



Rep. Jay Hoffman

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LRB098 18511 MLW 56515 a

1 AMENDMENT TO HOUSE BILL 4632

2 AMENDMENT NO. _____. Amend House Bill 4632 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208.3 and 11-208.8 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

11 (a) Any municipality or county may provide by ordinance for
12 a system of administrative adjudication of vehicular standing
13 and parking violations and vehicle compliance violations as
14 described in this subsection, automated traffic law violations
15 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
16 automated speed enforcement system violations as defined in

1 Section 11-208.8. The administrative system shall have as its
2 purpose the fair and efficient enforcement of municipal or
3 county regulations through the administrative adjudication of
4 automated speed enforcement system or automated traffic law
5 violations and violations of municipal or county ordinances
6 regulating the standing and parking of vehicles, the condition
7 and use of vehicle equipment, and the display of municipal or
8 county wheel tax licenses within the municipality's or county's
9 borders. The administrative system shall only have authority to
10 adjudicate civil offenses carrying fines not in excess of \$500
11 or requiring the completion of a traffic education program, or
12 both, that occur after the effective date of the ordinance
13 adopting such a system under this Section. For purposes of this
14 Section, "compliance violation" means a violation of a
15 municipal or county regulation governing the condition or use
16 of equipment on a vehicle or governing the display of a
17 municipal or county wheel tax license.

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

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

1 law violations, and operate an administrative adjudication
2 system. The traffic compliance administrator also may make
3 a certified report to the Secretary of State under Section
4 6-306.5.

5 (2) A parking, standing, compliance, automated speed
6 enforcement system, or automated traffic law violation
7 notice that shall specify the date, time, and place of
8 violation of a parking, standing, compliance, automated
9 speed enforcement system, or automated traffic law
10 regulation; the particular regulation violated; any
11 requirement to complete a traffic education program; the
12 fine and any penalty that may be assessed for late payment
13 or failure to complete a required traffic education
14 program, or both, when so provided by ordinance; the
15 vehicle make and state registration number; and the
16 identification number of the person issuing the notice.
17 With regard to automated speed enforcement system or
18 automated traffic law violations, vehicle make shall be
19 specified on the automated speed enforcement system or
20 automated traffic law violation notice if the make is
21 available and readily discernible. With regard to
22 municipalities or counties with a population of 1 million
23 or more, it shall be grounds for dismissal of a parking
24 violation if the state registration number or vehicle make
25 specified is incorrect. The violation notice shall state
26 that the completion of any required traffic education

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

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

1 the violation notice by signing his or her name to the
2 notice at the time of service or in the case of a notice
3 produced by a computerized device, by signing a single
4 certificate to be kept by the traffic compliance
5 administrator attesting to the correctness of all notices
6 produced by the device while it was under his or her
7 control. In the case of an automated traffic law violation,
8 the ordinance shall require a determination by a technician
9 employed or contracted by the municipality or county that,
10 based on inspection of recorded images, the motor vehicle
11 was being operated in violation of Section 11-208.6,
12 11-208.9, or 11-1201.1 or a local ordinance. If the
13 technician determines that the vehicle entered the
14 intersection as part of a funeral procession or in order to
15 yield the right-of-way to an emergency vehicle, a citation
16 shall not be issued. In municipalities with a population of
17 less than 1,000,000 inhabitants and counties with a
18 population of less than 3,000,000 inhabitants, the
19 automated traffic law ordinance shall require that all
20 determinations by a technician that a motor vehicle was
21 being operated in violation of Section 11-208.6, 11-208.9,
22 or 11-1201.1 or a local ordinance must be reviewed and
23 approved by a law enforcement officer or retired law
24 enforcement officer of the municipality or county issuing
25 the violation. In municipalities with a population of
26 1,000,000 or more inhabitants and counties with a

1 population of 3,000,000 or more inhabitants, the automated
2 traffic law ordinance shall require that all
3 determinations by a technician that a motor vehicle was
4 being operated in violation of Section 11-208.6, 11-208.9,
5 or 11-1201.1 or a local ordinance must be reviewed and
6 approved by a law enforcement officer or retired law
7 enforcement officer of the municipality or county issuing
8 the violation or by an additional fully-trained reviewing
9 technician who is not employed by the contractor who
10 employs the technician who made the initial determination.
11 In the case of an automated speed enforcement system
12 violation, the ordinance shall require a determination by a
13 technician employed by the municipality, based upon an
14 inspection of recorded images, video or other
15 documentation, including documentation of the speed limit
16 and automated speed enforcement signage, and documentation
17 of the inspection, calibration, and certification of the
18 speed equipment, that the vehicle was being operated in
19 violation of Article VI of Chapter 11 of this Code or a
20 similar local ordinance. If the technician determines that
21 the vehicle speed was not determined by a calibrated,
22 certified speed equipment device based upon the speed
23 equipment documentation, or if the vehicle was an emergency
24 vehicle, a citation may not be issued. The automated speed
25 enforcement ordinance shall require that all
26 determinations by a technician that a violation occurred be

