

SB2266



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2266

Introduced 2/10/2023, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.6
625 ILCS 5/11-208.8
625 ILCS 5/11-1201.1

Amends the Illinois Vehicle Code. Provides that fines imposed by automated railroad crossing enforcement systems, automated speed enforcement systems, and automated traffic law enforcement systems may be no higher than 50% of the fine for the violation if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation. Effective immediately.

LRB103 28296 MXP 54675 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208.6, 11-208.8, 11-208.9, and 11-1201.1
6 as follows:

7 (625 ILCS 5/11-208.6)

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

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

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

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

1 (b) As used in this Section, "recorded images" means
2 images recorded by an automated traffic law enforcement system
3 on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

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

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

17 (c) Except as provided under Section 11-208.8 of this
18 Code, a county or municipality, including a home rule county
19 or municipality, may not use an automated traffic law
20 enforcement system to provide recorded images of a motor
21 vehicle for the purpose of recording its speed. Except as
22 provided under Section 11-208.8 of this Code, the regulation
23 of the use of automated traffic law enforcement systems to
24 record vehicle speeds is an exclusive power and function of
25 the State. This subsection (c) is a denial and limitation of
26 home rule powers and functions under subsection (h) of Section

1 6 of Article VII of the Illinois Constitution.

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

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

23 (d) For each violation of a provision of this Code or a
24 local ordinance recorded by an automatic traffic law
25 enforcement system, the county or municipality having
26 jurisdiction shall issue a written notice of the violation to

1 the registered owner of the vehicle as the alleged violator.
2 The notice shall be delivered to the registered owner of the
3 vehicle, by mail, within 30 days after the Secretary of State
4 notifies the municipality or county of the identity of the
5 owner of the vehicle, but in no event later than 90 days after
6 the violation.

7 The notice shall include:

8 (1) the name and address of the registered owner of
9 the vehicle;

10 (2) the registration number of the motor vehicle
11 involved in the violation;

12 (3) the violation charged;

13 (4) the location where the violation occurred;

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

15 (6) a copy of the recorded images;

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

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

22 (9) a warning that failure to pay the civil penalty,
23 to complete a required traffic education program, or to
24 contest liability in a timely manner is an admission of
25 liability;

26 (10) a statement that the person may elect to proceed

1 by:

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

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

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

9 (e) (Blank).

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

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

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

25 (1) that the motor vehicle or registration plates or
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the
2 control of or in the possession of the owner or lessee at
3 the time of the violation;

4 (1.5) that the motor vehicle was hijacked before the
5 violation occurred and not under the control of or in the
6 possession of the owner or lessee at the time of the
7 violation;

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

12 (3) any other evidence or issues provided by municipal
13 or county ordinance.

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

22 (j) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding 50% of the fine for the violation if the
26 driver of the motor vehicle received a Uniform Traffic

1 Citation from a police officer at the time of the violation
2 ~~\$100~~ or the completion of a traffic education program, or
3 both, plus an additional penalty equal to the original penalty
4 ~~of not more than \$100~~ for failure to pay the original penalty
5 or to complete a required traffic education program, or both,
6 in a 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.

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

11 (k-5) An intersection equipped with an automated traffic
12 law enforcement system must have a yellow change interval that
13 conforms with the Illinois Manual on Uniform Traffic Control
14 Devices (IMUTCD) published by the Illinois Department of
15 Transportation.

16 (k-7) A municipality or county operating an automated
17 traffic law enforcement system shall conduct a statistical
18 analysis to assess the safety impact of each automated traffic
19 law enforcement system at an intersection following
20 installation of the system. The statistical analysis shall be
21 based upon the best available crash, traffic, and other data,
22 and shall cover a period of time before and after installation
23 of the system sufficient to provide a statistically valid
24 comparison of safety impact. The statistical analysis shall be
25 consistent with professional judgment and acceptable industry
26 practice. The statistical analysis also shall be consistent

1 with the data required for valid comparisons of before and
2 after conditions and shall be conducted within a reasonable
3 period following the installation of the automated traffic law
4 enforcement system. The statistical analysis required by this
5 subsection (k-7) shall be made available to the public and
6 shall be published on the website of the municipality or
7 county. If the statistical analysis for the 36-month ~~36-month~~
8 period following installation of the system indicates that
9 there has been an increase in the rate of accidents at the
10 approach to the intersection monitored by the system, the
11 municipality or county shall undertake additional studies to
12 determine the cause and severity of the accidents, and may
13 take any action that it determines is necessary or appropriate
14 to reduce the number or severity of the accidents at that
15 intersection.

