



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0313

Introduced 2/2/2023, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

| | |
|--------------------------|--------------------------------|
| 30 ILCS 805/8.47 new | |
| 625 ILCS 5/1-105.2 | |
| 625 ILCS 5/3-400 | from Ch. 95 1/2, par. 3-400 |
| 625 ILCS 5/11-208 | from Ch. 95 1/2, par. 11-208 |
| 625 ILCS 5/11-208.3 | from Ch. 95 1/2, par. 11-208.3 |
| 625 ILCS 5/11-208.8 | |
| 625 ILCS 5/11-208.6 rep. | |

Amends the Illinois Vehicle Code. Repeals a Section providing authority to local governments to use automated traffic law enforcement systems at intersections in which cameras are used to photograph or video record a motor vehicle's failure to stop and yield as required by traffic control signals. Imposes limits on the power of local governments to use automated speed enforcement systems to provide recorded images of a motor vehicle for the purpose of recording its speed. Denies home rule powers. Amends the State Mandates Act to require implementation without reimbursement from the State. Makes conforming and other changes.

LRB103 26094 MXP 52449 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 State Mandates Act is amended by adding
5 Section 8.47 as follows:

6 (30 ILCS 805/8.47 new)

7 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
8 8 of this Act, no reimbursement by the State is required for
9 the implementation of any mandate created by this amendatory
10 Act of the 103rd General Assembly.

11 Section 10. The Illinois Vehicle Code is amended by
12 changing Sections 1-105.2, 3-400, 11-208, 11-208.3, and
13 11-208.8 as follows:

14 (625 ILCS 5/1-105.2)

15 Sec. 1-105.2. Automated traffic law violation. A violation
16 described in Section ~~11-208.6~~, 11-208.9~~7~~ or 11-1201.1 of this
17 Code.

18 (Source: P.A. 98-556, eff. 1-1-14.)

19 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

20 Sec. 3-400. Definitions. Notwithstanding the definitions

1 set forth in Chapter 1 of this Act, for the purposes of this
2 Article, the following words shall have the meaning ascribed
3 to them as follows:

4 "Apportionable Fee" means any periodic recurring fee
5 required for licensing or registering vehicles, such as, but
6 not limited to, registration fees, license, or weight fees.

7 "Apportionable Vehicle" means any vehicle, except
8 recreational vehicles, vehicles displaying restricted plates,
9 city pickup and delivery vehicles, buses used in
10 transportation of chartered parties, and government owned
11 vehicles that are used or intended for use in 2 or more member
12 jurisdictions that allocate or proportionally register
13 vehicles, in a fleet which is used for the transportation of
14 persons for hire or the transportation of property and which
15 has a gross vehicle weight in excess of 26,000 pounds; or has 3
16 ~~three~~ or more axles regardless of weight; or is used in
17 combination when the weight of such combination exceeds 26,000
18 pounds gross vehicle weight. Vehicles, or combinations having
19 a gross vehicle weight of 26,000 pounds or less and 2-axle
20 ~~two-axle~~ vehicles may be proportionally registered at the
21 option of such owner.

22 "Base Jurisdiction" means, for purposes of fleet
23 registration, the jurisdiction where the registrant has an
24 established place of business, where operational records of
25 the fleet are maintained and where mileage is accrued by the
26 fleet. In case a registrant operates more than one fleet, and

1 maintains records for each fleet in different places, the
2 "base jurisdiction" for a fleet shall be the jurisdiction
3 where an established place of business is maintained, where
4 records of the operation of that fleet are maintained and
5 where mileage is accrued by that fleet.

6 "Operational Records" means documents supporting miles
7 traveled in each jurisdiction and total miles traveled, such
8 as fuel reports, trip leases, and logs.

9 "Owner" means a person who holds legal title of a motor
10 vehicle, or in the event a motor vehicle is the subject of an
11 agreement for the conditional sale or lease thereof with the
12 right of purchase upon performance of the conditions stated in
13 the agreement and with an immediate right of possession vested
14 in the conditional vendee or lessee with right of purchase, or
15 in the event a mortgagor of such motor vehicle is entitled to
16 possession, or in the event a lessee of such motor vehicle is
17 entitled to possession or control, then such conditional
18 vendee or lessee with right of purchase or mortgagor or lessee
19 is considered to be the owner for the purpose of this Act.

