



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3701

Introduced 2/25/2009, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.1 new	
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
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 5/11-208.6	
625 ILCS 5/11-208.7 new	
625 ILCS 5/11-612	
30 ILCS 105/5.719 new	

Amends the Illinois Vehicle Code and the State Finance Act. Provides that the Department of Transportation, a county, or a municipality may authorize the use of an automated speed enforcement system to record speed violations of the Illinois Vehicle Code or a similar local ordinance. Provides that the Department may place automated speed enforcement systems in high-risk locations on an interstate highway or in high-risk locations of a county or municipality upon approval of a formal request of a county or municipality. Provides for standards for the issuance and adjudication of automated speed enforcement system violation notices. Provides that violations of the automated speed enforcement system in which a civil penalty is imposed may be adjudicated administratively, are not moving violations, and may not be recorded on the person's driving record. Provides for penalties, including the suspension of driving privileges, for the failure to pay for automated speed enforcement system violations. Reduces the application of a home rule preemption that disallows the use of recorded images to capture the speed of a motor vehicle for the purposes of enforcing any law or local ordinance regarding a minimum or maximum speed limit unless a law enforcement officer is present to witness the event. Makes other changes. Effective immediately.

LRB096 08743 AJT 18875 b

FISCAL NOTE ACT
MAY APPLY

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 changing
5 Sections 6-306.5, 11-208, 11-208.3, 11-208.6, and 11-612 and by
6 adding Sections 1-105.1 and 11-208.7 as follows:

7 (625 ILCS 5/1-105.1 new)

8 Sec. 1-105.1. Automated speed enforcement system
9 violation. A violation described in Section 11-208.7 of this
10 Code.

11 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

12 Sec. 6-306.5. Failure to pay fine or penalty for standing,
13 parking, compliance, or automated speed or traffic law
14 violations; suspension of driving privileges.

15 (a) Upon receipt of a certified report, as prescribed by
16 subsection (c) of this Section, from any municipality stating
17 that the owner of a registered vehicle has: (1) failed to pay
18 any fine or penalty due and owing as a result of 10 or more
19 violations of a municipality's vehicular standing, parking, or
20 compliance regulations established by ordinance pursuant to
21 Section 11-208.3 of this Code, or (2) failed to pay any fine or
22 penalty due and owing as a result of 5 offenses for automated

1 traffic violations as defined in Section 11-208.6 or automated
2 speed enforcement system violations as defined in Section
3 11-208.7 or any combination thereof, the Secretary of State
4 shall suspend the driving privileges of such person in
5 accordance with the procedures set forth in this Section. The
6 Secretary shall also suspend the driving privileges of an owner
7 of a registered vehicle upon receipt of a certified report, as
8 prescribed by subsection (f) of this Section, from any
9 municipality stating that such person has failed to satisfy any
10 fines or penalties imposed by final judgments for 5 or more
11 automated speed or traffic law violations or 10 or more
12 violations of local standing, parking, or compliance
13 regulations after exhaustion of judicial review procedures.

14 (b) Following receipt of the certified report of the
15 municipality as specified in this Section, the Secretary of
16 State shall notify the person whose name appears on the
17 certified report that the person's drivers license will be
18 suspended at the end of a specified period of time unless the
19 Secretary of State is presented with a notice from the
20 municipality certifying that the fine or penalty due and owing
21 the municipality has been paid or that inclusion of that
22 person's name on the certified report was in error. The
23 Secretary's notice shall state in substance the information
24 contained in the municipality's certified report to the
25 Secretary, and shall be effective as specified by subsection
26 (c) of Section 6-211 of this Code.

1 (c) The report of the appropriate municipal official
2 notifying the Secretary of State of unpaid fines or penalties
3 pursuant to this Section shall be certified and shall contain
4 the following:

5 (1) The name, last known address as recorded with the
6 Secretary of State, as provided by the lessor of the cited
7 vehicle at the time of lease, or as recorded in a United
8 States Post Office approved database if any notice sent
9 under Section 11-208.3 of this Code is returned as
10 undeliverable, and drivers license number of the person who
11 failed to pay the fine or penalty and the registration
12 number of any vehicle known to be registered to such person
13 in this State.

14 (2) The name of the municipality making the report
15 pursuant to this Section.

16 (3) A statement that the municipality sent a notice of
17 impending drivers license suspension as prescribed by
18 ordinance enacted pursuant to Section 11-208.3, to the
19 person named in the report at the address recorded with the
20 Secretary of State or at the last address known to the
21 lessor of the cited vehicle at the time of lease or, if any
22 notice sent under Section 11-208.3 of this Code is returned
23 as undeliverable, at the last known address recorded in a
24 United States Post Office approved database; the date on
25 which such notice was sent; and the address to which such
26 notice was sent. In a municipality with a population of

1 1,000,000 or more, the report shall also include a
2 statement that the alleged violator's State vehicle
3 registration number and vehicle make, if specified on the
4 automated speed or traffic law violation notice, are
5 correct as they appear on the citations.