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

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

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

26 A low-income individual required to complete a traffic

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

7 (o) (Blank).

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

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

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

24 (Text of Section after 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 50% of the fine for the violation if the
14 driver of the motor vehicle received a Uniform Traffic
15 Citation from a police officer at the time of the violation
16 ~~\$100~~ or the completion of a traffic education program, or
17 both, plus an additional penalty equal to the original penalty
18 ~~of not more than \$100~~ for failure to pay the original penalty
19 or to complete a required traffic education program, or both,
20 in a timely manner, if the motor vehicle is recorded by an
21 automated traffic law enforcement system. A violation for
22 which a civil penalty is imposed under this Section is not a
23 violation of a traffic regulation governing the movement of
24 vehicles and may not be recorded on the driving record of the
25 owner of the vehicle.

26 (j-3) A registered owner who is a holder of a valid

1 commercial driver's license is not required to complete a
2 traffic education program.

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

16 (k) An intersection equipped with an automated traffic law
17 enforcement system must be posted with a sign visible to
18 approaching traffic indicating that the intersection is being
19 monitored by an automated traffic law enforcement system.

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

25 (k-5) An intersection equipped with an automated traffic
26 law enforcement system must have a yellow change interval that

1 conforms with the Illinois Manual on Uniform Traffic Control
2 Devices (IMUTCD) published by the Illinois Department of
3 Transportation.

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

1 any action that it determines is necessary or appropriate to
2 reduce the number or severity of the crashes at that
3 intersection.

4 (l) The compensation paid for an automated traffic law
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 (m) This Section applies only to the counties of Cook,
10 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
11 to municipalities located within those counties.

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

14 A low-income individual required to complete a traffic
15 education program under this Section who provides proof of
16 eligibility for the federal earned income tax credit under
17 Section 32 of the Internal Revenue Code or the Illinois earned
18 income tax credit under Section 212 of the Illinois Income Tax
19 Act shall not be required to pay any fee for participating in a
20 required traffic education program.

21 (o) (Blank).

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

1 within 120 days after the violation occurred, the lessor
2 provides within 60 days after such receipt the name and
3 address of the lessee.

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

10 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
11 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

12 (625 ILCS 5/11-208.8)

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

15 (a) As used in this Section:

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

24 An automated speed enforcement system is a system, located
25 in a safety zone which is under the jurisdiction of a

1 municipality, that produces a recorded image of a motor
2 vehicle's violation of a provision of this Code or a local
3 ordinance and is designed to obtain a clear recorded image of
4 the vehicle and the vehicle's license plate. The recorded
5 image must also display the time, date, and location of the
6 violation.

7 "Owner" means the person or entity to whom the vehicle is
8 registered.

9 "Recorded image" means images recorded by an automated
10 speed enforcement system on:

- 11 (1) 2 or more photographs;
- 12 (2) 2 or more microphotographs;
- 13 (3) 2 or more electronic images; or
- 14 (4) a video recording showing the motor vehicle and,
15 on at least one image or portion of the recording, clearly
16 identifying the registration plate or digital registration
17 plate number of the motor vehicle.

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

1 park district used for recreational purposes. However, if any
2 portion of a roadway is within either one-eighth mile radius,
3 the safety zone also shall include the roadway extended to the
4 furthest portion of the next furthest intersection. The term
5 "safety zone" does not include any portion of the roadway
6 known as Lake Shore Drive or any controlled access highway
7 with 8 or more lanes of traffic.

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

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

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

23 (b) A municipality that produces a recorded image of a
24 motor vehicle's violation of a provision of this Code or a
25 local ordinance must make the recorded images of a violation
26 accessible to the alleged violator by providing the alleged

1 violator with a website address, accessible through the
2 Internet.

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

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

12 (2) if the recorded speed is more than 10 miles per
13 hour over the legal speed limit, a civil penalty not
14 exceeding 50% of the fine for the violation if the driver
15 of the motor vehicle received a Uniform Traffic Citation
16 from a police officer at the time of the violation ~~\$100~~,
17 plus an additional penalty equal to the original penalty
18 ~~of not more than \$100~~ for failure to pay the original
19 penalty in a timely manner.