20 "Registration plate or digital registration plate cover"
21 means any tinted, colored, painted, marked, clear, or
22 illuminated object that is designed to (i) cover any of the
23 characters of a motor vehicle's registration plate or digital
24 registration plate; or (ii) distort a recorded image of any of
25 the characters of a motor vehicle's registration plate or
26 digital registration plate recorded by an automated

1 enforcement system as defined in Section ~~11-208.6~~, 11-208.8,
2 or 11-1201.1 of this Code or recorded by an automated traffic
3 control system as defined in Section 15 of the Automated
4 Traffic Control Systems in Highway Construction or Maintenance
5 Zones Act.

6 "Rental Owner" means an owner principally engaged, with
7 respect to one or more rental fleets, in renting to others or
8 offering for rental the vehicles of such fleets, without
9 drivers.

10 "Restricted Plates" shall include, but is not limited to,
11 dealer, manufacturer, transporter, farm, reposessor, and
12 permanently mounted type plates. Vehicles displaying any of
13 these type plates from a foreign jurisdiction that is a member
14 of the International Registration Plan shall be granted
15 reciprocity but shall be subject to the same limitations as
16 similar plated Illinois registered vehicles.

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

18 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

24 1. Regulating the standing or parking of vehicles,
25 except as limited by Sections 11-1306 and 11-1307 of this

1 Act;

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

4 3. Regulating or prohibiting processions or
5 assemblages on the highways; and certifying persons to
6 control traffic for processions or assemblages;

7 4. Designating particular highways as one-way highways
8 and requiring that all vehicles thereon be moved in one
9 specific direction;

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

12 6. Designating any highway as a through highway, as
13 authorized in Section 11-302, and requiring that all
14 vehicles stop before entering or crossing the same or
15 designating any intersection as a stop intersection or a
16 yield right-of-way intersection and requiring all vehicles
17 to stop or yield the right-of-way at one or more entrances
18 to such intersections;

19 7. Restricting the use of highways as authorized in
20 Chapter 15;

21 8. Regulating the operation of mobile carrying
22 devices, bicycles, low-speed electric bicycles, and
23 low-speed gas bicycles, and requiring the registration and
24 licensing of same, including the requirement of a
25 registration fee;

26 9. Regulating or prohibiting the turning of vehicles

- 1 or specified types of vehicles at intersections;
- 2 10. Altering the speed limits as authorized in Section
3 11-604;
- 4 11. Prohibiting U-turns;
- 5 12. Prohibiting pedestrian crossings at other than
6 designated and marked crosswalks or at intersections;
- 7 13. Prohibiting parking during snow removal operation;
- 8 14. Imposing fines in accordance with Section
9 11-1301.3 as penalties for use of any parking place
10 reserved for persons with disabilities, as defined by
11 Section 1-159.1, or veterans with disabilities by any
12 person using a motor vehicle not bearing registration
13 plates specified in Section 11-1301.1 or a special decal
14 or device as defined in Section 11-1301.2 as evidence that
15 the vehicle is operated by or for a person with
16 disabilities or a veteran with a disability;
- 17 15. Adopting such other traffic regulations as are
18 specifically authorized by this Code; or
- 19 16. Enforcing the provisions of subsection (f) of
20 Section 3-413 of this Code or a similar local ordinance.
- 21 (b) No ordinance or regulation enacted under paragraph 1,
22 4, 5, 6, 7, 9, 10, 11, or 13 of subsection (a) shall be
23 effective until signs giving reasonable notice of such local
24 traffic regulations are posted.
- 25 (c) The provisions of this Code shall not prevent any
26 municipality having a population of 500,000 or more

1 inhabitants from prohibiting any person from driving or
2 operating any motor vehicle upon the roadways of such
3 municipality with headlamps on high beam or bright.

4 (d) The provisions of this Code shall not be deemed to
5 prevent local authorities within the reasonable exercise of
6 their police power from prohibiting, on private property, the
7 unauthorized use of parking spaces reserved for persons with
8 disabilities.

