



Sen. Laura M. Murphy

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10300HB3903sam001

LRB103 26454 AMC 62275 a

1 AMENDMENT TO HOUSE BILL 3903

2 AMENDMENT NO. _____. Amend House Bill 3903 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by adding Section
5 9-50 as follows:

6 (10 ILCS 5/9-50 new)

7 Sec. 9-50. Vendor providing automated traffic systems;
8 contributions.

9 (a) No vendor that offers or provides equipment or
10 services for automated traffic law enforcement, automated
11 speed enforcement, or automated railroad grade crossing
12 enforcement systems to municipalities or counties, no
13 political action committee created by such a vendor, and no
14 vendor-affiliated person shall make a campaign contribution to
15 any political committee established to promote the candidacy
16 of a candidate or public official. An officer or agent of such

1 a vendor may not consent to any contribution or expenditure
2 that is prohibited by this Section. A candidate, political
3 committee, or other person may not knowingly accept or receive
4 any contribution prohibited by this Section.

5 (b) As used in this Section:

6 "Automated law enforcement system", "automated speed
7 enforcement system", and "automated railroad grade crossing
8 enforcement system" have the meanings given to those terms in
9 Article II of Chapter 11 of the Illinois Vehicle Code.

10 "Vendor-affiliated person" means: (i) any person with an
11 ownership interest in excess of 7.5% in a vendor that offers or
12 provides equipment or services for automated traffic law
13 enforcement, automated speed enforcement, or automated
14 railroad grade crossing enforcement systems to municipalities
15 or counties; (ii) any person with a distributive share in
16 excess of 7.5% in a vendor that offers or provides equipment or
17 services for automated traffic law enforcement, automated
18 speed enforcement, or automated railroad grade crossing
19 enforcement systems to municipalities or counties; (iii) any
20 executive employees of a vendor that offers or provides
21 equipment or services for automated traffic law enforcement,
22 automated speed enforcement, or automated railroad grade
23 crossing enforcement systems to municipalities or counties;
24 and (iv) the spouse, minor child, or other immediate family
25 member living in the residence of any of the persons
26 identified in items (i) through (iii).

1 Section 10. The Illinois Vehicle Code is amended by
2 changing Sections 11-208.3, 11-208.6, 11-208.8, and 11-208.9
3 as follows:

4 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

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

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

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

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

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

26 (3) Service of a parking, standing, or compliance

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

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

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

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

1 service until it has been checked by a qualified
2 technician and determined to be functioning properly.
3 Documentation of the annual calibration results, including
4 the equipment tested, test date, technician performing the
5 test, and test results, shall be maintained and available
6 for use in the determination of an automated speed
7 enforcement system violation and issuance of a citation.
8 The technician performing the calibration and testing of
9 the automated speed enforcement equipment shall be trained
10 and certified in the use of equipment for speed
11 enforcement purposes. Training on the speed enforcement
12 equipment may be conducted by law enforcement, civilian,
13 or manufacturer's personnel and if applicable may be
14 equivalent to the equipment use and operations training
15 included in the Speed Measuring Device Operator Program
16 developed by the National Highway Traffic Safety
17 Administration (NHTSA). The vendor or technician who
18 performs the work shall keep accurate records on each
19 piece of equipment the technician calibrates and tests. As
20 used in this paragraph, "fully trained reviewing
21 technician" means a person who has received at least 40
22 hours of supervised training in subjects which shall
23 include image inspection and interpretation, the elements
24 necessary to prove a violation, license plate
25 identification, and traffic safety and management. In all
26 municipalities and counties, the automated speed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 except as provided in subsection (c) of Section 11-1301.3
2 of this Code.

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

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

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

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

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

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

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

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

26 (d) Judicial review of final determinations of parking,

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

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

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

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

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

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

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

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

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

23 (625 ILCS 5/11-208.6)

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

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

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

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

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

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

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

25 (b-5) A municipality or county that produces a recorded
26 image of a motor vehicle's violation of a provision of this

1 Code or a local ordinance must make the recorded images of a
2 violation accessible to the alleged violator by providing the
3 alleged violator with a website address, accessible through
4 the Internet.

