

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

26 (o) Notwithstanding the provisions of subsection (d) of

1 this Section, a municipality that operates an automated speed
2 enforcement system shall set aside 10% of the net proceeds
3 from each system that generates more than \$500,000 in revenue
4 for the school or park in the safety zone in which the
5 automated speed enforcement system is located. The set aside
6 proceeds may be allocated for any purpose designated by the
7 school or park.

8 A home rule unit may not regulate the amount and use of the
9 net proceeds in a manner less restrictive than the regulation
10 of such by the State. This subsection is a limitation of
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent powers and functions exercised
13 by both the home rule unit and the State. ~~(Blank)~~.

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

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

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

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

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

1 the installation of the automated traffic law enforcement
2 system. Each statistical analysis required by this subsection
3 shall be made available to the public and shall be published on
4 the website of the municipality.

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

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

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

26 The Department shall adopt any rules necessary to

1 implement and administer this subsection. The rules adopted by
2 the Department shall describe the revocation process, shall
3 ensure that notice of the revocation is provided, and shall
4 provide an opportunity to appeal the revocation. Any county or
5 municipality that has a permit, approval, or other
6 authorization revoked under this subsection may not reapply
7 for such a permit, approval, or other authorization for a
8 period of 1 year after the revocation.

9 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)