6 (d) Any municipality making a certified report to the
7 Secretary of State pursuant to this Section shall notify the
8 Secretary of State, in a form prescribed by the Secretary,
9 whenever a person named in the certified report has paid the
10 previously reported fine or penalty or whenever the
11 municipality determines that the original report was in error.
12 A certified copy of such notification shall also be given upon
13 request and at no additional charge to the person named
14 therein. Upon receipt of the municipality's notification or
15 presentation of a certified copy of such notification, the
16 Secretary of State shall terminate the suspension.

17 (e) Any municipality making a certified report to the
18 Secretary of State pursuant to this Section shall also by
19 ordinance establish procedures for persons to challenge the
20 accuracy of the certified report. The ordinance shall also
21 state the grounds for such a challenge, which may be limited to
22 (1) the person not having been the owner or lessee of the
23 vehicle or vehicles receiving 10 or more standing, parking, or
24 compliance violation notices or 5 or more automated speed or
25 traffic law violations on the date or dates such notices were
26 issued; and (2) the person having already paid the fine or

1 penalty for the 10 or more standing, parking, or compliance
2 violations or 5 or more automated speed or traffic law
3 violations indicated on the certified report.

4 (f) Any municipality, other than a municipality
5 establishing vehicular standing, parking, and compliance
6 regulations pursuant to Section 11-208.3 or automated traffic
7 law regulations under Section 11-208.6 or automated speed
8 enforcement system violations under Section 11-208.7, may also
9 cause a suspension of a person's drivers license pursuant to
10 this Section. Such municipality may invoke this sanction by
11 making a certified report to the Secretary of State upon a
12 person's failure to satisfy any fine or penalty imposed by
13 final judgment for 10 or more violations of local standing,
14 parking, or compliance regulations or 5 or more automated speed
15 or traffic law violations after exhaustion of judicial review
16 procedures, but only if:

17 (1) the municipality complies with the provisions of
18 this Section in all respects except in regard to enacting
19 an ordinance pursuant to Section 11-208.3;

20 (2) the municipality has sent a notice of impending
21 drivers license suspension as prescribed by an ordinance
22 enacted pursuant to subsection (g) of this Section; and

23 (3) in municipalities with a population of 1,000,000 or
24 more, the municipality has verified that the alleged
25 violator's State vehicle registration number and vehicle
26 make are correct as they appear on the citations.

1 (g) Any municipality, other than a municipality
2 establishing standing, parking, and compliance regulations
3 pursuant to Section 11-208.3 or automated traffic law
4 regulations under Section 11-208.6 or automated speed
5 regulations under Section 11-208.7, may provide by ordinance
6 for the sending of a notice of impending drivers license
7 suspension to the person who has failed to satisfy any fine or
8 penalty imposed by final judgment for 10 or more violations of
9 local standing, parking, or compliance regulations or 5 or more
10 automated speed or traffic law violations after exhaustion of
11 judicial review procedures. An ordinance so providing shall
12 specify that the notice sent to the person liable for any fine
13 or penalty shall state that failure to pay the fine or penalty
14 owing within 45 days of the notice's date will result in the
15 municipality notifying the Secretary of State that the person's
16 drivers license is eligible for suspension pursuant to this
17 Section. The notice of impending drivers license suspension
18 shall be sent by first class United States mail, postage
19 prepaid, to the address recorded with the Secretary of State or
20 at the last address known to the lessor of the cited vehicle at
21 the time of lease or, if any notice sent under Section 11-208.3
22 of this Code is returned as undeliverable, to the last known
23 address recorded in a United States Post Office approved
24 database.

25 (h) An administrative hearing to contest an impending
26 suspension or a suspension made pursuant to this Section may be

1 had upon filing a written request with the Secretary of State.
2 The filing fee for this hearing shall be \$20, to be paid at the
3 time the request is made. A municipality which files a
4 certified report with the Secretary of State pursuant to this
5 Section shall reimburse the Secretary for all reasonable costs
6 incurred by the Secretary as a result of the filing of the
7 report, including but not limited to the costs of providing the
8 notice required pursuant to subsection (b) and the costs
9 incurred by the Secretary in any hearing conducted with respect
10 to the report pursuant to this subsection and any appeal from
11 such a hearing.

12 (i) The provisions of this Section shall apply on and after
13 January 1, 1988.

14 (j) For purposes of this Section, the term "compliance
15 violation" is defined as in Section 11-208.3.

16 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06.)

17 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

23 1. Regulating the standing or parking of vehicles,
24 except as limited by Section 11-1306 of this Act;

25 2. Regulating traffic by means of police officers or

1 traffic control signals;

2 3. Regulating or prohibiting processions or
3 assemblages on the highways;

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

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

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

16 7. Restricting the use of highways as authorized in
17 Chapter 15;

18 8. Regulating the operation of bicycles and requiring
19 the registration and licensing of same, including the
20 requirement of a registration fee;

21 9. Regulating or prohibiting the turning of vehicles or
22 specified types of vehicles at intersections;

23 10. Altering the speed limits as authorized in Section
24 11-604;

25 11. Prohibiting U-turns;

26 12. Prohibiting pedestrian crossings at other than

1 designated and marked crosswalks or at intersections;

2 13. Prohibiting parking during snow removal operation;

3 14. Imposing fines in accordance with Section
4 11-1301.3 as penalties for use of any parking place
5 reserved for persons with disabilities, as defined by
6 Section 1-159.1, or disabled veterans by any person using a
7 motor vehicle not bearing registration plates specified in
8 Section 11-1301.1 or a special decal or device as defined
9 in Section 11-1301.2 as evidence that the vehicle is
10 operated by or for a person with disabilities or disabled
11 veteran;

12 15. Adopting such other traffic regulations as are
13 specifically authorized by this Code; or

14 16. Enforcing the provisions of subsection (f) of
15 Section 3-413 of this Code or a similar local ordinance.