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

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

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

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

21 The notice shall include:

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

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

26 (3) the violation charged;

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

1 contained in the notice and admissible in any proceeding
2 alleging a violation under this Section.

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

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

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

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

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

26 (3) any other evidence or issues provided by municipal

1 or county ordinance.

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

10 (j) Unless the driver of the motor vehicle received a
11 Uniform Traffic Citation from a police officer at the time of
12 the violation, the motor vehicle owner is subject to a civil
13 penalty not exceeding \$100 or the completion of a traffic
14 education program, or both, plus an additional penalty of not
15 more than \$100 for failure to pay the original penalty or to
16 complete a required traffic education program, or both, in a
17 timely manner, if the motor vehicle is recorded by an
18 automated traffic law enforcement 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.

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

26 (j-5) For purposes of the required traffic education

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

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

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

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

1 Devices (IMUTCD) published by the Illinois Department of
2 Transportation. Beginning 6 months before it installs an
3 automated traffic law enforcement system at an intersection, a
4 county or municipality may not change the yellow change
5 interval at that intersection.

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

1 approach to the intersection monitored by the system, the
2 municipality or county shall undertake additional studies to
3 determine the cause and severity of the accidents, and may
4 take any action that it determines is necessary or appropriate
5 to reduce the number or severity of the accidents at that
6 intersection.

7 (k-8) Any municipality or county operating an automated
8 traffic law enforcement system before the effective date of
9 this amendatory Act of the 103rd General Assembly shall
10 conduct a statistical analysis to assess the safety impact of
11 each automated traffic law enforcement system at an
12 intersection by no later than one year after the effective
13 date of this amendatory Act of the 103rd General Assembly and
14 every 2 years thereafter. The statistical analyses shall be
15 based upon the best available crash, traffic, and other data,
16 and shall cover a period of time before and after installation
17 of the system sufficient to provide a statistically valid
18 comparison of safety impact. The statistical analyses shall be
19 consistent with professional judgment and acceptable industry
20 practice. The statistical analyses also shall be consistent
21 with the data required for valid comparisons of before and
22 after conditions. The statistical analyses required by this
23 subsection shall be made available to the public and shall be
24 published on the website of the municipality or county. If the
25 statistical analysis for any period following installation of
26 the system indicates that there has been an increase in the

1 rate of accidents at the approach to the intersection
2 monitored by the system, the municipality or county shall
3 undertake additional studies to determine the cause and
4 severity of the accidents, and may take any action that it
5 determines is necessary or appropriate to reduce the number or
6 severity of the accidents at that intersection.

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

12 (1-1) No member of the General Assembly and no officer or
13 employee of a municipality or county shall knowingly accept
14 employment or receive compensation or fees for services from a
15 vendor that provides automated traffic law enforcement system
16 equipment or services to municipalities or counties. No former
17 member of the General Assembly shall, within a period of 2
18 years immediately after the termination of service as a member
19 of the General Assembly, knowingly accept employment or
20 receive compensation or fees for services from a vendor that
21 provides automated traffic law enforcement system equipment or
22 services to municipalities or counties. No former officer or
23 employee of a municipality or county shall, within a period of
24 2 years immediately after the termination of municipal or
25 county employment, knowingly accept employment or receive
26 compensation or fees for services from a vendor that provides

1 automated traffic law enforcement system equipment or services
2 to municipalities or counties.

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

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

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

15 (o) (Blank).

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

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

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

4 (q) If a county or municipality selects a new vendor for
5 its automated traffic law enforcement system and must, as a
6 consequence, apply for a permit, approval, or other
7 authorization from the Department for reinstallation of one or
8 more malfunctioning components of that system and if, at the
9 time of the application for the permit, approval, or other
10 authorization, the new vendor operates an automated traffic
11 law enforcement system for any other county or municipality in
12 the State, then the Department shall approve or deny the
13 county or municipality's application for the permit, approval,
14 or other authorization within 90 days after its receipt.

