

# HB4632



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4632

by Rep. Jay Hoffman

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.8

Amends the Illinois Vehicle Code. Removes the restriction on municipalities with a population under 1,000,000 using automated speed enforcement systems in safety zones. Provides that in municipalities with a population of 1,000,000 or more, automated speed enforcement systems may not be used on Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.

LRB098 18511 MLW 53648 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 changing  
5 Section 11-208.8 as follows:

6 (625 ILCS 5/11-208.8)

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

9 (a) As used in this Section:

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

18 An automated speed enforcement system is a system, located  
19 in a safety zone which is under the jurisdiction of a  
20 municipality, that produces a recorded image of a motor  
21 vehicle's violation of a provision of this Code or a local  
22 ordinance and is designed to obtain a clear recorded image of  
23 the vehicle and the vehicle's license plate. The recorded image

1 must also display the time, date, and location of the  
2 violation.

3 "Owner" means the person or entity to whom the vehicle is  
4 registered.

5 "Recorded image" means images recorded by an automated  
6 speed enforcement system on:

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

10 (4) a video recording showing the motor vehicle and, on  
11 at least one image or portion of the recording, clearly  
12 identifying the registration plate number of the motor  
13 vehicle.

14 "Safety zone" means an area that is within one-eighth of a  
15 mile from the nearest property line of any public or private  
16 elementary or secondary school, or from the nearest property  
17 line of any facility, area, or land owned by a school district  
18 that is used for educational purposes approved by the Illinois  
19 State Board of Education, not including school district  
20 headquarters or administrative buildings. A safety zone also  
21 includes an area that is within one-eighth of a mile from the  
22 nearest property line of any facility, area, or land owned by a  
23 park district used for recreational purposes. However, if any  
24 portion of a roadway is within either one-eighth mile radius,  
25 the safety zone also shall include the roadway extended to the  
26 furthest portion of the next furthest intersection. In

1 municipalities with a population of 1,000,000 or more  
2 inhabitants the ~~The~~ term "safety zone" does not include any  
3 portion of the roadway known as Lake Shore Drive or any  
4 controlled access highway with 8 or more lanes of traffic.

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

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

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

20 (b) A municipality that produces a recorded image of a  
21 motor vehicle's violation of a provision of this Code or a  
22 local ordinance must make the recorded images of a violation  
23 accessible to the alleged violator by providing the alleged  
24 violator with a website address, accessible through the  
25 Internet.

26 (c) Notwithstanding any penalties for any other violations

1 of this Code, the owner of a motor vehicle used in a traffic  
2 violation recorded by an automated speed enforcement system  
3 shall be subject to the following penalties:

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

9 (2) if the recorded speed is more than 10 miles per  
10 hour over the legal speed limit, a civil penalty not  
11 exceeding \$100, plus an additional penalty of not more than  
12 \$100 for failure to pay the original penalty in a timely  
13 manner.

14 A penalty may not be imposed under this Section if the  
15 driver of the motor vehicle received a Uniform Traffic Citation  
16 from a police officer for a speeding violation occurring within  
17 one-eighth of a mile and 15 minutes of the violation that was  
18 recorded by the system. A violation for which a civil penalty  
19 is imposed under this Section is not a violation of a traffic  
20 regulation governing the movement of vehicles and may not be  
21 recorded on the driving record of the owner of the vehicle. A  
22 law enforcement officer is not required to be present or to  
23 witness the violation. No penalty may be imposed under this  
24 Section if the recorded speed of a vehicle is 5 miles per hour  
25 or less over the legal speed limit. The municipality may send,  
26 in the same manner that notices are sent under this Section, a

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

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

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

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

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

20 (iv) after school programs.

21 (e) For each violation of a provision of this Code or a  
22 local ordinance recorded by an automated speed enforcement  
23 system, the municipality having jurisdiction shall issue a  
24 written notice of the violation to the registered owner of the  
25 vehicle as the alleged violator. The notice shall be delivered  
26 to the registered owner of the vehicle, by mail, within 30 days

1 after the Secretary of State notifies the municipality of the  
2 identity of the owner of the vehicle, but in no event later  
3 than 90 days after the violation.

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

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

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

10 (3) the violation charged;

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

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

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

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

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

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

24 (A) paying the fine; or

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

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

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

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

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

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



1 a violation:

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

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

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

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

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

1 to where automated speed enforcement systems are installed.

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

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

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

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

1 authority if needed for enforcement of this Section.

2 Upon the provision of information by the lessor pursuant to  
3 this subsection, the municipality may issue the violation to  
4 the lessee of the vehicle in the same manner as it would issue  
5 a violation to a registered owner of a vehicle pursuant to this  
6 Section, and the lessee may be held liable for the 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, traffic,  
15 and other data, and shall cover a period of time before and  
16 after installation of the system sufficient to provide a  
17 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) (Blank). ~~This Section applies only to municipalities~~  
2 ~~with a population of 1,000,000 or more inhabitants.~~

3           (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12; 98-463,  
4           eff. 8-16-13.)