



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB3980

Introduced 3/4/2021, by Rep. Suzanne Ness

#### 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 805/8.45 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 changes.

LRB102 04375 HEP 14393 b

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  
5 changing Sections 1-105.2, 3-400, 6-306.5, 11-208, 11-208.3,  
6 and 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  
16 to 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

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

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

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

26 "Owner" means a person who holds legal title of a motor

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

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

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

1 "Restricted Plates" shall include, but is not limited to,  
2 dealer, manufacturer, transporter, farm, reposessor, and  
3 permanently mounted type plates. Vehicles displaying any of  
4 these type plates from a foreign jurisdiction that is a member  
5 of the International Registration Plan shall be granted  
6 reciprocity but shall be subject to the same limitations as  
7 similar plated Illinois registered vehicles.

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

9 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

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

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

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

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

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

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

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

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

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

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

24          (e) Any municipality or county making a certified report  
25          to the Secretary of State pursuant to this Section shall also  
26          by 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 a combination of 5 or more  
5 automated speed enforcement system or automated traffic law  
6 violations on the date or dates such notices were issued; and  
7 (2) the person having already paid the fine or penalty for the  
8 combination of 5 or more automated speed enforcement system or  
9 automated traffic law violations indicated on the certified  
10 report.

11 (f) Any municipality or county, other than a municipality  
12 or county establishing automated speed enforcement system  
13 regulations under Section 11-208.8, or automated traffic law  
14 regulations under Section ~~11-208.6~~, 11-208.9~~7~~, or 11-1201.1,  
15 may also cause a suspension of a person's driver's ~~drivers~~  
16 license pursuant to this Section. Such municipality or county  
17 may invoke this sanction by making a certified report to the  
18 Secretary of State upon a person's failure to satisfy any fine  
19 or penalty imposed by final judgment for a combination of 5 or  
20 more automated speed enforcement system or automated traffic  
21 law violations after exhaustion of judicial review procedures,  
22 but only if:

23 (1) the municipality or county complies with the  
24 provisions of this Section in all respects except in  
25 regard to enacting an ordinance pursuant to Section  
26 11-208.3;

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

5           (3) in municipalities or counties with a population of  
6           1,000,000 or more, the municipality or county has verified  
7           that the alleged violator's State vehicle registration  
8           number and vehicle make are correct as they appear on the  
9           citations.

10          (g) Any municipality or county, other than a municipality  
11          or county establishing automated speed enforcement system  
12          regulations under Section 11-208.8, or automated traffic law  
13          regulations under Section ~~11-208.6,~~ 11-208.9~~7~~, or 11-1201.1,  
14          may provide by ordinance for the sending of a notice of  
15          impending driver's ~~drivers~~ license suspension to the person  
16          who has failed to satisfy any fine or penalty imposed by final  
17          judgment for a combination of 5 or more automated speed  
18          enforcement system or automated traffic law violations after  
19          exhaustion of judicial review procedures. An ordinance so  
20          providing shall specify that the notice sent to the person  
21          liable for any fine or penalty shall state that failure to pay  
22          the fine or penalty owing within 45 days of the notice's date  
23          will result in the municipality or county notifying the  
24          Secretary of State that the person's driver's ~~drivers~~ license  
25          is eligible for suspension pursuant to this Section. The  
26          notice of impending driver's ~~drivers~~ license suspension shall

1 be sent by first class United States mail, postage prepaid, to  
2 the address recorded with the Secretary of State or at the last  
3 address known to the lessor of the cited vehicle at the time of  
4 lease or, if any notice sent under Section 11-208.3 of this  
5 Code is returned as undeliverable, to the last known address  
6 recorded in a United States Post Office approved database.

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

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

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

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

25 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

9           2. Regulating traffic by means of police officers or  
10 traffic control signals;

11           3. Regulating or prohibiting processions or  
12 assemblages on the highways; and certifying persons to  
13 control traffic for processions or assemblages;

14           4. Designating particular highways as one-way highways  
15 and requiring that all vehicles thereon be moved in one  
16 specific direction;

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

19           6. Designating any highway as a through highway, as  
20 authorized in Section 11-302, and requiring that all  
21 vehicles stop before entering or crossing the same or  
22 designating any intersection as a stop intersection or a  
23 yield right-of-way intersection and requiring all vehicles  
24 to stop or yield the right-of-way at one or more entrances  
25 to such intersections;

26           7. Restricting the use of highways as authorized in

1 Chapter 15;

2 8. Regulating the operation of mobile carrying  
3 devices, bicycles, low-speed electric bicycles, and  
4 low-speed gas bicycles, and requiring the registration and  
5 licensing of same, including the requirement of a  
6 registration fee;