16 (b) No ordinance or regulation enacted under subsections 1,
17 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
18 until signs giving reasonable notice of such local traffic
19 regulations are posted.

20 (c) The provisions of this Code shall not prevent any
21 municipality having a population of 500,000 or more inhabitants
22 from prohibiting any person from driving or operating any motor
23 vehicle upon the roadways of such municipality with headlamps
24 on high beam or bright.

25 (d) The provisions of this Code shall not be deemed to
26 prevent local authorities within the reasonable exercise of

1 their police power from prohibiting, on private property, the
2 unauthorized use of parking spaces reserved for persons with
3 disabilities.

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

21 (f) A municipality or county designated in Section 11-208.6
22 may enact an ordinance providing for an automated traffic law
23 enforcement system to enforce violations of this Code or a
24 similar provision of a local ordinance and imposing liability
25 on a registered owner of a vehicle used in such a violation.

26 (g) A municipality or county may enact an ordinance

1 providing for an automated speed enforcement system under
2 Section 11-208.7 of this Code to enforce violations of Section
3 11-605 or a similar provision of a local ordinance and imposing
4 liability on a registered owner of a vehicle used in such a
5 violation.

6 (Source: P.A. 94-795, eff. 5-22-06.)

7 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

8 Sec. 11-208.3. Administrative adjudication of violations
9 of traffic regulations concerning the standing, parking, or
10 condition of vehicles and automated speed or traffic law
11 violations.

12 (a) Any municipality may provide by ordinance for a system
13 of administrative adjudication of vehicular standing and
14 parking violations and vehicle compliance violations as
15 defined in this subsection and automated traffic law violations
16 as defined in Section 11-208.6 and automated speed enforcement
17 system violations as defined in Section 11-208.7. The
18 administrative system shall have as its purpose the fair and
19 efficient enforcement of municipal regulations through the
20 administrative adjudication of automated speed or traffic law
21 violations and violations of municipal ordinances regulating
22 the standing and parking of vehicles, the condition and use of
23 vehicle equipment, and the display of municipal wheel tax
24 licenses within the municipality's borders. The administrative
25 system shall only have authority to adjudicate civil offenses

1 carrying fines not in excess of \$250 that occur after the
2 effective date of the ordinance adopting such a system under
3 this Section. For purposes of this Section, "compliance
4 violation" means a violation of a municipal regulation
5 governing the condition or use of equipment on a vehicle or
6 governing the display of a municipal wheel tax license.

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

9 (1) A traffic compliance administrator authorized to
10 adopt, distribute and process parking, compliance, and
11 automated speed or traffic law violation notices and other
12 notices required by this Section, collect money paid as
13 fines and penalties for violation of parking and compliance
14 ordinances and automated speed or traffic law violations,
15 and operate an administrative adjudication system. The
16 traffic compliance administrator also may make a certified
17 report to the Secretary of State under Section 6-306.5.

18 (2) A parking, standing, compliance, or automated
19 speed or traffic law violation notice that shall specify
20 the date, time, and place of violation of a parking,
21 standing, compliance, or automated speed or traffic law
22 regulation; the particular regulation violated; the fine
23 and any penalty that may be assessed for late payment, when
24 so provided by ordinance; the vehicle make and state
25 registration number; and the identification number of the
26 person issuing the notice. With regard to automated speed

1 or traffic law violations, vehicle make shall be specified
2 on the automated speed or traffic law violation notice if
3 the make is available and readily discernible. With regard
4 to municipalities with a population of 1 million or more,
5 it shall be grounds for dismissal of a parking violation if
6 the state registration number or vehicle make specified is
7 incorrect. The violation notice shall state that the
8 payment of the indicated fine, and of any applicable
9 penalty for late payment, shall operate as a final
10 disposition of the violation. The notice also shall contain
11 information as to the availability of a hearing in which
12 the violation may be contested on its merits. The violation
13 notice shall specify the time and manner in which a hearing
14 may be had.