1 reviewed and approved by a law enforcement officer or
2 retired law enforcement officer of the municipality
3 issuing the violation or by an additional fully trained
4 reviewing technician who is not employed by the contractor
5 who employs the technician who made the initial
6 determination. Routine and independent calibration of the
7 speeds produced by automated speed enforcement systems and
8 equipment shall be conducted annually by a qualified
9 technician. Speeds produced by an automated speed
10 enforcement system shall be compared with speeds produced
11 by lidar or other independent equipment. Radar ~~Qualified~~
12 ~~technicians shall test radar~~ or lidar equipment shall
13 undergo an internal validation test no less frequently than
14 once each week. Qualified technicians, ~~and~~ shall test loop
15 based equipment no less frequently than once a year. Radar
16 equipment shall be checked for accuracy by a qualified
17 technician when the unit is serviced, when unusual or
18 suspect readings persist, or when deemed necessary by a
19 reviewing technician. Radar equipment shall be checked
20 with the internal frequency generator and certified tuning
21 ~~forks,~~ the internal circuit test, ~~and diode display test~~
22 whenever the radar is turned on. Technicians must be alert
23 for any unusual or suspect readings, and if unusual or
24 suspect readings of a radar unit persist, that unit shall
25 immediately be removed from service and not returned to
26 service until it has been checked by a qualified technician

1 and determined to be functioning properly. Documentation
2 of the annual calibration results, including the equipment
3 tested, test date, technician performing the test, and test
4 results, shall be maintained and available for use in the
5 determination of an automated speed enforcement system
6 violation and issuance of a citation. The technician
7 performing the calibration and testing of the automated
8 speed enforcement equipment shall be trained and certified
9 in the use of equipment for speed enforcement purposes.
10 Training on the speed enforcement equipment may be
11 conducted by law enforcement, civilian, or manufacturer's
12 personnel ~~and shall be equivalent to the equipment use and~~
13 ~~operations training included in the Speed Measuring Device~~
14 ~~Operator Program developed by the National Highway Traffic~~
15 ~~Safety Administration (NHTSA). The vendor technician who~~
16 ~~performs the work~~ shall keep accurate records on each piece
17 of equipment the technician calibrates and tests. As used
18 in this paragraph, "fully-trained reviewing technician"
19 means a person who has received at least 40 hours of
20 supervised training in subjects which shall include image
21 inspection and interpretation, the elements necessary to
22 prove a violation, license plate identification, and
23 traffic safety and management. In all municipalities and
24 counties, the automated speed enforcement system or
25 automated traffic law ordinance shall require that no
26 additional fee shall be charged to the alleged violator for

1 exercising his or her right to an administrative hearing,
2 and persons shall be given at least 25 days following an
3 administrative hearing to pay any civil penalty imposed by
4 a finding that Section 11-208.6, 11-208.8, 11-208.9, or
5 11-1201.1 or a similar local ordinance has been violated.
6 The original or a facsimile of the violation notice or, in
7 the case of a notice produced by a computerized device, a
8 printed record generated by the device showing the facts
9 entered on the notice, shall be retained by the traffic
10 compliance administrator, and shall be a record kept in the
11 ordinary course of business. A parking, standing,
12 compliance, automated speed enforcement system, or
13 automated traffic law violation notice issued, signed and
14 served in accordance with this Section, a copy of the
15 notice, or the computer generated record shall be prima
16 facie correct and shall be prima facie evidence of the
17 correctness of the facts shown on the notice. The notice,
18 copy, or computer generated record shall be admissible in
19 any subsequent administrative or legal proceedings.