15 (r) The Department may revoke any permit, approval, or
16 other authorization granted to a county or municipality for
17 the placement, installation, or operation of an automated
18 traffic law enforcement system if any official or employee who
19 serves that county or municipality is charged with bribery,
20 official misconduct, or a similar crime related to the
21 placement, installation, or operation of the automated traffic
22 law enforcement system in the county or municipality.

23 The Department shall adopt any rules necessary to
24 implement and administer this subsection. The rules adopted by
25 the Department shall describe the revocation process, shall
26 ensure that notice of the revocation is provided, and shall

1 provide an opportunity to appeal the revocation. Any county or
2 municipality that has a permit, approval, or other
3 authorization revoked under this subsection may not reapply
4 for such a permit, approval, or other authorization for a
5 period of 1 year after the revocation.

6 (s) If an automated traffic law enforcement system is
7 removed or rendered inoperable due to construction, then the
8 Department shall authorize the reinstallation or use of the
9 automated traffic law enforcement system within 30 days after
10 the construction is complete.

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

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

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

15 (a) As used in this Section, "automated traffic law
16 enforcement system" means a device with one or more motor
17 vehicle sensors working in conjunction with a red light signal
18 to produce recorded images of motor vehicles entering an
19 intersection against a red signal indication in violation of
20 Section 11-306 of this Code or a similar provision of a local
21 ordinance.

22 An automated traffic law enforcement system is a system,
23 in a municipality or county operated by a governmental agency,
24 that produces a recorded image of a motor vehicle's violation
25 of a provision of this Code or a local ordinance and is

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

4 (b) As used in this Section, "recorded images" means
5 images recorded by an automated traffic law enforcement system
6 on:

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

14 (b-5) A municipality or county that produces a recorded
15 image of a motor vehicle's violation of a provision of this
16 Code or a local ordinance must make the recorded images of a
17 violation accessible to the alleged violator by providing the
18 alleged violator with a website address, accessible through
19 the Internet.

20 (c) Except as provided under Section 11-208.8 of this
21 Code, a county or municipality, including a home rule county
22 or municipality, may not use an automated traffic law
23 enforcement system to provide recorded images of a motor
24 vehicle for the purpose of recording its speed. Except as
25 provided under Section 11-208.8 of this Code, the regulation
26 of the use of automated traffic law enforcement systems to

1 record vehicle speeds is an exclusive power and function of
2 the State. This subsection (c) is a denial and limitation of
3 home rule powers and functions under subsection (h) of Section
4 6 of Article VII of the Illinois Constitution.

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

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

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automatic traffic law
2 enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle as the alleged violator.
5 The notice shall be delivered to the registered owner of the
6 vehicle, by mail, within 30 days after the Secretary of State
7 notifies the municipality or county of the identity of the
8 owner of the vehicle, but in no event later than 90 days after
9 the violation.

10 The notice shall include:

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

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

15 (3) the violation charged;

16 (4) the location where the violation occurred;

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

18 (6) a copy of the recorded images;

19 (7) the amount of the civil penalty imposed and the
20 requirements of any traffic education program imposed and
21 the date by which the civil penalty should be paid and the
22 traffic education program should be completed;

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

25 (9) a warning that failure to pay the civil penalty,
26 to complete a required traffic education program, or to

1 contest liability in a timely manner is an admission of
2 liability;

3 (10) a statement that the person may elect to proceed
4 by:

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

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

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

12 (e) (Blank).

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

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

26 (h) The court or hearing officer may consider in defense

1 of a violation:

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

7 (1.5) that the motor vehicle was hijacked before the
8 violation occurred and not under the control of or in the
9 possession of the owner or lessee at the time of the
10 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 was hijacked or
18 the motor vehicle or registration plates or digital
19 registration plates were stolen before the violation occurred
20 and were not under the control or possession of the owner or
21 lessee at the time of the violation, the owner or lessee must
22 submit proof that a report concerning the motor vehicle or
23 registration plates was filed with a law enforcement agency in
24 a timely manner.