15 (3) Service of the parking, standing, or compliance
16 violation notice by affixing the original or a facsimile of
17 the notice to an unlawfully parked vehicle or by handing
18 the notice to the operator of a vehicle if he or she is
19 present and service of an automated speed or traffic law
20 violation notice by mail to the address of the registered
21 owner of the cited vehicle as recorded with the Secretary
22 of State within 30 days after the Secretary of State
23 notifies the municipality or county of the identity of the
24 owner of the vehicle, but in no event later than 90 days
25 after the violation. A person authorized by ordinance to
26 issue and serve parking, standing, and compliance

1 violation notices shall certify as to the correctness of
2 the facts entered on the violation notice by signing his or
3 her name to the notice at the time of service or in the
4 case of a notice produced by a computerized device, by
5 signing a single certificate to be kept by the traffic
6 compliance administrator attesting to the correctness of
7 all notices produced by the device while it was under his
8 or her control. In the case of an automated traffic law
9 violation, the ordinance shall require a determination by a
10 technician employed or contracted by the municipality or
11 county that, based on inspection of recorded images, the
12 motor vehicle was being operated in violation of Section
13 11-208.6 or a local ordinance. If the technician determines
14 that the vehicle entered the intersection as part of a
15 funeral procession or in order to yield the right-of-way to
16 an emergency vehicle, a citation shall not be issued. In
17 the case of a automated speed enforcement system violation,
18 the ordinance shall require a determination by a technician
19 employed or contracted by the municipality or county or
20 entity having a contract with the municipality or county
21 that, based on inspection of recorded images, the motor
22 vehicle was being operated in violation of Section 11-605
23 or a similar local ordinance. The original or a facsimile
24 of the violation notice or, in the case of a notice
25 produced by a computerized device, a printed record
26 generated by the device showing the facts entered on the

1 notice, shall be retained by the traffic compliance
2 administrator, and shall be a record kept in the ordinary
3 course of business. A parking, standing, compliance, or
4 automated speed or traffic law violation notice issued,
5 signed and served in accordance with this Section, a copy
6 of the notice, or the computer generated record shall be
7 prima facie correct and shall be prima facie evidence of
8 the correctness of the facts shown on the notice. The
9 notice, copy, or computer generated record shall be
10 admissible in any subsequent administrative or legal
11 proceedings.

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

1 Section may be represented by counsel at their expense. The
2 ordinance may also provide for internal administrative
3 review following the decision of the hearing officer.

4 (5) Service of additional notices, sent by first class
5 United States mail, postage prepaid, to the address of the
6 registered owner of the cited vehicle as recorded with the
7 Secretary of State or, if any notice to that address is
8 returned as undeliverable, to the last known address
9 recorded in a United States Post Office approved database,
10 or, under Section 11-1306 of this Code, to the lessee of
11 the cited vehicle at the last address known to the lessor
12 of the cited vehicle at the time of lease or, if any notice
13 to that address is returned as undeliverable, to the last
14 known address recorded in a United States Post Office
15 approved database. The service shall be deemed complete as
16 of the date of deposit in the United States mail. The
17 notices shall be in the following sequence and shall
18 include but not be limited to the information specified
19 herein:

20 (i) A second notice of parking, standing, or
21 compliance violation. This notice shall specify the
22 date and location of the violation cited in the
23 parking, standing, or compliance violation notice, the
24 particular regulation violated, the vehicle make and
25 state registration number, the fine and any penalty
26 that may be assessed for late payment when so provided

1 by ordinance, the availability of a hearing in which
2 the violation may be contested on its merits, and the
3 time and manner in which the hearing may be had. The
4 notice of violation shall also state that failure
5 either to pay the indicated fine and any applicable
6 penalty, or to appear at a hearing on the merits in the
7 time and manner specified, will result in a final
8 determination of violation liability for the cited
9 violation in the amount of the fine or penalty
10 indicated, and that, upon the occurrence of a final
11 determination of violation liability for the failure,
12 and the exhaustion of, or failure to exhaust, available
13 administrative or judicial procedures for review, any
14 unpaid fine or penalty will constitute a debt due and
15 owing the municipality.

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

1 specified may result in the municipality's filing of a
2 petition in the Circuit Court to have the unpaid fine
3 or penalty rendered a judgment as provided by this
4 Section, or may result in suspension of the person's
5 drivers license for failure to pay fines or penalties
6 for 10 or more parking violations under Section 6-306.5
7 or 5 or more automated traffic law violations under
8 Section 11-208.6 or 5 or more automated speed
9 enforcement system violations under Section 11-208.7.

10 (6) A Notice of impending drivers license suspension.
11 This notice shall be sent to the person liable for any fine
12 or penalty that remains due and owing on 10 or more parking
13 violations or 5 or more unpaid automated speed or traffic
14 law violations. The notice shall state that failure to pay
15 the fine or penalty owing within 45 days of the notice's
16 date will result in the municipality notifying the
17 Secretary of State that the person is eligible for
18 initiation of suspension proceedings under Section 6-306.5
19 of this Code. The notice shall also state that the person
20 may obtain a photostatic copy of an original ticket
21 imposing a fine or penalty by sending a self addressed,
22 stamped envelope to the municipality along with a request
23 for the photostatic copy. The notice of impending drivers
24 license suspension shall be sent by first class United
25 States mail, postage prepaid, to the address recorded with
26 the Secretary of State or, if any notice to that address is

1 returned as undeliverable, to the last known address
2 recorded in a United States Post Office approved database.

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

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

1 request a new date for a hearing. With regard to
2 municipalities with a population of 1 million or more, it
3 shall be grounds for dismissal of a parking violation if
4 the state registration number, or vehicle make if
5 specified, is incorrect. After the determination of
6 parking, standing, compliance, or automated speed or
7 traffic law violation liability has been set aside upon a
8 showing of just cause, the registered owner shall be
9 provided with a hearing on the merits for that violation.

