



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB4451**

Introduced 1/16/2024, by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.8

Amends the Illinois Vehicle Code. Establishes that a municipality that operates an automated speed enforcement system shall set aside 10% of the net proceeds from each system that generates more than \$500,000 in revenue for the respective school district or park district in which the automated speed enforcement system is located. Provides that the set aside proceeds may be allocated for any purpose designated by the school district or park district. Set forth home rule provisions.

LRB103 32801 MXP 62605 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-208.8 as follows:

6 (625 ILCS 5/11-208.8)

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

9 (a) As used in this Section:

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

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

1 image must also display the time, date, and location of the  
2 violation.

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

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

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

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

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

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

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

25 (c) Notwithstanding any penalties for any other violations  
26 of this Code, the owner of a motor vehicle used in a traffic

1 violation recorded by an automated speed enforcement system  
2 shall be subject to the following penalties:

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

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

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

1 where the violation involves a speed of 5 miles per hour or  
2 less above the legal speed limit.

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

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

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

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

20 (iv) after school programs.

21 (e) For each violation of a provision of this Code or a  
22 local ordinance recorded by an automated speed enforcement  
23 system, the municipality having jurisdiction shall issue a  
24 written notice of the violation to the registered owner of the  
25 vehicle as the alleged violator. The notice shall be delivered  
26 to the registered owner of the vehicle, by mail, within 30 days

1 after the Secretary of State notifies the municipality of the  
2 identity of the owner of the vehicle, but in no event later  
3 than 90 days after the violation.

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

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

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

10 (3) the violation charged;

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

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

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

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

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

21 (9) a statement that the person may elect to proceed  
22 by:

23 (A) paying the fine; or

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

26 (10) a website address, accessible through the

1 Internet, where the person may view the recorded images of  
2 the violation.

3 (g) (Blank).

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

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

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

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

24 (1.5) that the motor vehicle was hijacked before the  
25 violation occurred and not under the control of or in the  
26 possession of the owner or lessee at the time of the



1 violation;

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

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

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

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

25 (m) A roadway where a new automated speed enforcement  
26 system is installed shall be posted with signs providing 30

1 days notice of the use of a new automated speed enforcement  
2 system prior to the issuance of any citations through the  
3 automated speed enforcement system.

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

9 (o) Notwithstanding the provisions of subsection (d) of  
10 this Section, a municipality that operates an automated speed  
11 enforcement system shall set aside 10% of the net proceeds  
12 from each system that generates more than \$500,000 in revenue  
13 for the respective school district or park district in which  
14 the automated speed enforcement system is located. The set  
15 aside proceeds may be allocated for any purpose designated by  
16 the school district or park district.

17 A home rule unit may not regulate the amount and use of the  
18 net proceeds in a manner less restrictive than the regulation  
19 of such by the State. This subsection is a limitation of  
20 subsection (i) of Section 6 of Article VII of the Illinois  
21 Constitution on the concurrent powers and functions exercised  
22 by both the home rule unit and the State. (Blank).

23 (p) No person who is the lessor of a motor vehicle pursuant  
24 to a written lease agreement shall be liable for an automated  
25 speed or traffic law enforcement system violation involving  
26 such motor vehicle during the period of the lease; provided

1 that upon the request of the appropriate authority received  
2 within 120 days after the violation occurred, the lessor  
3 provides within 60 days after such receipt the name and  
4 address of the lessee. The drivers license number of a lessee  
5 may be subsequently individually requested by the appropriate  
6 authority if needed for enforcement of this Section.

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

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

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

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

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

9 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
10 102-905, eff. 1-1-23.)