if any
2 notice to that address is returned as undeliverable, to the
3 last known address recorded in a United States Post Office
4 approved database.

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

19 (8) A petition to set aside a determination of parking,
20 standing, compliance, automated speed enforcement system,
21 or automated traffic law violation liability that may be
22 filed by a person owing an unpaid fine or penalty. A
23 petition to set aside a determination of liability may also
24 be filed by a person required to complete a traffic
25 education program. The petition shall be filed with and
26 ruled upon by the traffic compliance administrator in the

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

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

22 (10) A schedule of civil fines for violations of
23 vehicular standing, parking, compliance, automated speed
24 enforcement system, or automated traffic law regulations
25 enacted by ordinance pursuant to this Section, and a
26 schedule of penalties for late payment of the fines or

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

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

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

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

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

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

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

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

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

13 (f) After the expiration of the period within which
14 judicial review may be sought for a final determination of
15 parking, standing, compliance, automated speed enforcement
16 system, or automated traffic law violation, the municipality or
17 county may commence a proceeding in the Circuit Court for
18 purposes of obtaining a judgment on the final determination of
19 violation. Nothing in this Section shall prevent a municipality
20 or county from consolidating multiple final determinations of
21 parking, standing, compliance, automated speed enforcement
22 system, or automated traffic law violations against a person in
23 a proceeding. Upon commencement of the action, the municipality
24 or county shall file a certified copy or record of the final
25 determination of parking, standing, compliance, automated
26 speed enforcement system, or automated traffic law violation,

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

26 (g) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

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

9 (Source: P.A. 101-32, eff. 6-28-19; revised 8-15-19.)

10 (625 ILCS 5/11-208.8)

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

13 (a) As used in this Section:

14 "Automated speed enforcement system" means a photographic
15 device, radar device, laser device, or other electrical or
16 mechanical device or devices installed or utilized in a safety
17 zone and designed to record the speed of a vehicle and obtain a
18 clear photograph or other recorded image of the vehicle and the
19 vehicle's registration plate or digital registration plate
20 while the driver is violating Article VI of Chapter 11 of this
21 Code or a similar provision of a local ordinance.

22 An automated speed enforcement system is a system, located
23 in a safety zone which is under the jurisdiction of a
24 municipality, that produces a recorded image of a motor
25 vehicle's violation of a provision of this Code or a local

1 ordinance and is designed to obtain a clear recorded image of
2 the vehicle and the vehicle's license plate. The recorded image
3 must also display the time, date, and location of the
4 violation.

5 "Owner" means the person or entity to whom the vehicle is
6 registered.

7 "Recorded image" means images recorded by an automated
8 speed enforcement system 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, on
13 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 "Safety zone" means an area that is within one-eighth of a
17 mile from the nearest property line of any public or private
18 elementary or secondary school, or from the nearest property
19 line of any facility, area, or land owned by a school district
20 that is used for educational purposes approved by the Illinois
21 State Board of Education, not including school district
22 headquarters or administrative buildings. A safety zone also
23 includes an area that is within one-eighth of a mile from the
24 nearest property line of any facility, area, or land owned by a
25 park district used for recreational purposes. However, if any
26 portion of a roadway is within either one-eighth mile radius,

1 the safety zone also shall include the roadway extended to the
2 furthest portion of the next furthest intersection. The term
3 "safety zone" does not include any portion of the roadway known
4 as Lake Shore Drive or any controlled access highway with 8 or
5 more lanes of traffic.

6 (a-5) The automated speed enforcement system shall be
7 operational and violations shall be recorded only at the
8 following times:

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

15 (ii) if the safety zone is based upon the property line
16 of any facility, area, or land owned by a park district, no
17 earlier than one hour prior to the time that the facility,
18 area, or land is open to the public or other patrons, and
19 no later than one hour after the facility, area, or land is
20 closed to the public or other patrons.

21 (b) A municipality that produces a recorded image of a
22 motor vehicle's violation of a provision of this Code or a
23 local ordinance must make the recorded images of a violation
24 accessible to the alleged violator by providing the alleged
25 violator with a website address, accessible through the
26 Internet.

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

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

10 (2) if the recorded speed is more than 10 miles per
11 hour over the legal speed limit, a civil penalty not
12 exceeding \$100, plus an additional penalty of not more than
13 \$100 for failure to pay the original penalty in a timely
14 manner.