10 (9) Procedures for non-residents. Procedures by which
11 persons who are not residents of the municipality may
12 contest the merits of the alleged violation without
13 attending a hearing.

14 (10) A schedule of civil fines for violations of
15 vehicular standing, parking, compliance, or automated
16 speed or traffic law regulations enacted by ordinance
17 pursuant to this Section, and a schedule of penalties for
18 late payment of the fines, provided, however, that the
19 total amount of the fine and penalty for any one violation
20 shall not exceed \$250, except as provided in subsection (c)
21 of Section 11-1301.3 of this Code.

22 (11) Other provisions as are necessary and proper to
23 carry into effect the powers granted and purposes stated in
24 this Section.

25 (c) Any municipality establishing vehicular standing,
26 parking, compliance, or automated speed or traffic law

1 regulations under this Section may also provide by ordinance
2 for a program of vehicle immobilization for the purpose of
3 facilitating enforcement of those regulations. The program of
4 vehicle immobilization shall provide for immobilizing any
5 eligible vehicle upon the public way by presence of a restraint
6 in a manner to prevent operation of the vehicle. Any ordinance
7 establishing a program of vehicle immobilization under this
8 Section shall provide:

9 (1) Criteria for the designation of vehicles eligible
10 for immobilization. A vehicle shall be eligible for
11 immobilization when the registered owner of the vehicle has
12 accumulated the number of unpaid final determinations of
13 parking, standing, compliance, or automated speed or
14 traffic law violation liability as determined by
15 ordinance.

16 (2) A notice of impending vehicle immobilization and a
17 right to a hearing to challenge the validity of the notice
18 by disproving liability for the unpaid final
19 determinations of parking, standing, compliance, or
20 automated speed or traffic law violation liability listed
21 on the notice.

22 (3) The right to a prompt hearing after a vehicle has
23 been immobilized or subsequently towed without payment of
24 the outstanding fines and penalties on parking, standing,
25 compliance, or automated speed or traffic law violations
26 for which final determinations have been issued. An order

1 issued after the hearing is a final administrative decision
2 within the meaning of Section 3-101 of the Code of Civil
3 Procedure.

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

7 (d) Judicial review of final determinations of parking,
8 standing, compliance, or automated speed or traffic law
9 violations and final administrative decisions issued after
10 hearings regarding vehicle immobilization and impoundment made
11 under this Section shall be subject to the provisions of the
12 Administrative Review Law.

13 (e) Any fine, penalty, or part of any fine or any penalty
14 remaining unpaid after the exhaustion of, or the failure to
15 exhaust, administrative remedies created under this Section
16 and the conclusion of any judicial review procedures shall be a
17 debt due and owing the municipality and, as such, may be
18 collected in accordance with applicable law. Payment in full of
19 any fine or penalty resulting from a standing, parking,
20 compliance, or automated speed or traffic law violation shall
21 constitute a final disposition of that violation.

22 (f) After the expiration of the period within which
23 judicial review may be sought for a final determination of
24 parking, standing, compliance, or automated speed or traffic
25 law violation, the municipality may commence a proceeding in
26 the Circuit Court for purposes of obtaining a judgment on the

1 final determination of violation. Nothing in this Section shall
2 prevent a municipality from consolidating multiple final
3 determinations of parking, standing, compliance, or automated
4 speed or traffic law violations against a person in a
5 proceeding. Upon commencement of the action, the municipality
6 shall file a certified copy or record of the final
7 determination of parking, standing, compliance, or automated
8 speed or traffic law violation, which shall be accompanied by a
9 certification that recites facts sufficient to show that the
10 final determination of violation was issued in accordance with
11 this Section and the applicable municipal ordinance. Service of
12 the summons and a copy of the petition may be by any method
13 provided by Section 2-203 of the Code of Civil Procedure or by
14 certified mail, return receipt requested, provided that the
15 total amount of fines and penalties for final determinations of
16 parking, standing, compliance, or automated speed or traffic
17 law violations does not exceed \$2500. If the court is satisfied
18 that the final determination of parking, standing, compliance,
19 or automated speed or traffic law violation was entered in
20 accordance with the requirements of this Section and the
21 applicable municipal ordinance, and that the registered owner
22 or the lessee, as the case may be, had an opportunity for an
23 administrative hearing and for judicial review as provided in
24 this Section, the court shall render judgment in favor of the
25 municipality and against the registered owner or the lessee for
26 the amount indicated in the final determination of parking,

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

5 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
6 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

7 (625 ILCS 5/11-208.6)

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

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

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

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

25 (1) 2 or more photographs;

- 1 (2) 2 or more microphotographs;
- 2 (3) 2 or more electronic images; or
- 3 (4) a video recording showing the motor vehicle and, on
- 4 at least one image or portion of the recording, clearly
- 5 identifying the registration plate number of the motor
- 6 vehicle.

7 (c) A county or municipality, including a home rule county

8 or municipality, may not use an automated traffic law

9 enforcement system to provide recorded images of a motor

10 vehicle for the purpose of recording its speed. The regulation

11 of the use of automated traffic law enforcement systems to

12 record vehicle speeds is an exclusive power and function of the

13 State. This subsection (c) is a denial and limitation of home

14 rule powers and functions under subsection (h) of Section 6 of

15 Article VII of the Illinois Constitution. Nothing in this

16 subsection (c) limits the authority of a county or municipality

17 to implement and use an automated speed enforcement system

18 under Section 11-208.7 of this Code.