25 (j) Unless the driver of the motor vehicle received a
26 Uniform Traffic Citation from a police officer at the time of

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

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

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

1 complete a traffic education program.

2 (k) An intersection equipped with an automated traffic law
3 enforcement system must be posted with a sign visible to
4 approaching traffic indicating that the intersection is being
5 monitored by an automated traffic law enforcement system and
6 informing drivers whether, following a stop, a right turn at
7 the intersection is permitted or prohibited.

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

13 (k-5) An intersection equipped with an automated traffic
14 law enforcement system must have a yellow change interval that
15 conforms with the Illinois Manual on Uniform Traffic Control
16 Devices (IMUTCD) published by the Illinois Department of
17 Transportation. Beginning 6 months before it installs an
18 automated traffic law enforcement system at an intersection, a
19 county or municipality may not change the yellow change
20 interval at that intersection.

21 (k-7) A municipality or county operating an automated
22 traffic law enforcement system shall conduct a statistical
23 analysis to assess the safety impact of each automated traffic
24 law enforcement system at an intersection following
25 installation of the system and every 2 years thereafter. Each
26 ~~The~~ statistical analysis shall be based upon the best

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

22 (k-8) Any municipality or county operating an automated
23 traffic law enforcement system before the effective date of
24 this amendatory Act of the 103rd General Assembly shall
25 conduct a statistical analysis to assess the safety impact of
26 each automated traffic law enforcement system at an

1 intersection by no later than one year after the effective
2 date of this amendatory Act of the 103rd General Assembly and
3 every 2 years thereafter. The statistical analyses shall be
4 based upon the best available crash, traffic, and other data,
5 and shall cover a period of time before and after installation
6 of the system sufficient to provide a statistically valid
7 comparison of safety impact. The statistical analyses shall be
8 consistent with professional judgment and acceptable industry
9 practice. The statistical analyses also shall be consistent
10 with the data required for valid comparisons of before and
11 after conditions. The statistical analyses required by this
12 subsection shall be made available to the public and shall be
13 published on the website of the municipality or county. If the
14 statistical analysis for any period following installation of
15 the system indicates that there has been an increase in the
16 rate of accidents at the approach to the intersection
17 monitored by the system, the municipality or county shall
18 undertake additional studies to determine the cause and
19 severity of the accidents, and may take any action that it
20 determines is necessary or appropriate to reduce the number or
21 severity of the accidents at that intersection.

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

1 (l-1) No member of the General Assembly and no officer or
2 employee of a municipality or county shall knowingly accept
3 employment or receive compensation or fees for services from a
4 vendor that provides automated traffic law enforcement system
5 equipment or services to municipalities or counties. No former
6 member of the General Assembly shall, within a period of 2
7 years immediately after the termination of service as a member
8 of the General Assembly, knowingly accept employment or
9 receive compensation or fees for services from a vendor that
10 provides automated traffic law enforcement system equipment or
11 services to municipalities or counties. No former officer or
12 employee of a municipality or county shall, within a period of
13 2 years immediately after the termination of municipal or
14 county employment, knowingly accept employment or receive
15 compensation or fees for services from a vendor that provides
16 automated traffic law enforcement system equipment or services
17 to municipalities or counties.

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

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

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

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

4 (o) (Blank).

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

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

19 (q) If a county or municipality selects a new vendor for
20 its automated traffic law enforcement system and must, as a
21 consequence, apply for a permit, approval, or other
22 authorization from the Department for reinstallation of one or
23 more malfunctioning components of that system and if, at the
24 time of the application for the permit, approval, or other
25 authorization, the new vendor operates an automated traffic
26 law enforcement system for any other county or municipality in

1 the State, then the Department shall approve or deny the
2 county or municipality's application for the permit, approval,
3 or other authorization within 90 days after its receipt.