9 (e) No unit of local government, including a home rule
10 unit, may enact or enforce an ordinance that applies only to
11 motorcycles if the principal purpose for that ordinance is to
12 restrict the access of motorcycles to any highway or portion
13 of a highway for which federal or State funds have been used
14 for the planning, design, construction, or maintenance of that
15 highway. No unit of local government, including a home rule
16 unit, may enact an ordinance requiring motorcycle users to
17 wear protective headgear. Nothing in this subsection (e) shall
18 affect the authority of a unit of local government to regulate
19 motorcycles for traffic control purposes or in accordance with
20 Section 12-602 of this Code. No unit of local government,
21 including a home rule unit, may regulate motorcycles in a
22 manner inconsistent with this Code. This subsection (e) is a
23 limitation under subsection (i) of Section 6 of Article VII of
24 the Illinois Constitution on the concurrent exercise by home
25 rule units of powers and functions exercised by the State.

26 (e-5) The City of Chicago may enact an ordinance providing

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

12 (e-10) A unit of local government, including a home rule
13 unit, may not enact an ordinance prohibiting the use of
14 Automated Driving System equipped vehicles on its roadways.
15 Nothing in this subsection (e-10) shall affect the authority
16 of a unit of local government to regulate Automated Driving
17 System equipped vehicles for traffic control purposes. No unit
18 of local government, including a home rule unit, may regulate
19 Automated Driving System equipped vehicles in a manner
20 inconsistent with this Code. For purposes of this subsection
21 (e-10), "Automated Driving System equipped vehicle" means any
22 vehicle equipped with an Automated Driving System of hardware
23 and software that are collectively capable of performing the
24 entire dynamic driving task on a sustained basis, regardless
25 of whether it is limited to a specific operational domain.
26 This subsection (e-10) is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the
2 concurrent exercise by home rule units of powers and functions
3 exercised by the State.

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

20 (g) A municipality or county, as provided in Section
21 11-1201.1, may enact an ordinance providing for an automated
22 traffic law enforcement system to enforce violations of
23 Section 11-1201 of this Code or a similar provision of a local
24 ordinance and imposing liability on a registered owner of a
25 vehicle used in such a violation.

26 (h) A municipality designated in Section 11-208.8 may

1 enact an ordinance providing for an automated speed
2 enforcement system to enforce violations of Article VI of
3 Chapter 11 of this Code or a similar provision of a local
4 ordinance.

5 (i) A municipality or county designated in Section
6 11-208.9 may enact an ordinance providing for an automated
7 traffic law enforcement system to enforce violations of
8 Section 11-1414 of this Code or a similar provision of a local
9 ordinance and imposing liability on a registered owner or
10 lessee of a vehicle used in such a violation.

11 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;
12 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.
13 7-26-19.)

14 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

19 (a) Any municipality or county may provide by ordinance
20 for a system of administrative adjudication of vehicular
21 standing and parking violations and vehicle compliance
22 violations as described in this subsection, automated traffic
23 law violations as defined in Section ~~11-208.6~~, 11-208.9~~7~~ or
24 11-1201.1, and automated speed enforcement system violations
25 as defined in Section 11-208.8. The administrative system

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

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

20 (1) A traffic compliance administrator authorized to
21 adopt, distribute, and process parking, compliance, and
22 automated speed enforcement system or automated traffic
23 law violation notices and other notices required by this
24 Section, collect money paid as fines and penalties for
25 violation of parking and compliance ordinances and
26 automated speed enforcement system or automated traffic

1 law violations, and operate an administrative adjudication
2 system.

3 (2) A parking, standing, compliance, automated speed
4 enforcement system, or automated traffic law violation
5 notice that shall specify or include the date, time, and
6 place of violation of a parking, standing, compliance,
7 automated speed enforcement system, or automated traffic
8 law regulation; the particular regulation violated; any
9 requirement to complete a traffic education program; the
10 fine and any penalty that may be assessed for late payment
11 or failure to complete a required traffic education
12 program, or both, when so provided by ordinance; the
13 vehicle make or a photograph of the vehicle; the state
14 registration number of the vehicle; and the identification
15 number of the person issuing the notice. With regard to
16 automated speed enforcement system or automated traffic
17 law violations, vehicle make shall be specified on the
18 automated speed enforcement system or automated traffic
19 law violation notice if the notice does not include a
20 photograph of the vehicle and the make is available and
21 readily discernible. With regard to municipalities or
22 counties with a population of 1,000,000 ~~1 million~~ or more,
23 it shall be grounds for dismissal of a parking violation
24 if the state registration number or vehicle make specified
25 is incorrect. The violation notice shall state that the
26 completion of any required traffic education program, the