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

20 local ordinance recorded by an automatic traffic law

21 enforcement system, the county or municipality having

22 jurisdiction shall issue a written notice of the violation to

23 the registered owner of the vehicle as the alleged violator.

24 The notice shall be delivered to the registered owner of the

25 vehicle, by mail, within 30 days after the Secretary of State

26 notifies the municipality or county of the identity of the

1 owner of the vehicle, but in no event later than 90 days after
2 the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of the
5 vehicle;

6 (2) the registration number of the motor vehicle
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

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

11 (6) a copy of the recorded images;

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

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

16 (9) a warning that failure to pay the civil penalty or
17 to contest liability in a timely manner is an admission of
18 liability and may result in a suspension of the driving
19 privileges of the registered owner of the vehicle; and

20 (10) a statement that the person may elect to proceed
21 by:

22 (A) paying the fine; or

23 (B) challenging the charge in court, by mail, or by
24 administrative hearing.

25 (e) If a person charged with a traffic violation, as a
26 result of an automated traffic law enforcement system, does not

1 pay or successfully contest the civil penalty resulting from
2 that violation, the Secretary of State shall suspend the
3 driving privileges of the registered owner of the vehicle under
4 Section 6-306.5 of this Code for failing to pay any fine or
5 penalty due and owing as a result of 5 violations of the
6 automated traffic law enforcement system.

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

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

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

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

26 (2) that the driver of the vehicle passed through the

1 intersection when the light was red either (i) in order to
2 yield the right-of-way to an emergency vehicle or (ii) as
3 part of a funeral procession; and

4 (3) any other evidence or issues provided by municipal
5 or county ordinance.

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

13 (j) Unless the driver of the motor vehicle received a
14 Uniform Traffic Citation from a police officer at the time of
15 the violation, the motor vehicle owner is subject to a civil
16 penalty not exceeding \$100, plus an additional penalty of not
17 more than \$100 for failure to pay the original penalty in a
18 timely manner, if the motor vehicle is recorded by an automated
19 traffic law enforcement system. A violation for which a civil
20 penalty is imposed under this Section is not a violation of a
21 traffic regulation governing the movement of vehicles and may
22 not be recorded on the driving record of the owner of the
23 vehicle.

24 (k) An intersection equipped with an automated traffic law
25 enforcement system must be posted with a sign visible to
26 approaching traffic indicating that the intersection is being

1 monitored by an automated traffic law enforcement system.

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

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

10 (Source: P.A. 94-795, eff. 5-22-06.)

11 (625 ILCS 5/11-208.7 new)

12 Sec. 11-208.7. Automated speed enforcement system.

13 (a) As used in this Section:

14 "Automated speed enforcement system" means a technology
15 that:

16 (1) is designed to record the speed of a vehicle and
17 obtain quality recorded images of a motor vehicle, a
18 driver's face, and the motor vehicle registration plate
19 while a driver is violating Section 11-605 of this Code or
20 a similar local ordinance in high-risk locations,
21 including, but not limited to, school speed zones,
22 interstate highways, and areas with a high volume of motor
23 vehicle accidents; a law enforcement officer is not
24 required to be present or to witness the violation;

25 (2) averages speed over a set distance rather than

1 capturing a driver's speed at a moment in time;

2 (3) has a demonstrated capability of producing quality
3 pictures of both a driver's face and license plates in
4 varying weather conditions; and

5 (4) is designed for multi-functional capabilities
6 beyond automated speed enforcement, including (i) locating
7 and apprehending criminals, (ii) locating and apprehending
8 individuals that are the subject of Amber Alerts, and (iii)
9 recovery of stolen vehicles.

10 "Owner" means the registered owner of a motor vehicle or a
11 lessee of a motor vehicle under a lease of 6 months or more.

12 "Recorded images" means images recorded by an automated
13 speed enforcement system displaying the time, date, and
14 location of the violation and showing the motor vehicle and
15 clearly identifying the driver's face and registration plate of
16 the motor vehicle on:

17 (1) one or more photographs;

18 (2) one or more microphotographs;

19 (3) one or more electronic images; or

20 (4) a video recording.

21 (b) The Department:

22 (1) may enact rules to place automated speed
23 enforcement systems on interstate highways in areas
24 determined to be high-risk locations due to traffic
25 congestion or a high volume of motor vehicle accidents or
26 other similar criteria;

1 (2) must enact rules to place automated speed
2 enforcement systems in high-risk locations of a county or
3 municipality upon a formal request by the county or
4 municipality and approval by the Department pursuant to
5 subsection (c) of this Section;

6 (3) may enact rules to provide for a system of
7 enforcement and administrative adjudication of violation
8 notices issued pursuant to this Section where the violation
9 occurs on an interstate highway and a civil penalty is
10 assessed;

11 (4) may enter into contracts with private vendors to
12 establish a system of providing uniform automated speed
13 enforcement systems under this Section;