15 A penalty may not be imposed under this Section if the
16 driver of the motor vehicle received a Uniform Traffic Citation
17 from a police officer for a speeding violation occurring within
18 one-eighth of a mile and 15 minutes of the violation that was
19 recorded by the system. A violation for which a civil penalty
20 is imposed under this Section is not a violation of a traffic
21 regulation governing the movement of vehicles and may not be
22 recorded on the driving record of the owner of the vehicle. A
23 law enforcement officer is not required to be present or to
24 witness the violation. No penalty may be imposed under this
25 Section if the recorded speed of a vehicle is 5 miles per hour
26 or less over the legal speed limit. The municipality may send,

1 in the same manner that notices are sent under this Section, a
2 speed violation warning notice where the violation involves a
3 speed of 5 miles per hour or less above the legal speed limit.

4 (d) The net proceeds that a municipality receives from
5 civil penalties imposed under an automated speed enforcement
6 system, after deducting all non-personnel and personnel costs
7 associated with the operation and maintenance of such system,
8 shall be expended or obligated by the municipality for the
9 following purposes:

10 (i) public safety initiatives to ensure safe passage
11 around schools, and to provide police protection and
12 surveillance around schools and parks, including but not
13 limited to: (1) personnel costs; and (2) non-personnel
14 costs such as construction and maintenance of public safety
15 infrastructure and equipment;

16 (ii) initiatives to improve pedestrian and traffic
17 safety;

18 (iii) construction and maintenance of infrastructure
19 within the municipality, including but not limited to roads
20 and bridges; and

21 (iv) after school programs.

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

1 to the registered owner of the vehicle, by mail, within 30 days
2 after the Secretary of State notifies the municipality of the
3 identity of the owner of the vehicle, but in no event later
4 than 90 days after the violation.

5 (f) The notice required under subsection (e) of this
6 Section shall include:

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

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

11 (3) the violation charged;

12 (4) the date, time, and location where the violation
13 occurred;

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

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

17 (7) a statement that recorded images are evidence of a
18 violation of a speed restriction;

19 (8) a warning that failure to pay the civil penalty or
20 to contest liability in a timely manner is an admission of
21 liability and may result in a suspension of the driving
22 privileges of the registered owner of the vehicle;

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

25 (A) paying the fine; or

26 (B) challenging the charge in court, by mail, or by

1 administrative hearing; and

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

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

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

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

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

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

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

13 (3) any other evidence or issues provided by municipal
14 ordinance.

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

22 (l) A roadway equipped with an automated speed enforcement
23 system shall be posted with a sign conforming to the national
24 Manual on Uniform Traffic Control Devices that is visible to
25 approaching traffic stating that vehicle speeds are being
26 photo-enforced and indicating the speed limit. The

1 municipality shall install such additional signage as it
2 determines is necessary to give reasonable notice to drivers as
3 to where automated speed enforcement systems are installed.

4 (m) A roadway where a new automated speed enforcement
5 system is installed shall be posted with signs providing 30
6 days notice of the use of a new automated speed enforcement
7 system prior to the issuance of any citations through the
8 automated speed enforcement system.

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

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

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

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

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

9 (q) A municipality using an automated speed enforcement
10 system must provide notice to drivers by publishing the
11 locations of all safety zones where system equipment is
12 installed on the website of the municipality.

13 (r) A municipality operating an automated speed
14 enforcement system shall conduct a statistical analysis to
15 assess the safety impact of the system. The statistical
16 analysis shall be based upon the best available crash, traffic,
17 and other data, and shall cover a period of time before and
18 after installation of the system sufficient to provide a
19 statistically valid comparison of safety impact. The
20 statistical analysis shall be consistent with professional
21 judgment and acceptable industry practice. The statistical
22 analysis also shall be consistent with the data required for
23 valid comparisons of before and after conditions and shall be
24 conducted within a reasonable period following the
25 installation of the automated traffic law enforcement system.
26 The statistical analysis required by this subsection shall be

1 made available to the public and shall be published on the
2 website of the municipality.

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

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

15 (Source: P.A. 101-395, eff. 8-16-19.)

16 (625 ILCS 5/11-208.6 rep.)

17 Section 10. The Illinois Vehicle Code is amended by
18 repealing Section 11-208.6.

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.43 as follows:

21 (30 ILCS 805/8.43 new)

22 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 101st General Assembly.