



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3345

Introduced 2/22/2021, by Rep. Seth Lewis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-209.1

625 ILCS 5/11-208.3

from Ch. 95 1/2, par. 11-208.3

625 ILCS 5/11-208.6

625 ILCS 5/11-208.8

625 ILCS 5/11-208.9

625 ILCS 5/11-1201.1

Amends the Illinois Driver Licensing Law and the Illinois Vehicle Code. Requires the Secretary of State to rescind the suspension of driving privileges for failing to pay fines and penalties for standing, parking, compliance, automated speed enforcement system, or automated traffic law violations. Makes corresponding changes.

LRB102 15148 RAM 20503 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
6 11-208.9, and 11-1201.1 as follows:

7 (625 ILCS 5/6-209.1)

8 Sec. 6-209.1. Restoration of driving privileges;
9 revocation; suspension; cancellation.

10 (a) The Secretary shall rescind the suspension or
11 cancellation of a person's driver's license that has been
12 suspended or canceled before July 1, 2020 (the effective date
13 of Public Act 101-623) ~~this amendatory Act of the 101st~~
14 ~~General Assembly~~ due to:

15 (1) the person being convicted of theft of motor fuel
16 under Section ~~Sections~~ 16-25 or 16K-15 of the Criminal
17 Code of 1961 or the Criminal Code of 2012;

18 (2) the person, since the issuance of the driver's
19 license, being adjudged to be afflicted with or suffering
20 from any mental disability or disease;

21 (3) a violation of Section 6-16 of the Liquor Control
22 Act of 1934 or a similar provision of a local ordinance;

23 (4) the person being convicted of a violation of

1 Section 6-20 of the Liquor Control Act of 1934 or a similar
2 provision of a local ordinance, if the person presents a
3 certified copy of a court order that includes a finding
4 that the person was not an occupant of a motor vehicle at
5 the time of the violation;

6 (5) the person receiving a disposition of court
7 supervision for a violation of subsection ~~subsections~~ (a),
8 (d), or (e) of Section 6-20 of the Liquor Control Act of
9 1934 or a similar provision of a local ordinance, if the
10 person presents a certified copy of a court order that
11 includes a finding that the person was not an occupant of a
12 motor vehicle at the time of the violation;

13 (6) the person failing to pay any fine or penalty due
14 or owing as a result of 10 or more violations of a
15 municipality's or county's vehicular standing, parking, or
16 compliance regulations established by ordinance under
17 Section 11-208.3 of this Code;

18 (7) the person failing to satisfy any fine or penalty
19 resulting from a final order issued by the Illinois State
20 Toll Highway Authority relating directly or indirectly to
21 5 or more toll violations, toll evasions, or both;

22 (8) the person being convicted of a violation of
23 Section 4-102 of this Code, if the person presents a
24 certified copy of a court order that includes a finding
25 that the person did not exercise actual physical control
26 of the vehicle at the time of the violation; or

1 (9) the person being convicted of criminal trespass to
2 vehicles under Section 21-2 of the Criminal Code of 2012,
3 if the person presents a certified copy of a court order
4 that includes a finding that the person did not exercise
5 actual physical control of the vehicle at the time of the
6 violation.

7 (b) As soon as practicable and no later than July 1, 2021,
8 the Secretary shall rescind the suspension, cancellation, or
9 prohibition of renewal of a person's driver's license that has
10 been suspended, canceled, or whose renewal has been prohibited
11 before the effective date of this amendatory Act of the 102nd
12 General Assembly due to the person having failed to pay any
13 fine or penalty as a result of 5 offenses for automated traffic
14 law enforcement system violations under Sections 11-208.6,
15 11-208.8, 11-208.9, and 11-1201.1.

16 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

17 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

18 Sec. 11-208.3. Administrative adjudication of violations
19 of traffic regulations concerning the standing, parking, or
20 condition of vehicles, automated traffic law violations, and
21 automated speed enforcement system violations.

22 (a) Any municipality or county may provide by ordinance
23 for a system of administrative adjudication of vehicular
24 standing and parking violations and vehicle compliance
25 violations as described in this subsection, automated traffic

1 law violations as defined in Section 11-208.6, 11-208.9, or
2 11-1201.1, and automated speed enforcement system violations
3 as defined in Section 11-208.8. The administrative system
4 shall have as its purpose the fair and efficient enforcement
5 of municipal or county regulations through the administrative
6 adjudication of automated speed enforcement system or
7 automated traffic law violations and violations of municipal
8 or county ordinances regulating the standing and parking of
9 vehicles, the condition and use of vehicle equipment, and the
10 display of municipal or county wheel tax licenses within the
11 municipality's or county's borders. The administrative system
12 shall only have authority to adjudicate civil offenses
13 carrying fines not in excess of \$500 or requiring the
14 completion of a traffic education program, or both, that occur
15 after the effective date of the ordinance adopting such a
16 system under this Section. For purposes of this Section,
17 "compliance violation" means a violation of a municipal or
18 county regulation governing the condition or use of equipment
19 on a vehicle or governing the display of a municipal or county
20 wheel tax license.