14 (5) must hire a firm that is independent of the private
15 vendor in subdivision (4) of this subsection (b) and the
16 independent firm in subdivision (6) of this subsection (b)
17 to regularly test the accuracy of automated speed
18 enforcement systems under this Section;

19 (6) must hire a firm that is independent of the private
20 vendor in subdivision (4) of this subsection (b) and the
21 independent firm in subdivision (5) of this subsection (b)
22 to conduct a formal evaluation of automated speed
23 enforcement systems under this Section and the impact of
24 those systems on high-risk locations. The evaluation must
25 occur within 2 years of the first violation notice issued
26 by a automated speed enforcement system;

1 (7) may enact rules to determine the amounts of each
2 civil penalty assessed for a violation of this Section or a
3 similar local ordinance that will be distributed to the
4 public entities under subsection (1) of this Section. The
5 rules must include, at a minimum, that amount of funds
6 collected from each violation of this Section or a similar
7 local ordinance that will be disbursed from the Automated
8 Speed Enforcement Fund:

9 (A) to the Department for the purposes in
10 subsection (1) of this Section;

11 (B) if a county or municipality issued the
12 violation notice, to the county or municipality that
13 issued the notice for the purposes in subsection (1);

14 (C) if the violation occurred in a school speed
15 zone, to the school district where the violation
16 occurred for the purposes in subsection (1); and

17 (D) to the State for the purposes in subsection
18 (1).

19 (8) must conduct a public information campaign
20 regarding automated speed enforcement systems before the
21 issuance of violation notices pursuant to this Section. The
22 public information must continue throughout the life of the
23 automated speed enforcement system.

24 (c) A county or municipality may enact ordinances to
25 request that the Department place an automated speed
26 enforcement system in areas determined to be high-risk

1 locations due to pedestrian or traffic congestion or a high
2 volume of motor vehicle accidents or other similar criteria. A
3 formal request to place an automated speed enforcement system
4 in a high-risk location pursuant to this subsection (c) is
5 subject to the final approval of the Department. The county or
6 municipality may enact ordinances to provide for enforcement of
7 automated speed enforcement system violations and provide for a
8 system of administrative adjudication of violation notices
9 where a civil penalty is assessed for a violation pursuant to
10 Section 11-208.3 of this Code.

11 (d) For each violation of a provision of Section 11-605 of
12 this Code or a similar local ordinance recorded by an automated
13 speed enforcement system, the Department or the county or
14 municipality having jurisdiction must issue a written notice of
15 the violation to the owner of the vehicle. The notice must be
16 delivered to the owner of the vehicle, by mail, within 7 days
17 after the municipality or county is notified of the identity of
18 the owner of the vehicle, but in no event later than 120 days
19 after the violation.

20 The notice must include:

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

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

24 (3) the violation charged;

25 (4) the location where the violation occurred;

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

1 (6) a copy of the recorded images, including a photo of
2 the driver's face and license plate;

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

5 (8) a signed statement by a technician employed by the
6 Department or county or municipality having jurisdiction
7 that, based on inspection of recorded images, the motor
8 vehicle was being operated in violation of Section 11-605
9 of this Code or a similar local ordinance;

10 (9) a signed statement by a technician employed by the
11 Department that the automated speed enforcement system
12 recording the person was tested and correctly calibrated on
13 the date of the violation;

14 (10) a statement that recorded images are evidence of
15 an automated speed enforcement system violation;

16 (11) information advising the person alleged to have
17 violated the automated speed enforcement system:

18 (A) of the manner, time, and place that the
19 violation may be contested; and

20 (B) a warning that failure to pay the civil penalty
21 or to contest liability in a timely manner is an
22 admission of liability and may result in a suspension
23 of the driving privileges of the owner of the vehicle;
24 and

25 (12) a statement that the person may elect to proceed
26 by:

- 1 (A) paying the citation or civil penalty;
2 (B) challenging the charge by trial or by
3 administrative hearing; or
4 (C) identifying the person operating the motor
5 vehicle at the time of the violation, including the
6 person's name and current address.

7 (e) If the person named in the violation notice is the
8 owner of a commercial motor vehicle, as defined in Section
9 6-500 of this Code, named in the violation notice, the person
10 may demonstrate that the person did not violate this Section or
11 similar local ordinance by mailing a certified letter
12 containing an affidavit that (i) swears that the person named
13 in the violation notice was not operating the commercial motor
14 vehicle at the time of the violation and (ii) provides the
15 name, current address, and driver's license number of the
16 person who was operating the commercial motor vehicle at the
17 time of the violation.