20 (4) An opportunity for a hearing for the registered
21 owner of the vehicle cited in the parking, standing,
22 compliance, automated speed enforcement system, or
23 automated traffic law violation notice in which the owner
24 may contest the merits of the alleged violation, and during
25 which formal or technical rules of evidence shall not
26 apply; provided, however, that under Section 11-1306 of

1 this Code the lessee of a vehicle cited in the violation
2 notice likewise shall be provided an opportunity for a
3 hearing of the same kind afforded the registered owner. The
4 hearings shall be recorded, and the person conducting the
5 hearing on behalf of the traffic compliance administrator
6 shall be empowered to administer oaths and to secure by
7 subpoena both the attendance and testimony of witnesses and
8 the production of relevant books and papers. Persons
9 appearing at a hearing under this Section may be
10 represented by counsel at their expense. The ordinance may
11 also provide for internal administrative review following
12 the decision of the hearing officer.

13 (5) Service of additional notices, sent by first class
14 United States mail, postage prepaid, to the address of the
15 registered owner of the cited vehicle as recorded with the
16 Secretary of State or, if any notice to that address is
17 returned as undeliverable, to the last known address
18 recorded in a United States Post Office approved database,
19 or, under Section 11-1306 or subsection (p) of Section
20 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
21 of this Code, to the lessee of the cited vehicle at the
22 last address known to the lessor of the cited vehicle at
23 the time of lease or, if any notice to that address is
24 returned as undeliverable, to the last known address
25 recorded in a United States Post Office approved database.
26 The service shall be deemed complete as of the date of

1 deposit in the United States mail. The notices shall be in
2 the following sequence and shall include but not be limited
3 to the information specified herein:

4 (i) A second notice of parking, standing, or
5 compliance violation. This notice shall specify the
6 date and location of the violation cited in the
7 parking, standing, or compliance violation notice, the
8 particular regulation violated, the vehicle make and
9 state registration number, any requirement to complete
10 a traffic education program, the fine and any penalty
11 that may be assessed for late payment or failure to
12 complete a traffic education program, or both, when so
13 provided by ordinance, the availability of a hearing in
14 which the violation may be contested on its merits, and
15 the time and manner in which the hearing may be had.
16 The notice of violation shall also state that failure
17 to complete a required traffic education program, to
18 pay the indicated fine and any applicable penalty, or
19 to appear at a hearing on the merits in the time and
20 manner specified, will result in a final determination
21 of violation liability for the cited violation in the
22 amount of the fine or penalty indicated, and that, upon
23 the occurrence of a final determination of violation
24 liability for the failure, and the exhaustion of, or
25 failure to exhaust, available administrative or
26 judicial procedures for review, any incomplete traffic

1 education program or any unpaid fine or penalty, or
2 both, will constitute a debt due and owing the
3 municipality or county.

4 (ii) A notice of final determination of parking,
5 standing, compliance, automated speed enforcement
6 system, or automated traffic law violation liability.
7 This notice shall be sent following a final
8 determination of parking, standing, compliance,
9 automated speed enforcement system, or automated
10 traffic law violation liability and the conclusion of
11 judicial review procedures taken under this Section.
12 The notice shall state that the incomplete traffic
13 education program or the unpaid fine or penalty, or
14 both, is a debt due and owing the municipality or
15 county. The notice shall contain warnings that failure
16 to complete any required traffic education program or
17 to pay any fine or penalty due and owing the
18 municipality or county, or both, within the time
19 specified may result in the municipality's or county's
20 filing of a petition in the Circuit Court to have the
21 incomplete traffic education program or unpaid fine or
22 penalty, or both, rendered a judgment as provided by
23 this Section, or may result in suspension of the
24 person's drivers license for failure to complete a
25 traffic education program or to pay fines or penalties,
26 or both, for 10 or more parking violations under

1 Section 6-306.5, or a combination of 5 or more
2 automated traffic law violations under Section
3 11-208.6 or 11-208.9 or automated speed enforcement
4 system violations under Section 11-208.8.

5 (6) A notice of impending drivers license suspension.
6 This notice shall be sent to the person liable for failure
7 to complete a required traffic education program or to pay
8 any fine or penalty that remains due and owing, or both, on
9 10 or more parking violations or combination of 5 or more
10 unpaid automated speed enforcement system or automated
11 traffic law violations. The notice shall state that failure
12 to complete a required traffic education program or to pay
13 the fine or penalty owing, or both, within 45 days of the
14 notice's date will result in the municipality or county
15 notifying the Secretary of State that the person is
16 eligible for initiation of suspension proceedings under
17 Section 6-306.5 of this Code. The notice shall also state
18 that the person may obtain a photostatic copy of an
19 original ticket imposing a fine or penalty by sending a
20 self addressed, stamped envelope to the municipality or
21 county along with a request for the photostatic copy. The
22 notice of impending drivers license suspension shall be
23 sent by first class United States mail, postage prepaid, to
24 the address recorded with the Secretary of State or, if any
25 notice to that address is returned as undeliverable, to the
26 last known address recorded in a United States Post Office

1 approved database.