1 payment of any indicated fine, and the payment of any
2 applicable penalty for late payment or failure to complete
3 a required traffic education program, or both, shall
4 operate as a final disposition of the violation. The
5 notice also shall contain information as to the
6 availability of a hearing in which the violation may be
7 contested on its merits. The violation notice shall
8 specify the time and manner in which a hearing may be had.

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

1 recorded with the Secretary of State or the lessor of the
2 motor vehicle within 30 days after the Secretary of State
3 or the lessor of the motor vehicle notifies the
4 municipality or county of the identity of the owner or
5 lessee of the vehicle, but not later than 90 days after the
6 violation, except that in the case of a lessee of a motor
7 vehicle, service of an automated traffic law violation
8 notice may occur no later than 210 days after the
9 violation. A person authorized by ordinance to issue and
10 serve parking, standing, and compliance violation notices
11 shall certify as to the correctness of the facts entered
12 on the violation notice by signing his or her name to the
13 notice at the time of service or, in the case of a notice
14 produced by a computerized device, by signing a single
15 certificate to be kept by the traffic compliance
16 administrator attesting to the correctness of all notices
17 produced by the device while it was under his or her
18 control. In the case of an automated traffic law
19 violation, the ordinance shall require a determination by
20 a technician employed or contracted by the municipality or
21 county that, based on inspection of recorded images, the
22 motor vehicle was being operated in violation of Section
23 ~~11-208.6,~~ 11-208.9, or 11-1201.1 or a local ordinance. ~~If~~
24 ~~the technician determines that the vehicle entered the~~
25 ~~intersection as part of a funeral procession or in order~~
26 ~~to yield the right of way to an emergency vehicle, a~~

1 ~~citation shall not be issued.~~ In municipalities with a
2 population of less than 1,000,000 inhabitants and counties
3 with a population of less than 3,000,000 inhabitants, the
4 automated 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~~
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. In municipalities with a population of
11 1,000,000 or more inhabitants and counties with a
12 population of 3,000,000 or more inhabitants, the automated
13 traffic law ordinance shall require that all
14 determinations by a technician that a motor vehicle was
15 being operated in violation of Section ~~11-208.6~~, 11-208.9~~7~~
16 or 11-1201.1 or a local ordinance must be reviewed and
17 approved by a law enforcement officer or retired law
18 enforcement officer of the municipality or county issuing
19 the violation or by an additional fully trained reviewing
20 technician who is not employed by the contractor who
21 employs the technician who made the initial determination.
22 In the case of an automated speed enforcement system
23 violation, the ordinance shall require a determination by
24 a technician employed by the municipality, based upon an
25 inspection of recorded images, video, or other
26 documentation, including documentation of the speed limit

1 and automated speed enforcement signage, and documentation
2 of the inspection, calibration, and certification of the
3 speed equipment, that the vehicle was being operated in
4 violation of Article VI of Chapter 11 of this Code or a
5 similar local ordinance. If the technician determines that
6 the vehicle speed was not determined by a calibrated,
7 certified speed equipment device based upon the speed
8 equipment documentation, or if the vehicle was an
9 emergency vehicle, a citation may not be issued. The
10 automated speed enforcement ordinance shall require that
11 all determinations by a technician that a violation
12 occurred be reviewed and approved by a law enforcement
13 officer or retired law enforcement officer of the
14 municipality issuing the violation or by an additional
15 fully trained reviewing technician who is not employed by
16 the contractor who employs the technician who made the
17 initial determination. Routine and independent calibration
18 of the speeds produced by automated speed enforcement
19 systems and equipment shall be conducted annually by a
20 qualified technician. Speeds produced by an automated
21 speed enforcement system shall be compared with speeds
22 produced by lidar or other independent equipment. Radar or
23 lidar equipment shall undergo an internal validation test
24 no less frequently than once each week. Qualified
25 technicians shall test loop-based equipment no less
26 frequently than once a year. Radar equipment shall be