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

23 (1) A traffic compliance administrator authorized to
24 adopt, distribute, and process parking, compliance, and
25 automated speed enforcement system or automated traffic
26 law violation notices and other notices required by this

1 Section, collect money paid as fines and penalties for
2 violation of parking and compliance ordinances and
3 automated speed enforcement system or automated traffic
4 law violations, and operate an administrative adjudication
5 system. ~~The traffic compliance administrator also may make~~
6 ~~a certified report to the Secretary of State under Section~~
7 ~~6-306.5.~~

8 (2) A parking, standing, compliance, automated speed
9 enforcement system, or automated traffic law violation
10 notice that shall specify or include the date, time, and
11 place of violation of a parking, standing, compliance,
12 automated speed enforcement system, or automated traffic
13 law regulation; the particular regulation violated; any
14 requirement to complete a traffic education program; the
15 fine and any penalty that may be assessed for late payment
16 or failure to complete a required traffic education
17 program, or both, when so provided by ordinance; the
18 vehicle make or a photograph of the vehicle; the state
19 registration number of the vehicle; and the identification
20 number of the person issuing the notice. With regard to
21 automated speed enforcement system or automated traffic
22 law violations, vehicle make shall be specified on the
23 automated speed enforcement system or automated traffic
24 law violation notice if the notice does not include a
25 photograph of the vehicle and the make is available and
26 readily discernible. With regard to municipalities or

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

14 (3) Service of a parking, standing, or compliance
15 violation notice by: (i) affixing the original or a
16 facsimile of the notice to an unlawfully parked or
17 standing vehicle; (ii) handing the notice to the operator
18 of a vehicle if he or she is present; or (iii) mailing the
19 notice to the address of the registered owner or lessee of
20 the cited vehicle as recorded with the Secretary of State
21 or the lessor of the motor vehicle within 30 days after the
22 Secretary of State or the lessor of the motor vehicle
23 notifies the municipality or county of the identity of the
24 owner or lessee of the vehicle, but not later than 90 days
25 after the date of the violation, except that in the case of
26 a lessee of a motor vehicle, service of a parking,

1 standing, or compliance violation notice may occur no
2 later than 210 days after the violation; and service of an
3 automated speed enforcement system or automated traffic
4 law violation notice by mail to the address of the
5 registered owner or lessee of the cited vehicle as
6 recorded with the Secretary of State or the lessor of the
7 motor vehicle within 30 days after the Secretary of State
8 or the lessor of the motor vehicle notifies the
9 municipality or county of the identity of the owner or
10 lessee of the vehicle, but not later than 90 days after the
11 violation, except that in the case of a lessee of a motor
12 vehicle, service of an automated traffic law violation
13 notice may occur no later than 210 days after the
14 violation. A person authorized by ordinance to issue and
15 serve parking, standing, and compliance violation notices
16 shall certify as to the correctness of the facts entered
17 on the violation notice by signing his or her name to the
18 notice at the time of service or, in the case of a notice
19 produced by a computerized device, by signing a single
20 certificate to be kept by the traffic compliance
21 administrator attesting to the correctness of all notices
22 produced by the device while it was under his or her
23 control. In the case of an automated traffic law
24 violation, the ordinance shall require a determination by
25 a technician employed or contracted by the municipality or
26 county that, based on inspection of recorded images, the

1 motor vehicle was being operated in violation of Section
2 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
3 the technician determines that the vehicle entered the
4 intersection as part of a funeral procession or in order
5 to yield the right-of-way to an emergency vehicle, a
6 citation shall not be issued. In municipalities with a
7 population of less than 1,000,000 inhabitants and counties
8 with a population of less than 3,000,000 inhabitants, the
9 automated traffic law ordinance shall require that all
10 determinations by a technician that a motor vehicle was
11 being operated in violation of Section 11-208.6, 11-208.9,
12 or 11-1201.1 or a local ordinance must be reviewed and
13 approved by a law enforcement officer or retired law
14 enforcement officer of the municipality or county issuing
15 the violation. In municipalities with a population of
16 1,000,000 or more inhabitants and counties with a
17 population of 3,000,000 or more inhabitants, the automated
18 traffic law ordinance shall require that all
19 determinations by a technician that a motor vehicle was
20 being operated in violation of Section 11-208.6, 11-208.9,
21 or 11-1201.1 or a local ordinance must be reviewed and
22 approved by a law enforcement officer or retired law
23 enforcement officer of the municipality or county issuing
24 the violation or by an additional fully trained
25 ~~fully trained~~ reviewing technician who is not employed by
26 the contractor who employs the technician who made the