2 (7) Final determinations of violation liability. A
3 final determination of violation liability shall occur
4 following failure to complete the required traffic
5 education program or to pay the fine or penalty, or both,
6 after a hearing officer's determination of violation
7 liability and the exhaustion of or failure to exhaust any
8 administrative review procedures provided by ordinance.
9 Where a person fails to appear at a hearing to contest the
10 alleged violation in the time and manner specified in a
11 prior mailed notice, the hearing officer's determination
12 of violation liability shall become final: (A) upon denial
13 of a timely petition to set aside that determination, or
14 (B) 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, automated speed enforcement system,
18 or automated traffic law violation liability that may be
19 filed by a person owing an unpaid fine or penalty. A
20 petition to set aside a determination of liability may also
21 be filed by a person required to complete a traffic
22 education program. The petition shall be filed with and
23 ruled upon by the traffic compliance administrator in the
24 manner and within the time specified by ordinance. The
25 grounds for the petition may be limited to: (A) the person
26 not having been the owner or lessee of the cited vehicle on

1 the date the violation notice was issued, (B) the person
2 having already completed the required traffic education
3 program or paid the fine or penalty, or both, for the
4 violation in question, and (C) excusable failure to appear
5 at or request a new date for a hearing. With regard to
6 municipalities or counties with a population of 1 million
7 or more, it shall be grounds for dismissal of a parking
8 violation if the state registration number, or vehicle make
9 if specified, is incorrect. After the determination of
10 parking, standing, compliance, automated speed enforcement
11 system, or automated traffic law violation liability has
12 been set aside upon a showing of just cause, the registered
13 owner shall be provided with a hearing on the merits for
14 that violation.

15 (9) Procedures for non-residents. Procedures by which
16 persons who are not residents of the municipality or county
17 may contest the merits of the alleged violation without
18 attending a hearing.

19 (10) A schedule of civil fines for violations of
20 vehicular standing, parking, compliance, automated speed
21 enforcement system, or automated traffic law regulations
22 enacted by ordinance pursuant to this Section, and a
23 schedule of penalties for late payment of the fines or
24 failure to complete required traffic education programs,
25 provided, however, that the total amount of the fine and
26 penalty for any one violation shall not exceed \$250, except

1 as provided in subsection (c) of Section 11-1301.3 of this
2 Code.

3 (11) Other provisions as are necessary and proper to
4 carry into effect the powers granted and purposes stated in
5 this Section.

6 (c) Any municipality or county establishing vehicular
7 standing, parking, compliance, automated speed enforcement
8 system, or automated traffic law regulations under this Section
9 may also provide by ordinance for a program of vehicle
10 immobilization for the purpose of facilitating enforcement of
11 those regulations. The program of vehicle immobilization shall
12 provide for immobilizing any eligible vehicle upon the public
13 way by presence of a restraint in a manner to prevent operation
14 of the vehicle. Any ordinance establishing a program of vehicle
15 immobilization under this Section shall provide:

16 (1) Criteria for the designation of vehicles eligible
17 for immobilization. A vehicle shall be eligible for
18 immobilization when the registered owner of the vehicle has
19 accumulated the number of incomplete traffic education
20 programs or unpaid final determinations of parking,
21 standing, compliance, automated speed enforcement system,
22 or automated traffic law violation liability, or both, as
23 determined by ordinance.

24 (2) A notice of impending vehicle immobilization and a
25 right to a hearing to challenge the validity of the notice
26 by disproving liability for the incomplete traffic

1 education programs or unpaid final determinations of
2 parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability, or
4 both, listed on the notice.

5 (3) The right to a prompt hearing after a vehicle has
6 been immobilized or subsequently towed without the
7 completion of the required traffic education program or
8 payment of the outstanding fines and penalties on parking,
9 standing, compliance, automated speed enforcement system,
10 or automated traffic law violations, or both, for which
11 final determinations have been issued. An order issued
12 after the hearing is a final administrative decision within
13 the meaning of Section 3-101 of the Code of Civil
14 Procedure.