4 (r) The Department may revoke any permit, approval, or
5 other authorization granted to a county or municipality for
6 the placement, installation, or operation of an automated
7 traffic law enforcement system if any official or employee who
8 serves that county or municipality is charged with bribery,
9 official misconduct, or a similar crime related to the
10 placement, installation, or operation of the automated traffic
11 law enforcement system in the county or municipality.

12 The Department shall adopt any rules necessary to
13 implement and administer this subsection. The rules adopted by
14 the Department shall describe the revocation process, shall
15 ensure that notice of the revocation is provided, and shall
16 provide an opportunity to appeal the revocation. Any county or
17 municipality that has a permit, approval, or other
18 authorization revoked under this subsection may not reapply
19 for such a permit, approval, or other authorization for a
20 period of 1 year after the revocation.

21 (s) If an automated traffic law enforcement system is
22 removed or rendered inoperable due to construction, then the
23 Department shall authorize the reinstallation or use of the
24 automated traffic law enforcement system within 30 days after
25 the construction is complete.

26 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;

1 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

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;

15 (9) 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 (10) a website address, accessible through the
21 Internet, where the person may view the recorded images of
22 the violation.

23 (g) (Blank).

24 (h) Based on inspection of recorded images produced by an
25 automated speed enforcement system, a notice alleging that the
26 violation occurred shall be evidence of the facts contained in

1 the notice and admissible in any proceeding alleging a
2 violation under this Section.

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

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

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

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

22 (2) that the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer for a
24 speeding violation occurring within one-eighth of a mile
25 and 15 minutes of the violation that was recorded by the
26 system; and

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

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

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

19 (m) A roadway where a new automated speed enforcement
20 system is installed shall be posted with signs providing 30
21 days notice of the use of a new automated speed enforcement
22 system prior to the issuance of any citations through the
23 automated speed enforcement system.

24 (n) The compensation paid for an automated speed
25 enforcement system must be based on the value of the equipment
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the
2 system.

3 (n-1) No member of the General Assembly and no officer or
4 employee of a municipality or county shall knowingly accept
5 employment or receive compensation or fees for services from a
6 vendor that provides automated speed enforcement system
7 equipment or services to municipalities or counties. No former
8 member of the General Assembly shall, within a period of 2
9 years immediately after the termination of service as a member
10 of the General Assembly, knowingly accept employment or
11 receive compensation or fees for services from a vendor that
12 provides automated speed enforcement system equipment or
13 services to municipalities or counties. No former officer or
14 employee of a municipality or county shall, within a period of
15 2 years immediately after the termination of municipal or
16 county employment, knowingly accept employment or receive
17 compensation or fees for services from a vendor that provides
18 automated speed enforcement system equipment or services to
19 municipalities or counties.

20 (o) (Blank).

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

1 provides within 60 days after such receipt the name and
2 address of the lessee. The drivers license number of a lessee
3 may be subsequently individually requested by the appropriate
4 authority if needed for enforcement of this Section.

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

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

15 (r) A municipality operating an automated speed
16 enforcement system shall conduct a statistical analysis to
17 assess the safety impact of the system following installation
18 of the system and every 2 years thereafter. A municipality
19 operating an automated speed enforcement system before the
20 effective date of this amendatory Act of the 103rd General
21 Assembly shall conduct a statistical analysis to assess the
22 safety impact of the system by no later than one year after the
23 effective date of this amendatory Act of the 103rd General
24 Assembly and every 2 years thereafter. Each ~~The~~ statistical
25 analysis shall be based upon the best available crash,
26 traffic, and other data, and shall cover a period of time

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

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

14 (t) If a county or municipality selects a new vendor for
15 its automated speed enforcement system and must, as a
16 consequence, apply for a permit, approval, or other
17 authorization from the Department for reinstallation of one or
18 more malfunctioning components of that system and if, at the
19 time of the application for the permit, approval, or other
20 authorization, the new vendor operates an automated speed
21 enforcement system for any other county or municipality in the
22 State, then the Department shall approve or deny the county or
23 municipality's application for the permit, approval, or other
24 authorization within 90 days after its receipt.