1 initial determination. In the case of an automated speed
2 enforcement system violation, the ordinance shall require
3 a determination by a technician employed by the
4 municipality, based upon an inspection of recorded images,
5 video or other documentation, including documentation of
6 the speed limit and automated speed enforcement signage,
7 and documentation of the inspection, calibration, and
8 certification of the speed equipment, that the vehicle was
9 being operated in violation of Article VI of Chapter 11 of
10 this Code or a similar local ordinance. If the technician
11 determines that the vehicle speed was not determined by a
12 calibrated, certified speed equipment device based upon
13 the speed equipment documentation, or if the vehicle was
14 an emergency vehicle, a citation may not be issued. The
15 automated speed enforcement ordinance shall require that
16 all determinations by a technician that a violation
17 occurred be reviewed and approved by a law enforcement
18 officer or retired law enforcement officer of the
19 municipality issuing the violation or by an additional
20 fully trained reviewing technician who is not employed by
21 the contractor who employs the technician who made the
22 initial determination. Routine and independent calibration
23 of the speeds produced by automated speed enforcement
24 systems and equipment shall be conducted annually by a
25 qualified technician. Speeds produced by an automated
26 speed enforcement system shall be compared with speeds

1 produced by lidar or other independent equipment. Radar or
2 lidar equipment shall undergo an internal validation test
3 no less frequently than once each week. Qualified
4 technicians shall test loop-based ~~loop-based~~ equipment no
5 less frequently than once a year. Radar equipment shall be
6 checked for accuracy by a qualified technician when the
7 unit is serviced, when unusual or suspect readings
8 persist, or when deemed necessary by a reviewing
9 technician. Radar equipment shall be checked with the
10 internal frequency generator and the internal circuit test
11 whenever the radar is turned on. Technicians must be alert
12 for any unusual or suspect readings, and if unusual or
13 suspect readings of a radar unit persist, that unit shall
14 immediately be removed from service and not returned to
15 service until it has been checked by a qualified
16 technician and determined to be functioning properly.
17 Documentation of the annual calibration results, including
18 the equipment tested, test date, technician performing the
19 test, and test results, shall be maintained and available
20 for use in the determination of an automated speed
21 enforcement system violation and issuance of a citation.
22 The technician performing the calibration and testing of
23 the automated speed enforcement equipment shall be trained
24 and certified in the use of equipment for speed
25 enforcement purposes. Training on the speed enforcement
26 equipment may be conducted by law enforcement, civilian,

1 or manufacturer's personnel and if applicable may be
2 equivalent to the equipment use and operations training
3 included in the Speed Measuring Device Operator Program
4 developed by the National Highway Traffic Safety
5 Administration (NHTSA). The vendor or technician who
6 performs the work shall keep accurate records on each
7 piece of equipment the technician calibrates and tests. As
8 used in this paragraph, "fully trained ~~fully trained~~
9 reviewing technician" means a person who has received at
10 least 40 hours of supervised training in subjects which
11 shall include image inspection and interpretation, the
12 elements necessary to prove a violation, license plate
13 identification, and traffic safety and management. In all
14 municipalities and counties, the automated speed
15 enforcement system or automated traffic law ordinance
16 shall require that no additional fee shall be charged to
17 the alleged violator for exercising his or her right to an
18 administrative hearing, and persons shall be given at
19 least 25 days following an administrative hearing to pay
20 any civil penalty imposed by a finding that Section
21 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
22 local ordinance has been violated. The original or a
23 facsimile of the violation notice or, in the case of a
24 notice produced by a computerized device, a printed record
25 generated by the device showing the facts entered on the
26 notice, shall be retained by the traffic compliance

1 administrator, and shall be a record kept in the ordinary
2 course of business. A parking, standing, compliance,
3 automated speed enforcement system, or automated traffic
4 law violation notice issued, signed, and served in
5 accordance with this Section, a copy of the notice, or the
6 computer-generated ~~computer-generated~~ record shall be
7 prima facie correct and shall be prima facie evidence of
8 the correctness of the facts shown on the notice. The
9 notice, copy, or computer-generated ~~computer-generated~~
10 record shall be admissible in any subsequent
11 administrative or legal proceedings.

12 (4) An opportunity for a hearing for the registered
13 owner of the vehicle cited in the parking, standing,
14 compliance, automated speed enforcement system, or
15 automated traffic law violation notice in which the owner
16 may contest the merits of the alleged violation, and
17 during which formal or technical rules of evidence shall
18 not apply; provided, however, that under Section 11-1306
19 of this Code the lessee of a vehicle cited in the violation
20 notice likewise shall be provided an opportunity for a
21 hearing of the same kind afforded the registered owner.
22 The hearings shall be recorded, and the person conducting
23 the hearing on behalf of the traffic compliance
24 administrator shall be empowered to administer oaths and
25 to secure by subpoena both the attendance and testimony of
26 witnesses and the production of relevant books and papers.

1 Persons appearing at a hearing under this Section may be
2 represented by counsel at their expense. The ordinance may
3 also provide for internal administrative review following
4 the decision of the hearing officer.