20 A penalty may not be imposed under this Section if the
21 driver of the motor vehicle received a Uniform Traffic
22 Citation from a police officer for a speeding violation
23 occurring within one-eighth of a mile and 15 minutes of the
24 violation that was recorded by the system. A violation for
25 which a civil penalty is imposed under this Section is not a
26 violation of a traffic regulation governing the movement of

1 vehicles and may not be recorded on the driving record of the
2 owner of the vehicle. A law enforcement officer is not
3 required to be present or to witness the violation. No penalty
4 may be imposed under this Section if the recorded speed of a
5 vehicle is 5 miles per hour or less over the legal speed limit.
6 The municipality may send, in the same manner that notices are
7 sent under this Section, a speed violation warning notice
8 where the violation involves a speed of 5 miles per hour or
9 less above the legal speed limit.

10 (d) The net proceeds that a municipality receives from
11 civil penalties imposed under an automated speed enforcement
12 system, after deducting all non-personnel and personnel costs
13 associated with the operation and maintenance of such system,
14 shall be expended or obligated by the municipality for the
15 following purposes:

16 (i) public safety initiatives to ensure safe passage
17 around schools, and to provide police protection and
18 surveillance around schools and parks, including but not
19 limited to: (1) personnel costs; and (2) non-personnel
20 costs such as construction and maintenance of public
21 safety infrastructure and equipment;

22 (ii) initiatives to improve pedestrian and traffic
23 safety;

24 (iii) construction and maintenance of infrastructure
25 within the municipality, including but not limited to
26 roads and bridges; and

1 (iv) after school programs.

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

11 (f) The notice required under subsection (e) of this
12 Section shall include:

13 (1) the name and address of the registered owner of
14 the vehicle;

15 (2) the registration number of the motor vehicle
16 involved in the violation;

17 (3) the violation charged;

18 (4) the date, time, and location where the violation
19 occurred;

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

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

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

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

1 liability;

2 (9) a statement that the person may elect to proceed

3 by:

4 (A) paying the fine; or

5 (B) challenging the charge in court, by mail, or

6 by administrative hearing; and

7 (10) a website address, accessible through the

8 Internet, where the person may view the recorded images of

9 the violation.

10 (g) (Blank).

11 (h) Based on inspection of recorded images produced by an

12 automated speed enforcement system, a notice alleging that the

13 violation occurred shall be evidence of the facts contained in

14 the notice and admissible in any proceeding alleging a

15 violation under this Section.

16 (i) Recorded images made by an automated speed enforcement

17 system are confidential and shall be made available only to

18 the alleged violator and governmental and law enforcement

19 agencies for purposes of adjudicating a violation of this

20 Section, for statistical purposes, or for other governmental

21 purposes. Any recorded image evidencing a violation of this

22 Section, however, may be admissible in any proceeding

23 resulting from the issuance of the citation.

24 (j) The court or hearing officer may consider in defense

25 of a violation:

26 (1) that the motor vehicle or registration plates or

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

5 (1.5) that the motor vehicle was hijacked before the
6 violation occurred and not under the control of or in the
7 possession of the owner or lessee at the time of the
8 violation;

9 (2) that the driver of the motor vehicle received a
10 Uniform Traffic Citation from a police officer for a
11 speeding violation occurring within one-eighth of a mile
12 and 15 minutes of the violation that was recorded by the
13 system; and

14 (3) any other evidence or issues provided by municipal
15 ordinance.

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

24 (l) A roadway equipped with an automated speed enforcement
25 system shall be posted with a sign conforming to the national
26 Manual on Uniform Traffic Control Devices that is visible to

1 approaching traffic stating that vehicle speeds are being
2 photo-enforced and indicating the speed limit. The
3 municipality shall install such additional signage as it
4 determines is necessary to give reasonable notice to drivers
5 as to where automated speed enforcement systems are installed.

6 (m) A roadway where a new automated speed enforcement
7 system is installed shall be posted with signs providing 30
8 days notice of the use of a new automated speed enforcement
9 system prior to the issuance of any citations through the
10 automated speed enforcement system.

11 (n) The compensation paid for an automated speed
12 enforcement system must be based on the value of the equipment
13 or the services provided and may not be based on the number of
14 traffic citations issued or the revenue generated by the
15 system.