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

18 (d) Judicial review of final determinations of parking,
19 standing, compliance, automated speed enforcement system, or
20 automated traffic law violations and final administrative
21 decisions issued after hearings regarding vehicle
22 immobilization and impoundment made under this Section shall be
23 subject to the provisions of the Administrative Review Law.

24 (e) Any fine, penalty, incomplete traffic education
25 program, or part of any fine or any penalty remaining unpaid
26 after the exhaustion of, or the failure to exhaust,

1 administrative remedies created under this Section and the
2 conclusion of any judicial review procedures shall be a debt
3 due and owing the municipality or county and, as such, may be
4 collected in accordance with applicable law. Completion of any
5 required traffic education program and payment in full of any
6 fine or penalty resulting from a standing, parking, compliance,
7 automated speed enforcement system, or automated traffic law
8 violation shall constitute a final disposition of that
9 violation.

10 (f) After the expiration of the period within which
11 judicial review may be sought for a final determination of
12 parking, standing, compliance, automated speed enforcement
13 system, or automated traffic law violation, the municipality or
14 county may commence a proceeding in the Circuit Court for
15 purposes of obtaining a judgment on the final determination of
16 violation. Nothing in this Section shall prevent a municipality
17 or county from consolidating multiple final determinations of
18 parking, standing, compliance, automated speed enforcement
19 system, or automated traffic law violations against a person in
20 a proceeding. Upon commencement of the action, the municipality
21 or county shall file a certified copy or record of the final
22 determination of parking, standing, compliance, automated
23 speed enforcement system, or automated traffic law violation,
24 which shall be accompanied by a certification that recites
25 facts sufficient to show that the final determination of
26 violation was issued in accordance with this Section and the

1 applicable municipal or county ordinance. Service of the
2 summons and a copy of the petition may be by any method
3 provided by Section 2-203 of the Code of Civil Procedure or by
4 certified mail, return receipt requested, provided that the
5 total amount of fines and penalties for final determinations of
6 parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violations does not exceed
8 \$2500. If the court is satisfied that the final determination
9 of parking, standing, compliance, automated speed enforcement
10 system, or automated traffic law violation was entered in
11 accordance with the requirements of this Section and the
12 applicable municipal or county ordinance, and that the
13 registered owner or the lessee, as the case may be, had an
14 opportunity for an administrative hearing and for judicial
15 review as provided in this Section, the court shall render
16 judgment in favor of the municipality or county and against the
17 registered owner or the lessee for the amount indicated in the
18 final determination of parking, standing, compliance,
19 automated speed enforcement system, or automated traffic law
20 violation, plus costs. The judgment shall have the same effect
21 and may be enforced in the same manner as other judgments for
22 the recovery of money.

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

25 A low-income individual required to complete a traffic
26 education program under this Section who provides proof of

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

6 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,
7 eff. 7-1-12; 98-556, eff. 1-1-14.)

8 (625 ILCS 5/11-208.8)

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

11 (a) As used in this Section:

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

20 An automated speed enforcement system is a system, located
21 in a safety zone which is under the jurisdiction of a
22 municipality, that produces a recorded image of a motor
23 vehicle's violation of a provision of this Code or a local
24 ordinance and is designed to obtain a clear recorded image of
25 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. In municipalities
21 with less than 1,000,000 inhabitants and counties with less
22 than 3,000,000 inhabitants the term "safety zone" shall not
23 include property owned by a park district or roadways adjacent
24 to property owned by a park district unless that property or
25 roadway is also adjacent to property owned by a school district
26 that is used for educational purposes approved by the State

1 Board of Education, not including school district headquarters
2 or administrative buildings. In municipalities with 1,000,000
3 or more inhabitants and counties with 3,000,000 or more
4 inhabitants a safety zone also includes an area that is
5 within one-eighth of a mile from the nearest property line of
6 any facility, area, or land owned by a park district used for
7 recreational purposes. However, if any portion of a roadway is
8 within either one-eighth mile radius, the safety zone also
9 shall include the roadway extended to the furthest portion of
10 the next furthest intersection. In municipalities with a
11 population of 1,000,000 or more inhabitants the ~~The~~ term
12 "safety zone" does not include any portion of the roadway known
13 as Lake Shore Drive or any controlled access highway with 8 or
14 more lanes of traffic.

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

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

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

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

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

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

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

19 (2) if the recorded speed is more than 10 miles per
20 hour over the legal speed limit, a civil penalty not
21 exceeding \$100, plus an additional penalty of not more than
22 \$100 for failure to pay the original penalty in a timely
23 manner.