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

22 (i) A second notice of parking, standing, or
23 compliance violation if the first notice of the
24 violation was issued by affixing the original or a
25 facsimile of the notice to the unlawfully parked
26 vehicle or by handing the notice to the operator. This

1 notice shall specify or include the date and location
2 of the violation cited in the parking, standing, or
3 compliance violation notice, the particular regulation
4 violated, the vehicle make or a photograph of the
5 vehicle, the state registration number of the vehicle,
6 any requirement to complete a traffic education
7 program, the fine and any penalty that may be assessed
8 for late payment or failure to complete a traffic
9 education program, or both, when so provided by
10 ordinance, the availability of a hearing in which the
11 violation may be contested on its merits, and the time
12 and manner in which the hearing may be had. The notice
13 of violation shall also state that failure to complete
14 a required traffic education program, to pay the
15 indicated fine and any applicable penalty, or to
16 appear at a hearing on the merits in the time and
17 manner specified, will result in a final determination
18 of violation liability for the cited violation in the
19 amount of the fine or penalty indicated, and that,
20 upon the occurrence of a final determination of
21 violation liability for the failure, and the
22 exhaustion of, or failure to exhaust, available
23 administrative or judicial procedures for review, any
24 incomplete traffic education program or any unpaid
25 fine or penalty, or both, will constitute a debt due
26 and owing the municipality or county.

1 (ii) A notice of final determination of parking,
2 standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability.
4 This notice shall be sent following a final
5 determination of parking, standing, compliance,
6 automated speed enforcement system, or automated
7 traffic law violation liability and the conclusion of
8 judicial review procedures taken under this Section.
9 The notice shall state that the incomplete traffic
10 education program or the unpaid fine or penalty, or
11 both, is a debt due and owing the municipality or
12 county. The notice shall contain warnings that failure
13 to complete any required traffic education program or
14 to pay any fine or penalty due and owing the
15 municipality or county, or both, within the time
16 specified may result in the municipality's or county's
17 filing of a petition in the Circuit Court to have the
18 incomplete traffic education program or unpaid fine or
19 penalty, or both, rendered a judgment as provided by
20 this Section, or, where applicable, may result in
21 suspension of the person's driver's ~~drivers~~ license
22 for failure to complete a traffic education program ~~or~~
23 ~~to pay fines or penalties, or both, for 5 or more~~
24 ~~automated traffic law violations under Section~~
25 ~~11-208.6 or 11-208.9 or automated speed enforcement~~
26 ~~system violations under Section 11-208.8.~~

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

24 (7) Final determinations of violation liability. A
25 final determination of violation liability shall occur
26 following failure to complete the required traffic

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

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

1 at or request a new date for a hearing. With regard to
2 municipalities or counties with a population of 1 million
3 or more, it shall be grounds for dismissal of a parking
4 violation if the state registration number or vehicle
5 make, only if specified in the violation notice, is
6 incorrect. After the determination of parking, standing,
7 compliance, automated speed enforcement system, or
8 automated traffic law violation liability has been set
9 aside upon a showing of just cause, the registered owner
10 shall be provided with a hearing on the merits for that
11 violation.

12 (9) Procedures for non-residents. Procedures by which
13 persons who are not residents of the municipality or
14 county may contest the merits of the alleged violation
15 without attending a hearing.

16 (10) A schedule of civil fines for violations of
17 vehicular standing, parking, compliance, automated speed
18 enforcement system, or automated traffic law regulations
19 enacted by ordinance pursuant to this Section, and a
20 schedule of penalties for late payment of the fines or
21 failure to complete required traffic education programs,
22 provided, however, that the total amount of the fine and
23 penalty for any one violation shall not exceed \$250,
24 except as provided in subsection (c) of Section 11-1301.3
25 of this Code.

26 (11) Other provisions as are necessary and proper to

1 carry into effect the powers granted and purposes stated
2 in this Section.

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

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

21 (2) A notice of impending vehicle immobilization and a
22 right to a hearing to challenge the validity of the notice
23 by disproving liability for the incomplete traffic
24 education programs or unpaid final determinations of
25 parking, standing, compliance, automated speed enforcement
26 system, or automated traffic law violation liability, or

1 both, listed on the notice.

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

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

15 (d) Judicial review of final determinations of parking,
16 standing, compliance, automated speed enforcement system, or
17 automated traffic law violations and final administrative
18 decisions issued after hearings regarding vehicle
19 immobilization and impoundment made under this Section shall
20 be subject to the provisions of the Administrative Review Law.

21 (e) Any fine, penalty, incomplete traffic education
22 program, or part of any fine or any penalty remaining unpaid
23 after the exhaustion of, or the failure to exhaust,
24 administrative remedies created under this Section and the
25 conclusion of any judicial review procedures shall be a debt
26 due and owing the municipality or county and, as such, may be

1 collected in accordance with applicable law. Completion of any
2 required traffic education program and payment in full of any
3 fine or penalty resulting from a standing, parking,
4 compliance, automated speed enforcement system, or automated
5 traffic law violation shall constitute a final disposition of
6 that violation.