7 9. Regulating or prohibiting the turning of vehicles  
8 or specified types of vehicles at intersections;

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

11 11. Prohibiting U-turns;

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

14 13. Prohibiting parking during snow removal operation;

15 14. Imposing fines in accordance with Section  
16 11-1301.3 as penalties for use of any parking place  
17 reserved for persons with disabilities, as defined by  
18 Section 1-159.1, or veterans with disabilities by any  
19 person using a motor vehicle not bearing registration  
20 plates specified in Section 11-1301.1 or a special decal  
21 or device as defined in Section 11-1301.2 as evidence that  
22 the vehicle is operated by or for a person with  
23 disabilities or a veteran with a disability;

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

26 16. Enforcing the provisions of subsection (f) of

1 Section 3-413 of this Code or a similar local ordinance.

2 (b) No ordinance or regulation enacted under paragraph 1,  
3 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be  
4 effective until signs giving reasonable notice of such local  
5 traffic regulations are posted.

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

11 (d) The provisions of this Code shall not be deemed to  
12 prevent local authorities within the reasonable exercise of  
13 their police power from prohibiting, on private property, the  
14 unauthorized use of parking spaces reserved for persons with  
15 disabilities.

16 (e) No unit of local government, including a home rule  
17 unit, may enact or enforce an ordinance that applies only to  
18 motorcycles if the principal purpose for that ordinance is to  
19 restrict the access of motorcycles to any highway or portion  
20 of a highway for which federal or State funds have been used  
21 for the planning, design, construction, or maintenance of that  
22 highway. No unit of local government, including a home rule  
23 unit, may enact an ordinance requiring motorcycle users to  
24 wear protective headgear. Nothing in this subsection (e) shall  
25 affect the authority of a unit of local government to regulate  
26 motorcycles for traffic control purposes or in accordance with

1 Section 12-602 of this Code. No unit of local government,  
2 including a home rule unit, may regulate motorcycles in a  
3 manner inconsistent with this Code. This subsection (e) is a  
4 limitation under subsection (i) of Section 6 of Article VII of  
5 the Illinois Constitution on the concurrent exercise by home  
6 rule units of powers and functions exercised by the State.

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

19 (e-10) A unit of local government, including a home rule  
20 unit, may not enact an ordinance prohibiting the use of  
21 Automated Driving System equipped vehicles on its roadways.  
22 Nothing in this subsection (e-10) shall affect the authority  
23 of a unit of local government to regulate Automated Driving  
24 System equipped vehicles for traffic control purposes. No unit  
25 of local government, including a home rule unit, may regulate  
26 Automated Driving System equipped vehicles in a manner

1 inconsistent with this Code. For purposes of this subsection  
2 (e-10), "Automated Driving System equipped vehicle" means any  
3 vehicle equipped with an Automated Driving System of hardware  
4 and software that are collectively capable of performing the  
5 entire dynamic driving task on a sustained basis, regardless  
6 of whether it is limited to a specific operational domain.  
7 This subsection (e-10) is a limitation under subsection (i) of  
8 Section 6 of Article VII of the Illinois Constitution on the  
9 concurrent exercise by home rule units of powers and functions  
10 exercised by the State.

11 (f) No unit of local government, including a home rule  
12 unit, A municipality or county designated in Section 11-208.6  
13 may enact or enforce an ordinance providing for an automated  
14 traffic law enforcement system to enforce violations of  
15 Section 11-306 of this Code or a similar provision of a local  
16 ordinance and imposing liability on a registered owner or  
17 lessee of a vehicle used in such a violation. For purposes of  
18 this subsection (f), "automated traffic law enforcement  
19 system" means a device with one or more motor vehicle sensors  
20 working in conjunction with a red light signal to produce  
21 recorded images of motor vehicles entering into an  
22 intersection against a red signal indication in violation of  
23 Section 11-306 of this Code or a similar provision of a local  
24 ordinance. This subsection (f) is a denial and limitation of  
25 home rule powers and functions under subsection (g) of Section  
26 6 of Article VII of the Illinois Constitution.



1 (g) A municipality or county, as provided in Section  
2 11-1201.1, may enact an ordinance providing for an automated  
3 traffic law enforcement system to enforce violations of  
4 Section 11-1201 of this Code or a similar provision of a local  
5 ordinance and imposing liability on a registered owner of a  
6 vehicle used in such a violation.

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

12 (i) A municipality or county designated in Section  
13 11-208.9 may enact an ordinance providing for an automated  
14 traffic law enforcement system to enforce violations of  
15 Section 11-1414 of this Code or a similar provision of a local  
16 ordinance and imposing liability on a registered owner or  
17 lessee of a vehicle used in such a violation.