18 (f) In any hearing for which a civil penalty is assessed
19 for a violation of this Section or a similar local ordinance,
20 the rules of evidence must include:

21 (1) based on inspection of recorded images produced by
22 an automated speed enforcement system, a notice alleging
23 that the violation occurred is evidence of the facts
24 contained in the notice and admissible in any proceeding
25 alleging a violation under this Section;

26 (2) the standard of proof is by the preponderance of

1 the evidence; and

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

4 (A) that the motor vehicle or registration plates
5 of the motor vehicle were stolen before the violation
6 occurred and not under the control of or in the
7 possession of the owner at the time of the violation;
8 to demonstrate that the motor vehicle or the
9 registration plates were stolen before the violation
10 occurred and were not under the control or possession
11 of the owner at the time of the violation, the owner
12 must submit proof that a report concerning the stolen
13 motor vehicle or registration plates was filed with a
14 law enforcement agency in a timely manner;

15 (B) that evidence satisfactory to the court or
16 hearing officer that the person named in the violation
17 notice was not operating the vehicle at the time of the
18 violation; if the court or hearing officer finds that
19 the person named in the violation notice was not
20 operating the vehicle at the time of the violation, the
21 owner is not liable; if the court or hearing officer
22 has evidence that another identified person was
23 driving the vehicle at the time of the violation, the
24 court or hearing officer must provide the Department or
25 unit of local government that evidence and the
26 Department or unit of local government may issue a

1 notice violation to the identified person pursuant to
2 this Section; or

3 (C) any other evidence the court or hearing officer
4 deems pertinent to the hearing.

5 (g) Recorded images made by an automated speed enforcement
6 system are confidential and shall be made available only to the
7 alleged violator and governmental and law enforcement agencies
8 for purposes of adjudicating a violation of this Section, for
9 statistical purposes, or for other governmental purposes
10 including, but not limited to, evaluation of an automated speed
11 enforcement system under subdivision (6) of subsection (b) of
12 this Section. Any recorded image evidencing a violation,
13 however, may be admissible in any hearing resulting from the
14 issuance of the citation.

15 (h) Unless the driver of the motor vehicle was cited by a
16 police officer at the time of the violation, the motor vehicle
17 owner is subject to a civil penalty. A violation for which a
18 civil penalty is imposed under this Section is not a violation
19 of a traffic regulation governing the movement of vehicles and
20 may not be recorded on the driving record of the owner of the
21 vehicle. Notwithstanding any other provision of law, the civil
22 penalty for a violation under this Section is as follows:

23 (1) For violations issued by the Department:

24 (A) \$165 for traveling 15 mph over the posted speed
25 limit on an interstate highway;

26 (B) \$200 for traveling 16 through 30 mph over the

1 posted speed limit on an interstate highway; and

2 (C) \$300 for traveling 31 mph or more over the
3 posted speed limit on an interstate highway.

4 (2) For violations issued by a county of municipality,
5 the civil penalty for violation of this Section or a
6 similar local ordinance is in the discretion of the county
7 or municipality and must be enacted by local ordinance.

8 (i) All civil penalties collected for a violation of this
9 Section or a similar local ordinance shall be deposited into an
10 Automated Speed Enforcement Fund. Funds in the Automated Speed
11 Enforcement Fund shall be disbursed according to rules adopted
12 by the Department pursuant to subdivision (7) of subsection (b)
13 and as provided for in subsection (l) of this Section.

14 (j) The Secretary of State may suspend the driving
15 privileges of the owner of the vehicle under Section 6-306.5 of
16 this Code for failing to pay any fine or penalty due and owing
17 as a result of 5 violations of the automated traffic law
18 enforcement system under Section 11-208.6 of this Code or the
19 automated speed enforcement system under this Section or any
20 combination thereof. The Secretary of State may refuse to issue
21 or renew registration for vehicles owned by a person failing to
22 pay a civil penalty for violation of this Section or a similar
23 local ordinance.

24 (k) A high-risk location that is equipped with an automated
25 speed enforcement system must be posted with a sign visible to
26 approaching traffic one-half mile before the high-risk

1 location indicating that the area is being monitored by an
2 automated speed enforcement system.

3 (1) The Automated Speed Enforcement Fund is created a
4 special fund in the State treasury. All moneys in the Automated
5 Speed Enforcement Fund shall be paid, subject to appropriation
6 by the General Assembly and approval by the Secretary, to:

7 (1) the Department for the acquisition, installation,
8 replacement, public information campaigns, evaluations,
9 and administration of automated speed enforcement systems
10 under this Section;

11 (2) a school district for the upgrading and improvement
12 of educational programs;

13 (3) a county or municipality for the administration of
14 automated speed enforcement system violations under this
15 Section and the general revenue of the county or
16 municipality; and

17 (4) the General Revenue Fund of this State.

18 (625 ILCS 5/11-612)

19 Sec. 11-612. Certain systems to record vehicle speeds
20 prohibited. Except as authorized in Section 11-208.7 of this
21 Code or in the Automated Traffic Control Systems in Highway
22 Construction or Maintenance Zones Act, no photographic, video,
23 or other imaging system may be used in this State to record
24 vehicle speeds for the purpose of enforcing any law or
25 ordinance regarding a maximum or minimum speed limit unless a

1 law enforcement officer is present at the scene and witnesses
2 the event. No State or local governmental entity, including a
3 home rule county or municipality, may use such a system in a
4 way that is prohibited by this Section. The regulation of the
5 use of such systems is an exclusive power and function of the
6 State. This Section is a denial and limitation of home rule
7 powers and functions under subsection (h) of Section 6 of
8 Article VII of the Illinois Constitution.

9 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
10 94-814, eff. 1-1-07.)

11 Section 10. The State Finance Act is amended by adding
12 Section 5.719 as follows:

13 (30 ILCS 105/5.719 new)

14 Sec. 5.719. The Automated Speed Enforcement Fund.

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