7 (f) After the expiration of the period within which
8 judicial review may be sought for a final determination of
9 parking, standing, compliance, automated speed enforcement
10 system, or automated traffic law violation, the municipality
11 or county may commence a proceeding in the Circuit Court for
12 purposes of obtaining a judgment on the final determination of
13 violation. Nothing in this Section shall prevent a
14 municipality or county from consolidating multiple final
15 determinations of parking, standing, compliance, automated
16 speed enforcement system, or automated traffic law violations
17 against a person in a proceeding. Upon commencement of the
18 action, the municipality or county shall file a certified copy
19 or record of the final determination of parking, standing,
20 compliance, automated speed enforcement system, or automated
21 traffic law violation, which shall be accompanied by a
22 certification that recites facts sufficient to show that the
23 final determination of violation was issued in accordance with
24 this Section and the applicable municipal or county ordinance.
25 Service of the summons and a copy of the petition may be by any
26 method provided by Section 2-203 of the Code of Civil

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

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

22 A low-income individual required to complete a traffic
23 education program under this Section who provides proof of
24 eligibility for the federal earned income tax credit under
25 Section 32 of the Internal Revenue Code or the Illinois earned
26 income tax credit under Section 212 of the Illinois Income Tax

1 Act shall not be required to pay any fee for participating in a
2 required traffic education program.

3 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
4 revised 12-21-20.)

5 (625 ILCS 5/11-208.6)

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

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

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

21 (b) As used in this Section, "recorded images" means
22 images recorded by an automated traffic law enforcement system
23 on:

24 (1) 2 or more photographs;

25 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

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

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

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

23 (c-5) A county or municipality, including a home rule
24 county or municipality, may not use an automated traffic law
25 enforcement system to issue violations in instances where the
26 motor vehicle comes to a complete stop and does not enter the

1 intersection, as defined by Section 1-132 of this Code, during
2 the cycle of the red signal indication unless one or more
3 pedestrians or bicyclists are present, even if the motor
4 vehicle stops at a point past a stop line or crosswalk where a
5 driver is required to stop, as specified in subsection (c) of
6 Section 11-306 of this Code or a similar provision of a local
7 ordinance.

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

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

1 the violation.

2 The notice shall include:

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

5 (2) the registration number of the motor vehicle
6 involved in the violation;

7 (3) the violation charged;

8 (4) the location where the violation occurred;

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

10 (6) a copy of the recorded images;

11 (7) the amount of the civil penalty imposed and the
12 requirements of any traffic education program imposed and
13 the date by which the civil penalty should be paid and the
14 traffic education program should be completed;

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

17 (9) a warning that failure to pay the civil penalty,
18 to complete a required traffic education program, or to
19 contest liability in a timely manner is an admission of
20 liability ~~and may result in a suspension of the driving~~
21 ~~privileges of the registered owner of the vehicle;~~

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

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

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

1 by administrative hearing; and

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

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

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

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

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

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

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

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

15 (3) any other evidence or issues provided by municipal
16 or county ordinance.

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

24 (j) Unless the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer at the time of
26 the violation, the motor vehicle owner is subject to a civil

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

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

14 (j-5) For purposes of the required traffic education
15 program only, a registered owner may submit an affidavit to
16 the court or hearing officer swearing that at the time of the
17 alleged violation, the vehicle was in the custody and control
18 of another person. The affidavit must identify the person in
19 custody and control of the vehicle, including the person's
20 name and current address. The person in custody and control of
21 the vehicle at the time of the violation is required to
22 complete the required traffic education program. If the person
23 in custody and control of the vehicle at the time of the
24 violation completes the required traffic education program,
25 the registered owner of the vehicle is not required to
26 complete a traffic education program.

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

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

10 (k-5) An intersection equipped with an automated traffic
11 law enforcement system must have a yellow change interval that
12 conforms with the Illinois Manual on Uniform Traffic Control
13 Devices (IMUTCD) published by the Illinois Department of
14 Transportation.

15 (k-7) A municipality or county operating an automated
16 traffic law enforcement system shall conduct a statistical
17 analysis to assess the safety impact of each automated traffic
18 law enforcement system at an intersection following
19 installation of the system. The statistical analysis shall be
20 based upon the best available crash, traffic, and other data,
21 and shall cover a period of time before and after installation
22 of the system sufficient to provide a statistically valid
23 comparison of safety impact. The statistical analysis shall be
24 consistent with professional judgment and acceptable industry
25 practice. The statistical analysis also shall be consistent
26 with the data required for valid comparisons of before and

1 after conditions and shall be conducted within a reasonable
2 period following the installation of the automated traffic law
3 enforcement system. The statistical analysis required by this
4 subsection (k-7) shall be made available to the public and
5 shall be published on the website of the municipality or
6 county. If the statistical analysis for the 36 month period
7 following installation of the system indicates that there has
8 been an increase in the rate of accidents at the approach to
9 the intersection monitored by the system, the municipality or
10 county shall undertake additional studies to determine the
11 cause and severity of the accidents, and may take any action
12 that it determines is necessary or appropriate to reduce the
13 number or severity of the accidents at that intersection.