18 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;  
19 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.  
20 7-26-19.)

21 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

22 Sec. 11-208.3. Administrative adjudication of violations  
23 of traffic regulations concerning the standing, parking, or  
24 condition of vehicles, automated traffic law violations, and  
25 automated speed enforcement system violations.

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

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

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

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

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

18 (3) Service of a parking, standing, or compliance  
19 violation notice by: (i) affixing the original or a  
20 facsimile of the notice to an unlawfully parked or  
21 standing vehicle; (ii) handing the notice to the operator  
22 of a vehicle if he or she is present; or (iii) mailing the  
23 notice to the address of the registered owner or lessee of  
24 the cited vehicle as recorded with the Secretary of State  
25 or the lessor of the motor vehicle within 30 days after the  
26 Secretary of State or the lessor of the motor vehicle

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

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

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

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



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

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

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

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

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

26 (i) A second notice of parking, standing, or

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

1 administrative or judicial procedures for review, any  
2 incomplete traffic education program or any unpaid  
3 fine or penalty, or both, will constitute a debt due  
4 and owing the municipality or county.

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

1 to pay fines or penalties, or both, for 5 or more  
2 automated traffic law violations under Section  
3 11-208.6 or 11-208.9 or automated speed enforcement  
4 system violations under Section 11-208.8.

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

1 United States Post Office approved database.

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

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

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

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

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



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

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

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

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

25 (2) A notice of impending vehicle immobilization and a  
26 right to a hearing to challenge the validity of the notice

1 by disproving liability for the incomplete traffic  
2 education programs or unpaid final determinations of  
3 parking, standing, compliance, automated speed enforcement  
4 system, or automated traffic law violation liability, or  
5 both, listed on the notice.

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

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

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

25 (e) Any fine, penalty, incomplete traffic education  
26 program, or part of any fine or any penalty remaining unpaid

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

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

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

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

26 A low-income individual required to complete a traffic

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

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

9 (625 ILCS 5/11-208.8)

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

12 (a) As used in this Section:

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

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

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

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

6 "Recorded image" means images recorded by an automated  
7 speed enforcement system on:

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

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

15 "Safety zone" means an area that is within one-eighth of a  
16 mile from the nearest property line of any public or private  
17 elementary or secondary school, or from the nearest property  
18 line of any facility, area, or land owned by a school district  
19 that is used for educational purposes approved by the Illinois  
20 State Board of Education, not including school district  
21 headquarters or administrative buildings. A safety zone also  
22 includes an area that is within one-eighth of a mile from the  
23 nearest property line of any facility, area, or land owned by a  
24 park district used for recreational purposes. However, if any  
25 portion of a roadway is within either one-eighth mile radius,  
26 the safety zone also shall include the roadway extended to the

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

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

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

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

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

26 (c) Notwithstanding any penalties for any other violations

1 of this Code, the owner of a motor vehicle used in a traffic  
2 violation recorded by an automated speed enforcement system  
3 shall be subject to the following penalties:

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

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

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



1 sent under this Section, a speed violation warning notice  
2 where the violation involves a speed of 5 miles per hour or  
3 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  
15 safety 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  
20 roads 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  
8 the 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

1           by 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  
10          under Section 6-306.5 of this Code for failing to pay any fine  
11          or penalty due and owing, or both, as a result of ~~a combination~~  
12          ~~of~~ 5 violations of the automated speed enforcement system ~~or~~  
13          ~~the 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  
21          the alleged violator and governmental and law enforcement  
22          agencies for purposes of adjudicating a violation of this  
23          Section, for statistical purposes, or for other governmental  
24          purposes. Any recorded image evidencing a violation of this  
25          Section, however, may be admissible in any proceeding  
26          resulting from the issuance of the citation.

1           (j) The court or hearing officer may consider in defense  
2 of 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  
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           (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  
3 as 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

1 address of the lessee. The drivers license number of a lessee  
2 may be 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  
5 to this subsection, the municipality may issue the violation  
6 to the lessee of the vehicle in the same manner as it would  
7 issue a violation to a registered owner of a vehicle pursuant  
8 to this Section, and the lessee may be held liable for the  
9 violation.

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

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

1 The statistical analysis required by this subsection shall be  
2 made available to the public and shall be published on the  
3 website of the municipality.

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

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

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

17 (625 ILCS 5/11-208.6 rep.)

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

20 Section 90. The State Mandates Act is amended by adding  
21 Section 8.45 as follows:

22 (30 ILCS 805/8.45 new)

23 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and

1 8 of this Act, no reimbursement by the State is required for  
2 the implementation of any mandate created by this amendatory  
3 Act of the 102nd General Assembly.