25 (u) The Department may revoke any permit, approval, or
26 other authorization granted to a county or municipality for

1 the placement, installation, or operation of an automated
2 speed enforcement system if any official or employee who
3 serves that county or municipality is charged with bribery,
4 official misconduct, or a similar crime related to the
5 placement, installation, or operation of the automated speed
6 enforcement system in the county or municipality.

7 The Department shall adopt any rules necessary to
8 implement and administer this subsection. The rules adopted by
9 the Department shall describe the revocation process, shall
10 ensure that notice of the revocation is provided, and shall
11 provide an opportunity to appeal the revocation. Any county or
12 municipality that has a permit, approval, or other
13 authorization revoked under this subsection may not reapply
14 for such a permit, approval, or other authorization for a
15 period of 1 year after the revocation.

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

18 (625 ILCS 5/11-208.9)

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

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

22 (a) As used in this Section, "automated traffic law
23 enforcement system" means a device with one or more motor
24 vehicle sensors working in conjunction with the visual signals
25 on a school bus, as specified in Sections 12-803 and 12-805 of

1 this Code, to produce recorded images of motor vehicles that
2 fail to stop before meeting or overtaking, from either
3 direction, any school bus stopped at any location for the
4 purpose of receiving or discharging pupils in violation of
5 Section 11-1414 of this Code or a similar provision of a local
6 ordinance.

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

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

17 (1) 2 or more photographs;

18 (2) 2 or more microphotographs;

19 (3) 2 or more electronic images; or

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

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

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

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

14 (e) The notice required under subsection (d) shall
15 include:

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

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

20 (3) the violation charged;

21 (4) the location where the violation occurred;

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

23 (6) a copy of the recorded images;

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

26 (8) a statement that recorded images are evidence of a

1 violation of overtaking or passing a school bus stopped
2 for the purpose of receiving or discharging pupils;

3 (9) a warning that failure to pay the civil penalty or
4 to contest liability in a timely manner is an admission of
5 liability;

6 (10) a statement that the person may elect to proceed
7 by:

8 (A) paying the fine; or

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

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

14 (f) (Blank).

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

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

1 proceeding resulting from the issuance of the citation.

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

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

9 (1.5) that the motor vehicle was hijacked before the
10 violation occurred and not under the control of or in the
11 possession of the owner or lessee at the time of the
12 violation;

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

18 (3) that the visual signals required by Sections
19 12-803 and 12-805 of this Code were damaged, not
20 activated, not present in violation of Sections 12-803 and
21 12-805, or inoperable; and

22 (4) any other evidence or issues provided by municipal
23 or county ordinance.

24 (j) To demonstrate that the motor vehicle was hijacked or
25 the motor vehicle or registration plates or digital
26 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner or
2 lessee at the time of the violation, the owner or lessee must
3 submit proof that a report concerning the motor vehicle or
4 registration plates was filed with a law enforcement agency in
5 a timely manner.

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

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

24 (m) A municipality or county that has one or more school
25 buses equipped with an automated traffic law enforcement
26 system must provide notice to drivers by posting a list of

1 school districts using school buses equipped with an automated
2 traffic law enforcement system on the municipality or county
3 website. School districts that have one or more school buses
4 equipped with an automated traffic law enforcement system must
5 provide notice to drivers by posting that information on their
6 websites.

7 (n) A municipality or county operating an automated
8 traffic law enforcement system shall conduct a statistical
9 analysis to assess the safety impact in each school district
10 using school buses equipped with an automated traffic law
11 enforcement system following installation of the system and
12 every 2 years thereafter. A municipality or county operating
13 an automated speed enforcement system before the effective
14 date of this amendatory Act of the 103rd General Assembly
15 shall conduct a statistical analysis to assess the safety
16 impact of the system by no later than one year after the
17 effective date of this amendatory Act of the 103rd General
18 Assembly and every 2 years thereafter. Each ~~The~~ statistical
19 analysis shall be based upon the best available crash,
20 traffic, and other data, and shall cover a period of time
21 before and after installation of the system sufficient to
22 provide a statistically valid comparison of safety impact.
23 Each ~~The~~ statistical analysis shall be consistent with
24 professional judgment and acceptable industry practice. Each
25 ~~The~~ statistical analysis also shall be consistent with the
26 data required for valid comparisons of before and after