1 checked for accuracy by a qualified technician when the
2 unit is serviced, when unusual or suspect readings
3 persist, or when deemed necessary by a reviewing
4 technician. Radar equipment shall be checked with the
5 internal frequency generator and the internal circuit test
6 whenever the radar is turned on. Technicians must be alert
7 for any unusual or suspect readings, and if unusual or
8 suspect readings of a radar unit persist, that unit shall
9 immediately be removed from service and not returned to
10 service until it has been checked by a qualified
11 technician and determined to be functioning properly.
12 Documentation of the annual calibration results, including
13 the equipment tested, test date, technician performing the
14 test, and test results, shall be maintained and available
15 for use in the determination of an automated speed
16 enforcement system violation and issuance of a citation.
17 The technician performing the calibration and testing of
18 the automated speed enforcement equipment shall be trained
19 and certified in the use of equipment for speed
20 enforcement purposes. Training on the speed enforcement
21 equipment may be conducted by law enforcement, civilian,
22 or manufacturer's personnel and if applicable may be
23 equivalent to the equipment use and operations training
24 included in the Speed Measuring Device Operator Program
25 developed by the National Highway Traffic Safety
26 Administration (NHTSA). The vendor or technician who

1 performs the work shall keep accurate records on each
2 piece of equipment the technician calibrates and tests. As
3 used in this paragraph, "fully trained reviewing
4 technician" means a person who has received at least 40
5 hours of supervised training in subjects which shall
6 include image inspection and interpretation, the elements
7 necessary to prove a violation, license plate
8 identification, and traffic safety and management. In all
9 municipalities and counties, the automated speed
10 enforcement system or automated traffic law ordinance
11 shall require that no additional fee shall be charged to
12 the alleged violator for exercising his or her right to an
13 administrative hearing, and persons shall be given at
14 least 25 days following an administrative hearing to pay
15 any civil penalty imposed by a finding that Section
16 ~~11-208.6,~~ 11-208.8, 11-208.9, or 11-1201.1 or a similar
17 local ordinance has been violated. The original or a
18 facsimile of the violation notice or, in the case of a
19 notice produced by a computerized device, a printed record
20 generated by the device showing the facts entered on the
21 notice, shall be retained by the traffic compliance
22 administrator, and shall be a record kept in the ordinary
23 course of business. A parking, standing, compliance,
24 automated speed enforcement system, or automated traffic
25 law violation notice issued, signed, and served in
26 accordance with this Section, a copy of the notice, or the

1 computer-generated record shall be prima facie correct and
2 shall be prima facie evidence of the correctness of the
3 facts shown on the notice. The notice, copy, or
4 computer-generated record shall be admissible in any
5 subsequent administrative or legal proceedings.

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

25 (5) Service of additional notices, sent by first class
26 United States mail, postage prepaid, to the address of the

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

16 (i) A second notice of parking, standing, or
17 compliance violation if the first notice of the
18 violation was issued by affixing the original or a
19 facsimile of the notice to the unlawfully parked
20 vehicle or by handing the notice to the operator. This
21 notice shall specify or include the date and location
22 of the violation cited in the parking, standing, or
23 compliance violation notice, the particular regulation
24 violated, the vehicle make or a photograph of the
25 vehicle, the state registration number of the vehicle,
26 any requirement to complete a traffic education

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

21 (ii) A notice of final determination of parking,
22 standing, compliance, automated speed enforcement
23 system, or automated traffic law violation liability.
24 This notice shall be sent following a final
25 determination of parking, standing, compliance,
26 automated speed enforcement system, or automated

1 traffic law violation liability and the conclusion of
2 judicial review procedures taken under this Section.
3 The notice shall state that the incomplete traffic
4 education program or the unpaid fine or penalty, or
5 both, is a debt due and owing the municipality or
6 county. The notice shall contain warnings that failure
7 to complete any required traffic education program or
8 to pay any fine or penalty due and owing the
9 municipality or county, or both, within the time
10 specified may result in the municipality's or county's
11 filing of a petition in the Circuit Court to have the
12 incomplete traffic education program or unpaid fine or
13 penalty, or both, rendered a judgment as provided by
14 this Section, or, where applicable, may result in
15 suspension of the person's driver's license for
16 failure to complete a traffic education program.