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

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

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

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

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

5 (o) (Blank). ~~A municipality or county shall make a~~
6 ~~certified report to the Secretary of State pursuant to Section~~
7 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~
8 ~~has failed to pay any fine or penalty due and owing as a result~~
9 ~~of a combination of 5 offenses for automated traffic law or~~
10 ~~speed enforcement system violations.~~

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

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

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

2 (625 ILCS 5/11-208.8)

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

5 (a) As used in this Section:

6 "Automated speed enforcement system" means a photographic
7 device, radar device, laser device, or other electrical or
8 mechanical device or devices installed or utilized in a safety
9 zone and designed to record the speed of a vehicle and obtain a
10 clear photograph or other recorded image of the vehicle and
11 the vehicle's registration plate or digital registration plate
12 while the driver is violating Article VI of Chapter 11 of this
13 Code or a similar provision of a local ordinance.

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

22 "Owner" means the person or entity to whom the vehicle is
23 registered.

24 "Recorded image" means images recorded by an automated
25 speed enforcement system on:

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

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

24 (a-5) The automated speed enforcement system shall be
25 operational and violations shall be recorded only at the
26 following times:

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

7 (ii) if the safety zone is based upon the property
8 line of any facility, area, or land owned by a park
9 district, no earlier than one hour prior to the time that
10 the facility, area, or land is open to the public or other
11 patrons, and no later than one hour after the facility,
12 area, or land is closed to the public or other patrons.

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

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

23 (1) if the recorded speed is no less than 6 miles per
24 hour and no more than 10 miles per hour over the legal
25 speed limit, a civil penalty not exceeding \$50, plus an
26 additional penalty of not more than \$50 for failure to pay

1 the original penalty in a timely manner; or

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

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

23 (d) The net proceeds that a municipality receives from
24 civil penalties imposed under an automated speed enforcement
25 system, after deducting all non-personnel and personnel costs
26 associated with the operation and maintenance of such system,

1 shall be expended or obligated by the municipality for the
2 following purposes:

3 (i) public safety initiatives to ensure safe passage
4 around schools, and to provide police protection and
5 surveillance around schools and parks, including but not
6 limited to: (1) personnel costs; and (2) non-personnel
7 costs such as construction and maintenance of public
8 safety infrastructure and equipment;

9 (ii) initiatives to improve pedestrian and traffic
10 safety;

11 (iii) construction and maintenance of infrastructure
12 within the municipality, including but not limited to
13 roads and bridges; and

14 (iv) after school programs.

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

24 (f) The notice required under subsection (e) of this
25 Section shall include:

26 (1) the name and address of the registered owner of

1 the vehicle;

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

4 (3) the violation charged;

5 (4) the date, time, and location where the violation
6 occurred;

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

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

10 (7) a statement that recorded images are evidence of a
11 violation of a speed restriction;

12 (8) a warning that failure to pay the civil penalty or
13 to contest liability in a timely manner is an admission of
14 liability ~~and may result in a suspension of the driving~~
15 ~~privileges of the registered owner of the vehicle;~~

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

18 (A) paying the fine; or

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

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

24 (g) (Blank). ~~If a person charged with a traffic violation,~~
25 ~~as a result of an automated speed enforcement system, does not~~
26 ~~pay the fine or successfully contest the civil penalty~~

1 ~~resulting from that violation, the Secretary of State shall~~
2 ~~suspend the driving privileges of the registered owner of the~~
3 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~
4 ~~any fine or penalty due and owing, or both, as a result of a~~
5 ~~combination of 5 violations of the automated speed enforcement~~
6 ~~system or the automated traffic law under Section 11-208.6 of~~
7 ~~this Code.~~

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

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

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

23 (1) that the motor vehicle or registration plates or
24 digital registration plates of the motor vehicle were
25 stolen before the violation occurred and not under the
26 control or in the possession of the owner at the time of

1 the violation;

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

7 (3) any other evidence or issues provided by municipal
8 ordinance.

9 (k) To demonstrate that the motor vehicle or the
10 registration plates or digital registration plates were stolen
11 before the violation occurred and were not under the control
12 or possession of the owner at the time of the violation, the
13 owner must submit proof that a report concerning the stolen
14 motor vehicle or registration plates was filed with a law
15 enforcement agency in a timely manner.

16 (l) A roadway equipped with an automated speed enforcement
17 system shall be posted with a sign conforming to the national
18 Manual on Uniform Traffic Control Devices that is visible to
19 approaching traffic stating that vehicle speeds are being
20 photo-enforced and indicating the speed limit. The
21 municipality shall install such additional signage as it
22 determines is necessary to give reasonable notice to drivers
23 as to where automated speed enforcement systems are installed.