1 conditions and shall be conducted within a reasonable period
2 following the installation of the automated traffic law
3 enforcement system. Each ~~The~~ statistical analysis required by
4 this subsection shall be made available to the public and
5 shall be published on the website of the municipality or
6 county. If a ~~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 school buses 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 involving school buses
14 equipped with an automated traffic law enforcement system.

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

20 (o-1) No member of the General Assembly and no officer or
21 employee of a municipality or county shall knowingly accept
22 employment or receive compensation or fees for services from a
23 vendor that provides automated traffic law enforcement system
24 equipment or services to municipalities or counties. No former
25 member of the General Assembly shall, within a period of 2
26 years immediately after the termination of service as a member

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

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.

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

25 (q) (Blank).

26 (r) After a municipality or county enacts an ordinance

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

20 (s) If a county or municipality changes the vendor it uses
21 for its automated traffic law enforcement system and must, as
22 a consequence, apply for a permit, approval, or other
23 authorization from the Department for reinstallation of one or
24 more malfunctioning components of that system and if, at the
25 time of the application, the new vendor operates an automated
26 traffic law enforcement system for any other county or

1 municipality in the State, then the Department shall approve
2 or deny the county or municipality's application for that
3 permit, approval, or other authorization within 90 days after
4 its receipt.

5 (t) The Department may revoke any permit, approval, or
6 other authorization granted to a county or municipality for
7 the placement, installation, or operation of an automated
8 traffic law enforcement system if any official or employee who
9 serves that county or municipality is charged with bribery,
10 official misconduct, or a similar crime related to the
11 placement, installation, or operation of the automated traffic
12 law enforcement system in the county or municipality.

13 The Department shall adopt any rules necessary to
14 implement and administer this subsection. The rules adopted by
15 the Department shall describe the revocation process, shall
16 ensure that notice of the revocation is provided, and shall
17 provide an opportunity to appeal the revocation. Any county or
18 municipality that has a permit, approval, or other
19 authorization revoked under this subsection may not reapply
20 for such a permit, approval, or other authorization for a
21 period of 1 year after the revocation.

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

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

25 Sec. 11-208.9. Automated traffic law enforcement system;

1 approaching, overtaking, and passing a school bus.

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

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

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

- 22 (1) 2 or more photographs;
- 23 (2) 2 or more microphotographs;
- 24 (3) 2 or more electronic images; or
- 25 (4) a video recording showing the motor vehicle and,
26 on at least one image or portion of the recording, clearly

1 identifying the registration plate or digital registration
2 plate number of the motor vehicle.

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

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

19 (e) The notice required under subsection (d) shall
20 include:

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

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

25 (3) the violation charged;

26 (4) the location where the violation occurred;

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

2 (6) a copy of the recorded images;

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

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

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

11 (10) a statement that the person may elect to proceed
12 by:

13 (A) paying the fine; or

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

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

19 (f) (Blank).

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

25 (h) Recorded images made by an automated traffic law
26 enforcement system are confidential and shall be made

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

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

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

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

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

23 (3) that the visual signals required by Sections
24 12-803 and 12-805 of this Code were damaged, not
25 activated, not present in violation of Sections 12-803 and
26 12-805, or inoperable; and

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

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

11 (k) Unless the driver of the motor vehicle received a
12 Uniform Traffic Citation from a police officer at the time of
13 the violation, the motor vehicle owner is subject to a civil
14 penalty not exceeding \$150 for a first time violation or \$500
15 for a second or subsequent violation, plus an additional
16 penalty of not more than \$100 for failure to pay the original
17 penalty in a timely manner, if the motor vehicle is recorded by
18 an automated traffic law enforcement 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, but may be recorded by the municipality
23 or county for the purpose of determining if a person is subject
24 to the higher fine for a second or subsequent offense.