16 (o) (Blank).

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

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

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

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

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

3 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
4 102-905, eff. 1-1-23.)

5 (625 ILCS 5/11-1201.1)

6 Sec. 11-1201.1. Automated railroad crossing enforcement
7 system.

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

16 As used in this Section, "recorded images" means images
17 recorded by an automated railroad grade crossing enforcement
18 system on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

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

1 (b) The Illinois Commerce Commission may, in cooperation
2 with a local law enforcement agency, establish in any county
3 or municipality an automated railroad grade crossing
4 enforcement system at any railroad grade crossing equipped
5 with a crossing gate designated by local authorities. Local
6 authorities desiring the establishment of an automated
7 railroad crossing enforcement system must initiate the process
8 by enacting a local ordinance requesting the creation of such
9 a system. After the ordinance has been enacted, and before any
10 additional steps toward the establishment of the system are
11 undertaken, the local authorities and the Commission must
12 agree to a plan for obtaining, from any combination of
13 federal, State, and local funding sources, the moneys required
14 for the purchase and installation of any necessary equipment.

15 (b-1) (Blank).

16 (c) For each violation of Section 11-1201 of this Code or a
17 local ordinance recorded by an automated railroad grade
18 crossing enforcement system, the county or municipality having
19 jurisdiction shall issue a written notice of the violation to
20 the registered owner of the vehicle as the alleged violator.
21 The notice shall be delivered to the registered owner of the
22 vehicle, by mail, no later than 90 days after the violation.

23 The notice shall include:

24 (1) the name and address of the registered owner of
25 the vehicle;

26 (2) the registration number of the motor vehicle

- 1 involved in the violation;
- 2 (3) the violation charged;
- 3 (4) the location where the violation occurred;
- 4 (5) the date and time of the violation;
- 5 (6) a copy of the recorded images;
- 6 (7) the amount of the civil penalty imposed and the
7 date by which the civil penalty should be paid;
- 8 (8) a statement that recorded images are evidence of a
9 violation of a railroad grade crossing;
- 10 (9) a warning that failure to pay the civil penalty or
11 to contest liability in a timely manner is an admission of
12 liability; and
- 13 (10) a statement that the person may elect to proceed
14 by:
- 15 (A) paying the fine; or
- 16 (B) challenging the charge in court, by mail, or
17 by administrative hearing.
- 18 (d) (Blank).
- 19 (d-1) (Blank).
- 20 (d-2) (Blank).
- 21 (e) Based on inspection of recorded images produced by an
22 automated railroad grade crossing enforcement system, a notice
23 alleging that the violation occurred shall be evidence of the
24 facts contained in the notice and admissible in any proceeding
25 alleging a violation under this Section.
- 26 (e-1) Recorded images made by an automated railroad grade

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

8 (e-2) The court or hearing officer may consider the
9 following in the defense of a violation:

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

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

19 (2) that the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time
21 of the violation for the same offense;

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

24 (e-3) To demonstrate that the motor vehicle was hijacked
25 or 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 (f) Rail crossings equipped with an automatic railroad
7 grade crossing enforcement system shall be posted with a sign
8 visible to approaching traffic stating that the railroad grade
9 crossing is being monitored, that citations will be issued,
10 and the amount of the fine for violation.

11 (g) The compensation paid for an automated railroad grade
12 crossing enforcement system must be based on the value of the
13 equipment or the services provided and may not be based on the
14 number of citations issued or the revenue generated by the
15 system.

16 (h) (Blank).

17 (i) If any part or parts of this Section are held by a
18 court of competent jurisdiction to be unconstitutional, the
19 unconstitutionality shall not affect the validity of the
20 remaining parts of this Section. The General Assembly hereby
21 declares that it would have passed the remaining parts of this
22 Section if it had known that the other part or parts of this
23 Section would be declared unconstitutional.

24 (j) Penalty. A civil fine imposed for violation of this
25 Section may be no higher than 50% of the fine for the violation
26 if the driver of the motor vehicle received a Uniform Traffic

1 Citation from a police officer at the time of the violation ~~of~~
2 ~~\$250~~ shall be imposed for a first violation of this Section,
3 and a civil fine double the original fine ~~of \$500~~ shall be
4 imposed for a second or subsequent violation of this Section.
5 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
6 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.