



Rep. Barbara Flynn Currie

Filed: 11/7/2011

09700SB1865ham002

LRB097 05382 HEP 59555 a

1 AMENDMENT TO SENATE BILL 1865

2 AMENDMENT NO. _____. Amend Senate Bill 1865, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. If and only if Senate Bill 965 of the 97th
6 General Assembly becomes law in the form in which it passed the
7 Senate, the Illinois Vehicle Code is amended by changing
8 Section 11-208.8 as follows:

9 (625 ILCS 5/11-208.8)

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

12 (a) As used in this Section:

13 "Automated speed enforcement system" means a photographic
14 device, radar device, laser device, or other electrical or
15 mechanical device or devices installed or utilized in a safety
16 zone and designed to record the speed of a vehicle and obtain a

1 clear photograph or other recorded image of the vehicle and the
2 vehicle's registration plate while the driver is violating
3 Article VI of Chapter 11 of this Code or a similar provision of
4 a local ordinance.

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

13 "Owner" means the person or entity to whom the vehicle is
14 registered.

15 "Recorded image" means images recorded by an automated
16 speed enforcement system on:

- 17 (1) 2 or more photographs;
18 (2) 2 or more microphotographs;
19 (3) 2 or more electronic images; or
20 (4) a video recording showing the motor vehicle and, on
21 at least one image or portion of the recording, clearly
22 identifying the registration plate number of the motor
23 vehicle.

24 "Safety zone" means an area that is within one-eighth of a
25 mile from the nearest property line of any public or private
26 elementary or secondary school, or from the nearest property

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

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

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

23 (ii) if the safety zone is based upon the property line
24 of any facility, area, or land owned by a park district, no
25 earlier than one hour prior to the time that the facility,
26 area, or land is open to the public or other patrons, and

1 no later than one hour after the facility, area, or land is
2 closed to the public or other patrons.

3 (b) A municipality that produces a recorded image of a
4 motor vehicle's violation of a provision of this Code or a
5 local ordinance must make the recorded images of a violation
6 accessible to the alleged violator by providing the alleged
7 violator with a website address, accessible through the
8 Internet.

9 (c) Notwithstanding any penalties for any other violations
10 of this Code, the owner of a motor vehicle used in a traffic
11 violation recorded by an automated speed enforcement system
12 shall be subject to a civil penalty not exceeding \$100 for each
13 violation, plus an additional penalty of not more than \$100 for
14 failure to pay the original penalty in a timely manner, unless
15 the driver of the motor vehicle received a Uniform Traffic
16 Citation from a police officer for a speeding violation
17 occurring within one-eighth of a mile and 15 minutes of the
18 violation that was recorded by the system. A violation for
19 which a civil penalty is imposed under this Section is not a
20 violation of a traffic regulation governing the movement of
21 vehicles and may not be recorded on the driving record of the
22 owner of the vehicle. A law enforcement officer is not required
23 to be present or to witness the violation. No penalty may be
24 imposed under this Section if the recorded speed of a vehicle
25 is 5 miles per hour or less over the legal speed limit. The
26 municipality may send, in the same manner that notices are sent

1 under this Section, a speed violation warning notice where the
2 violation involves a speed of 5 miles per hour or less above
3 the legal speed limit.

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

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

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

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

21 (iv) after school programs.

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

1 to the registered owner of the vehicle, by mail, within 30 days
2 after the Secretary of State notifies the municipality of the
3 identity of the owner of the vehicle, but in no event later
4 than 90 days after the violation.

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

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

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

11 (3) the violation charged;

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

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

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

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

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

23 (9) a statement that the person may elect to proceed
24 by:

25 (A) paying the fine; or

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

1 administrative hearing; and

2 (10) a website address, accessible through the
3 Internet, where the person may view the recorded images of
4 the violation.

5 (g) If a person charged with a traffic violation, as a
6 result of an automated speed enforcement system, does not pay
7 the fine or successfully contest the civil penalty resulting
8 from that violation, the Secretary of State shall suspend the
9 driving privileges of the registered owner of the vehicle under
10 Section 6-306.5 of this Code for failing to pay any fine or
11 penalty due and owing, or both, as a result of a combination of
12 5 violations of the automated speed enforcement system or the
13 automated traffic law under Section 11-208.6 of this Code.

14 (h) Based on inspection of recorded images produced by an
15 automated speed enforcement system, a notice alleging that the
16 violation occurred shall be evidence of the facts contained in
17 the notice and admissible in any proceeding alleging a
18 violation under this Section.

19 (i) Recorded images made by an automated speed enforcement
20 system are confidential and shall be made available only to the
21 alleged violator and governmental and law enforcement agencies
22 for purposes of adjudicating a violation of this Section, for
23 statistical purposes, or for other governmental purposes. Any
24 recorded image evidencing a violation of this Section, however,
25 may be admissible in any proceeding resulting from the issuance
26 of the citation.

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

3 (1) that the motor vehicle or registration plates of
4 the motor vehicle were stolen before the violation occurred
5 and not under the control or in the possession of the owner
6 at the time of the violation;

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

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

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

21 (l) A roadway equipped with an automated speed enforcement
22 system shall be posted with a sign conforming to the national
23 Manual on Uniform Traffic Control Devices that is visible to
24 approaching traffic stating that vehicle speeds are being
25 photo-enforced and indicating the speed limit. The
26 municipality shall install such additional signage as it

1 determines is necessary to give reasonable notice to drivers as
2 to where automated speed enforcement systems are installed.

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

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

13 (o) A municipality shall make a certified report to the
14 Secretary of State pursuant to Section 6-306.5 of this Code
15 whenever a registered owner of a vehicle has failed to pay any
16 fine or penalty due and owing as a result of a combination of 5
17 offenses for automated speed or traffic law enforcement system
18 violations.

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

1 subsequently individually requested by the appropriate
2 authority if needed for enforcement of this Section.

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

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

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

1 website of the municipality.

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

4 (Source: 09700SB0965eng.)

5 Section 99. Effective date. This Act takes effect July 1,
6 2012.".