25 (l) A school bus equipped with an automated traffic law
26 enforcement system must be posted with a sign indicating that

1 the school bus is being monitored by an automated traffic law
2 enforcement system.

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

12 (n) A municipality or county operating an automated
13 traffic law enforcement system shall conduct a statistical
14 analysis to assess the safety impact in each school district
15 using school buses equipped with an automated traffic law
16 enforcement system following installation of the system and
17 every 2 years thereafter. A municipality or county operating
18 an automated speed enforcement system before the effective
19 date of this amendatory Act of the 103rd General Assembly
20 shall conduct a statistical analysis to assess the safety
21 impact of the system by no later than one year after the
22 effective date of this amendatory Act of the 103rd General
23 Assembly and every 2 years thereafter. Each ~~The~~ statistical
24 analysis shall be based upon the best available crash,
25 traffic, and other data, and shall cover a period of time
26 before and after installation of the system sufficient to

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

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

25 (o-1) No member of the General Assembly and no officer or
26 employee of a municipality or county shall knowingly accept

1 employment or receive compensation or fees for services from a
2 vendor that provides automated traffic law enforcement system
3 equipment or services to municipalities or counties. No former
4 member of the General Assembly shall, within a period of 2
5 years immediately after the termination of service as a member
6 of the General Assembly, knowingly accept employment or
7 receive compensation or fees for services from a vendor that
8 provides automated traffic law enforcement system equipment or
9 services to municipalities or counties. No former officer or
10 employee of a municipality or county shall, within a period of
11 2 years immediately after the termination of municipal or
12 county employment, knowingly accept employment or receive
13 compensation or fees for services from a vendor that provides
14 automated traffic law enforcement system equipment or services
15 to municipalities or counties.

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

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

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

4 (q) (Blank).

5 (r) After a municipality or county enacts an ordinance
6 providing for automated traffic law enforcement systems under
7 this Section, each school district within that municipality or
8 county's jurisdiction may implement an automated traffic law
9 enforcement system under this Section. The elected school
10 board for that district must approve the implementation of an
11 automated traffic law enforcement system. The school district
12 shall be responsible for entering into a contract, approved by
13 the elected school board of that district, with vendors for
14 the installation, maintenance, and operation of the automated
15 traffic law enforcement system. The school district must enter
16 into an intergovernmental agreement, approved by the elected
17 school board of that district, with the municipality or county
18 with jurisdiction over that school district for the
19 administration of the automated traffic law enforcement
20 system. The proceeds from a school district's automated
21 traffic law enforcement system's fines shall be divided
22 equally between the school district and the municipality or
23 county administering the automated traffic law enforcement
24 system.

25 (s) If a county or municipality changes the vendor it uses
26 for its automated traffic law enforcement system and must, as

1 a consequence, apply for a permit, approval, or other
2 authorization from the Department for reinstallation of one or
3 more malfunctioning components of that system and if, at the
4 time of the application, the new vendor operates an automated
5 traffic law enforcement system for any other county or
6 municipality in the State, then the Department shall approve
7 or deny the county or municipality's application for that
8 permit, approval, or other authorization within 90 days after
9 its receipt.

10 (t) The Department may revoke any permit, approval, or
11 other authorization granted to a county or municipality for
12 the placement, installation, or operation of an automated
13 traffic law enforcement system if any official or employee who
14 serves that county or municipality is charged with bribery,
15 official misconduct, or a similar crime related to the
16 placement, installation, or operation of the automated traffic
17 law enforcement system in the county or municipality.

18 The Department shall adopt any rules necessary to
19 implement and administer this subsection. The rules adopted by
20 the Department shall describe the revocation process, shall
21 ensure that notice of the revocation is provided, and shall
22 provide an opportunity to appeal the revocation. Any county or
23 municipality that has a permit, approval, or other
24 authorization revoked under this subsection may not reapply
25 for such a permit, approval, or other authorization for a
26 period of 1 year after the revocation.

1 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
2 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."