17 (6) A notice of impending driver's license suspension.

18 This notice shall be sent to the person liable for failure
19 to complete a required traffic education program. The
20 notice shall state that failure to complete a required
21 traffic education program within 45 days of the notice's
22 date will result in the municipality or county notifying
23 the Secretary of State that the person is eligible for
24 initiation of suspension proceedings under Section 6-306.5
25 of this Code. The notice shall also state that the person
26 may obtain a photostatic copy of an original ticket

1 imposing a fine or penalty by sending a self-addressed,
2 stamped envelope to the municipality or county along with
3 a request for the photostatic copy. The notice of
4 impending driver's license suspension shall be sent by
5 first class United States mail, postage prepaid, to the
6 address recorded with the Secretary of State or, if any
7 notice to that address is returned as undeliverable, to
8 the last known address recorded in a United States Post
9 Office approved database.

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

24 (8) A petition to set aside a determination of
25 parking, standing, compliance, automated speed enforcement
26 system, or automated traffic law violation liability that

1 may be filed by a person owing an unpaid fine or penalty. A
2 petition to set aside a determination of liability may
3 also be filed by a person required to complete a traffic
4 education program. The petition shall be filed with and
5 ruled upon by the traffic compliance administrator in the
6 manner and within the time specified by ordinance. The
7 grounds for the petition may be limited to: (A) the person
8 not having been the owner or lessee of the cited vehicle on
9 the date the violation notice was issued, (B) the person
10 having already completed the required traffic education
11 program or paid the fine or penalty, or both, for the
12 violation in question, and (C) excusable failure to appear
13 at or request a new date for a hearing. With regard to
14 municipalities or counties with a population of 1 million
15 or more, it shall be grounds for dismissal of a parking
16 violation if the state registration number or vehicle
17 make, only if specified in the violation notice, is
18 incorrect. After the determination of parking, standing,
19 compliance, automated speed enforcement system, or
20 automated traffic law violation liability has been set
21 aside upon a showing of just cause, the registered owner
22 shall be provided with a hearing on the merits for that
23 violation.

24 (9) Procedures for non-residents. Procedures by which
25 persons who are not residents of the municipality or
26 county may contest the merits of the alleged violation

1 without attending a hearing.

2 (10) A schedule of civil fines for violations of
3 vehicular standing, parking, compliance, automated speed
4 enforcement system, or automated traffic law regulations
5 enacted by ordinance pursuant to this Section, and a
6 schedule of penalties for late payment of the fines or
7 failure to complete required traffic education programs,
8 provided, however, that the total amount of the fine and
9 penalty for any one violation shall not exceed \$250,
10 except as provided in subsection (c) of Section 11-1301.3
11 of this Code.

12 (11) Other provisions as are necessary and proper to
13 carry into effect the powers granted and purposes stated
14 in this Section.

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

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

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

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

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

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

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

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

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

1 determinations of parking, standing, compliance, automated
2 speed enforcement system, or automated traffic law violations
3 against a person in a proceeding. Upon commencement of the
4 action, the municipality or county shall file a certified copy
5 or record of the final determination of parking, standing,
6 compliance, automated speed enforcement system, or automated
7 traffic law violation, which shall be accompanied by a
8 certification that recites facts sufficient to show that the
9 final determination of violation was issued in accordance with
10 this Section and the applicable municipal or county ordinance.
11 Service of the summons and a copy of the petition may be by any
12 method provided by Section 2-203 of the Code of Civil
13 Procedure or by certified mail, return receipt requested,
14 provided that the total amount of fines and penalties for
15 final determinations of parking, standing, compliance,
16 automated speed enforcement system, or automated traffic law
17 violations does not exceed \$2,500 ~~\$2500~~. If the court is
18 satisfied that the final determination of parking, standing,
19 compliance, automated speed enforcement system, or automated
20 traffic law violation was entered in accordance with the
21 requirements of this Section and the applicable municipal or
22 county ordinance, and that the registered owner or the lessee,
23 as the case may be, had an opportunity for an administrative
24 hearing and for judicial review as provided in this Section,
25 the court shall render judgment in favor of the municipality
26 or county and against the registered owner or the lessee for

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

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

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

24 (625 ILCS 5/11-208.8)

25 Sec. 11-208.8. Automated speed enforcement systems in

1 safety zones.