24 (m) A roadway where a new automated speed enforcement
25 system is installed shall be posted with signs providing 30
26 days notice of the use of a new automated speed enforcement

1 system prior to the issuance of any citations through the
2 automated speed enforcement system.

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

8 (o) (Blank). ~~A municipality shall make a certified report~~
9 ~~to the Secretary of State pursuant to Section 6-306.5 of this~~
10 ~~Code whenever a registered owner of a vehicle has failed to pay~~
11 ~~any fine or penalty due and owing as a result of a combination~~
12 ~~of 5 offenses for automated speed or traffic law enforcement~~
13 ~~system violations.~~

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

24 Upon the provision of information by the lessor pursuant
25 to this subsection, the municipality may issue the violation
26 to the lessee of the vehicle in the same manner as it would

1 issue a violation to a registered owner of a vehicle pursuant
2 to this Section, and the lessee may be held liable for the
3 violation.

4 (q) A municipality using an automated speed enforcement
5 system must provide notice to drivers by publishing the
6 locations of all safety zones where system equipment is
7 installed on the website of the municipality.

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

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

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

1 (625 ILCS 5/11-208.9)

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

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

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

21 (b) As used in this Section, "recorded images" means
22 images recorded by an automated traffic law enforcement system
23 on:

24 (1) 2 or more photographs;

25 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

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

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

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

22 (e) The notice required under subsection (d) shall
23 include:

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

26 (2) the registration number of the motor vehicle

- 1 involved in the violation;
- 2 (3) the violation charged;
- 3 (4) the location where the violation occurred;
- 4 (5) the date and time of the violation;
- 5 (6) a copy of the recorded images;
- 6 (7) the amount of the civil penalty imposed and the
7 date by which the civil penalty should be paid;
- 8 (8) a statement that recorded images are evidence of a
9 violation of overtaking or passing a school bus stopped
10 for the purpose of receiving or discharging pupils;
- 11 (9) a warning that failure to pay the civil penalty or
12 to contest liability in a timely manner is an admission of
13 liability ~~and may result in a suspension of the driving~~
14 ~~privileges of the registered owner of the vehicle;~~
- 15 (10) a statement that the person may elect to proceed
16 by:
- 17 (A) paying the fine; or
- 18 (B) challenging the charge in court, by mail, or
19 by administrative hearing; and
- 20 (11) a website address, accessible through the
21 Internet, where the person may view the recorded images of
22 the violation.
- 23 (f) (Blank). ~~If a person charged with a traffic violation,~~
24 ~~as a result of an automated traffic law enforcement system~~
25 ~~under this Section, does not pay the fine or successfully~~
26 ~~contest the civil penalty resulting from that violation, the~~

~~Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.~~

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

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

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

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

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

6 (3) that the visual signals required by Sections
7 12-803 and 12-805 of this Code were damaged, not
8 activated, not present in violation of Sections 12-803 and
9 12-805, or inoperable; and

10 (4) any other evidence or issues provided by municipal
11 or county ordinance.

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

19 (k) Unless the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time of
21 the violation, the motor vehicle owner is subject to a civil
22 penalty not exceeding \$150 for a first time violation or \$500
23 for a second or subsequent violation, plus an additional
24 penalty of not more than \$100 for failure to pay the original
25 penalty in a timely manner, if the motor vehicle is recorded by
26 an automated traffic law enforcement system. A violation for

1 which a civil penalty is imposed under this Section is not a
2 violation of a traffic regulation governing the movement of
3 vehicles and may not be recorded on the driving record of the
4 owner of the vehicle, but may be recorded by the municipality
5 or county for the purpose of determining if a person is subject
6 to the higher fine for a second or subsequent offense.

7 (l) A school bus equipped with an automated traffic law
8 enforcement system must be posted with a sign indicating that
9 the school bus is being monitored by an automated traffic law
10 enforcement system.

11 (m) A municipality or county that has one or more school
12 buses equipped with an automated traffic law enforcement
13 system must provide notice to drivers by posting a list of
14 school districts using school buses equipped with an automated
15 traffic law enforcement system on the municipality or county
16 website. School districts that have one or more school buses
17 equipped with an automated traffic law enforcement system must
18 provide notice to drivers by posting that information on their
19 websites.

20 (n) A municipality or county operating an automated
21 traffic law enforcement system shall conduct a statistical
22 analysis to assess the safety impact in each school district
23 using school buses equipped with an automated traffic law
24 enforcement system following installation of the system. The
25 statistical analysis shall be based upon the best available
26 crash, traffic, and other data, and shall cover a period of

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

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

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

1 to a written lease agreement shall be liable for an automated
2 speed or traffic law enforcement system violation involving
3 such motor vehicle during the period of the lease; provided
4 that upon the request of the appropriate authority received
5 within 120 days after the violation occurred, the lessor
6 provides within 60 days after such receipt the name and
7 address of the lessee. ~~The drivers license number of a lessee
8 may be 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
11 to this subsection, the county or municipality may issue the
12 violation to the lessee of the vehicle in the same manner as it
13 would issue a violation to a registered owner of a vehicle
14 pursuant to this Section, and the lessee may be held liable for
15 the violation.