24 A penalty may not be imposed under this Section if the
25 driver of the motor vehicle received a Uniform Traffic Citation
26 from a police officer for a speeding violation occurring within

1 one-eighth of a mile and 15 minutes of the violation that was
2 recorded by the system. A violation for which a civil penalty
3 is imposed under this Section is not a violation of a traffic
4 regulation governing the movement of vehicles and may not be
5 recorded on the driving record of the owner of the vehicle. A
6 law enforcement officer is not required to be present or to
7 witness the violation. No penalty may be imposed under this
8 Section if the recorded speed of a vehicle is 5 miles per hour
9 or less over the legal speed limit. The municipality may send,
10 in the same manner that notices are sent under this Section, a
11 speed violation warning notice where the violation involves a
12 speed of 5 miles per hour or less above the legal speed limit.

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

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

25 (ii) initiatives to improve pedestrian and traffic
26 safety;

1 (iii) construction and maintenance of infrastructure
2 within the municipality, including but not limited to roads
3 and bridges; and

4 (iv) after school programs.

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

14 (f) The notice required under subsection (e) of this
15 Section shall include:

16 (1) the name and address of the registered owner of the
17 vehicle;

18 (2) the registration number of the motor vehicle
19 involved in the violation;

20 (3) the violation charged;

21 (4) the date, time, and location where the violation
22 occurred;

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

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

26 (7) a statement that recorded images are evidence of a

1 violation of a speed restriction;

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

6 (9) a statement that the person may elect to proceed
7 by:

8 (A) paying the fine; or

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

11 (10) a website address, accessible through the
12 Internet, where the person may view the recorded images of
13 the violation.

14 (g) If a person charged with a traffic violation, as a
15 result of an automated speed enforcement system, does not pay
16 the fine or successfully contest the civil penalty resulting
17 from that violation, the Secretary of State shall suspend the
18 driving privileges of the registered owner of the vehicle under
19 Section 6-306.5 of this Code for failing to pay any fine or
20 penalty due and owing, or both, as a result of a combination of
21 5 violations of the automated speed enforcement system or the
22 automated traffic law under Section 11-208.6 of this Code.

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

1 violation under this Section.

2 (i) Recorded images made by an automated speed enforcement
3 system are confidential and shall be made available only to the
4 alleged violator and governmental and law enforcement agencies
5 for purposes of adjudicating a violation of this Section, for
6 statistical purposes, or for other governmental purposes. Any
7 recorded image evidencing a violation of this Section, however,
8 may be admissible in any proceeding resulting from the issuance
9 of the citation.

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

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

16 (2) that the driver of the motor vehicle received a
17 Uniform Traffic Citation from a police officer for a
18 speeding violation occurring within one-eighth of a mile
19 and 15 minutes of the violation that was recorded by the
20 system; and

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

23 (k) To demonstrate that the motor vehicle or the
24 registration plates were stolen before the violation occurred
25 and were not under the control or possession of the owner at
26 the time of the violation, the owner must submit proof that a

1 report concerning the stolen motor vehicle or registration
2 plates was filed with a law enforcement agency in a timely
3 manner.

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

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

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

22 (o) A municipality shall make a certified report to the
23 Secretary of State pursuant to Section 6-306.5 of this Code
24 whenever a registered owner of a vehicle has failed to pay any
25 fine or penalty due and owing as a result of a combination of 5
26 offenses for automated speed or traffic law enforcement system

1 violations.

2 (p) No person who is the lessor of a motor vehicle pursuant
3 to a written lease agreement shall be liable for an automated
4 speed or traffic law enforcement system violation involving
5 such motor vehicle during the period of the lease; provided
6 that upon the request of the appropriate authority received
7 within 120 days after the violation occurred, the lessor
8 provides within 60 days after such receipt the name and address
9 of the lessee. The drivers license number of a lessee may be
10 subsequently individually requested by the appropriate
11 authority if needed for enforcement of this Section.

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

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

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

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

11 (s) In municipalities with less than 1,000,000 inhabitants
12 and counties with less than 3,000,000 inhabitants, if the
13 municipality or county enacts an ordinance allowing the
14 installation and operation of automated traffic law
15 enforcement systems under this Section, these automated
16 traffic law enforcement systems shall not be used within a
17 safety zone that lies within the boundaries of a school
18 district without the majority approval of the school board for
19 that school district. This Section applies only to
20 municipalities with a population of 1,000,000 or more
21 inhabitants.

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