2 (a) As used in this Section:

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

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

19 "Owner" means the person or entity to whom the vehicle is
20 registered.

21 "Recorded image" means images recorded by an automated
22 speed enforcement system on:

- 23 (1) 2 or more photographs;
24 (2) 2 or more microphotographs;
25 (3) 2 or more electronic images; or
26 (4) a video recording showing the motor vehicle and,

1 on at least one image or portion of the recording, clearly
2 identifying the registration plate or digital registration
3 plate number of the motor vehicle.

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

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

23 (i) if the safety zone is based upon the property line
24 of any facility, area, or land owned by a school district,
25 only on school days and no earlier than 6 a.m. and no later
26 than 8:30 p.m. if the school day is during the period of

1 Monday through Thursday, or 9 p.m. if the school day is a
2 Friday; and

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

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

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

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

24 (2) if the recorded speed is more than 10 miles per
25 hour over the legal speed limit, a civil penalty not
26 exceeding \$100, plus an additional penalty of not more

1 than \$100 for failure to pay the original penalty in a
2 timely manner.

3 A penalty may not be imposed under this Section if the
4 driver of the motor vehicle received a Uniform Traffic
5 Citation from a police officer for a speeding violation
6 occurring within one-eighth of a mile and 15 minutes of the
7 violation that was recorded by the 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. A law enforcement officer is not
12 required to be present or to witness the violation. No penalty
13 may be imposed under this Section if the recorded speed of a
14 vehicle is 5 miles per hour or less over the legal speed limit.
15 The municipality may send, in the same manner that notices are
16 sent under this Section, a speed violation warning notice
17 where the violation involves a speed of 5 miles per hour or
18 less above the legal speed limit.

19 (d) The net proceeds that a municipality receives from
20 civil penalties imposed under an automated speed enforcement
21 system, after deducting all non-personnel and personnel costs
22 associated with the operation and maintenance of such system,
23 shall be expended or obligated by the municipality for the
24 following purposes:

25 (i) public safety initiatives to ensure safe passage
26 around schools, and to provide police protection and

1 surveillance around schools and parks, including but not
2 limited to: (1) personnel costs; and (2) non-personnel
3 costs such as construction and maintenance of public
4 safety infrastructure and equipment;

5 (ii) initiatives to improve pedestrian and traffic
6 safety;

7 (iii) construction and maintenance of infrastructure
8 within the municipality, including, but not limited to,
9 roads and bridges; and

10 (iv) after school programs.

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

20 (f) The notice required under subsection (e) of this
21 Section 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 date, time, and location where the violation
2 occurred;

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

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

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

8 (8) 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 (9) 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 (10) a website address, accessible through the
17 Internet, where the person may view the recorded images of
18 the violation.

19 (g) (Blank).

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

25 (i) Recorded images made by an automated speed enforcement
26 system are confidential and shall be made available only to

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

7 (j) 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 or in the possession of the owner or lessee at the
13 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 speeding violation occurring within one-eighth of a mile
21 and 15 minutes of the violation that was recorded by the
22 system; and

23 (3) any other evidence or issues provided by municipal
24 ordinance.

25 (k) To demonstrate that the motor vehicle was hijacked or
26 the motor vehicle or registration plates or digital

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

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

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

20 (n) The compensation paid for an automated speed
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) (Blank).

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

1 to a written lease agreement shall be liable for an automated
2 speed or traffic law enforcement system violation involving
3 such motor vehicle during the period of the lease; provided
4 that upon the request of the appropriate authority received
5 within 120 days after the violation occurred, the lessor
6 provides within 60 days after such receipt the name and
7 address of the lessee. The drivers license number of a lessee
8 may be subsequently individually requested by the appropriate
9 authority if needed for enforcement of this Section.

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

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

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

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

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

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

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

24 (625 ILCS 5/11-208.6 rep.)

25 Section 15. The Illinois Vehicle Code is amended by

1 repealing Section 11-208.6.