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

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

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

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

17 (625 ILCS 5/11-1201.1)

18 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
19 System.

20 (a) For the purposes of this Section, an automated
21 railroad grade crossing enforcement system is a system in a
22 municipality or county operated by a governmental agency that
23 produces a recorded image of a motor vehicle's violation of a
24 provision of this Code or local ordinance and is designed to
25 obtain a clear recorded image of the vehicle and vehicle's

1 license plate. The recorded image must also display the time,
2 date, and location of the violation.

3 As used in this Section, "recorded images" means images
4 recorded by an automated railroad grade crossing enforcement
5 system on:

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

9 (4) a video recording showing the motor vehicle and,
10 on at least one image or portion of the recording, clearly
11 identifying the registration plate or digital registration
12 plate number of the motor vehicle.

13 (b) The Illinois Commerce Commission may, in cooperation
14 with a local law enforcement agency, establish in any county
15 or municipality an automated railroad grade crossing
16 enforcement system at any railroad grade crossing equipped
17 with a crossing gate designated by local authorities. Local
18 authorities desiring the establishment of an automated
19 railroad crossing enforcement system must initiate the process
20 by enacting a local ordinance requesting the creation of such
21 a system. After the ordinance has been enacted, and before any
22 additional steps toward the establishment of the system are
23 undertaken, the local authorities and the Commission must
24 agree to a plan for obtaining, from any combination of
25 federal, State, and local funding sources, the moneys required
26 for the purchase and installation of any necessary equipment.

1 (b-1) (Blank.)

2 (c) For each violation of Section 11-1201 of this Code or a
3 local ordinance recorded by an automated railroad grade
4 crossing enforcement system, the county or municipality having
5 jurisdiction shall issue a written notice of the violation to
6 the registered owner of the vehicle as the alleged violator.
7 The notice shall be delivered to the registered owner of the
8 vehicle, by mail, no later than 90 days after the violation.

9 The notice shall include:

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

12 (2) the registration number of the motor vehicle
13 involved in the violation;

14 (3) the violation charged;

15 (4) the location where the violation occurred;

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

17 (6) a copy of the recorded images;

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

20 (8) a statement that recorded images are evidence of a
21 violation of a railroad grade crossing;

22 (9) a warning that failure to pay the civil penalty or
23 to contest liability in a timely manner is an admission of
24 liability ~~and may result in a suspension of the driving~~
25 ~~privileges of the registered owner of the vehicle;~~ and

26 (10) a statement that the person may elect to proceed

1 by:

2 (A) paying the fine; or

3 (B) challenging the charge in court, by mail, or
4 by administrative hearing.

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

14 (d-1) (Blank.)

15 (d-2) (Blank.)

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

21 (e-1) Recorded images made by an automated railroad grade
22 crossing enforcement system are confidential and shall be made
23 available only to the alleged violator and governmental and
24 law enforcement agencies for purposes of adjudicating a
25 violation of this Section, for statistical purposes, or for
26 other governmental purposes. Any recorded image evidencing a

1 violation of this Section, however, may be admissible in any
2 proceeding resulting from the issuance of the citation.

3 (e-2) The court or hearing officer may consider the
4 following in the defense of a violation:

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

10 (2) that the driver of the motor vehicle received a
11 Uniform Traffic Citation from a police officer at the time
12 of the violation for the same offense;

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

15 (e-3) 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
18 or possession of the owner at the time of the violation, the
19 owner must submit proof that a report concerning the stolen
20 motor vehicle or registration plates was filed with a law
21 enforcement agency in a timely manner.

22 (f) Rail crossings equipped with an automatic railroad
23 grade crossing enforcement system shall be posted with a sign
24 visible to approaching traffic stating that the railroad grade
25 crossing is being monitored, that citations will be issued,
26 and the amount of the fine for violation.

1 (g) The compensation paid for an automated railroad grade
2 crossing enforcement system must be based on the value of the
3 equipment or the services provided and may not be based on the
4 number of citations issued or the revenue generated by the
5 system.

6 (h) (Blank.)

7 (i) If any part or parts of this Section are held by a
8 court of competent jurisdiction to be unconstitutional, the
9 unconstitutionality shall not affect the validity of the
10 remaining parts of this Section. The General Assembly hereby
11 declares that it would have passed the remaining parts of this
12 Section if it had known that the other part or parts of this
13 Section would be declared unconstitutional.

14 (j) Penalty. A civil fine of \$250 shall be imposed for a
15 first violation of this Section, and a civil fine of \$500 shall
16 be imposed for a second or subsequent violation of this
17 Section.

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