



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB0141

by Rep. Kenneth Dunkin

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.2	
625 ILCS 5/3-400	from Ch. 95 1/2, par. 3-400
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 5/11-208.9	
625 ILCS 5/11-612	
625 ILCS 5/11-208.6 rep.	
625 ILCS 5/11-208.8 rep.	

Amends the Illinois Vehicle Code. Repeals Sections providing authority to municipalities and counties to use automated traffic law enforcement systems at intersections and in school or park safety zones, in which cameras are used to photograph or video record a motor vehicle's violation of a stop, yield, or speed requirement. Denies home rule powers. Makes conforming and other technical changes. Effective immediately.

LRB099 04045 MRW 24145 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE 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 1-105.2, 3-400, 6-306.5, 11-208, 11-208.3, 11-208.9,  
6 and 11-612 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation  
9 described in Section ~~11-208.6~~, 11-208.9, or 11-1201.1 of this  
10 Code.

11 (Source: P.A. 98-556, eff. 1-1-14.)

12 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

13 Sec. 3-400. Definitions. Notwithstanding the definitions  
14 ~~definition~~ set forth in Chapter 1 of this Act, for the purposes  
15 of this Article, the following words shall have the meaning  
16 ascribed to them as follows:

17 "Apportionable Fee" means any periodic recurring fee  
18 required for licensing or registering vehicles, such as, but  
19 not limited to, registration fees, license or weight fees.

20 "Apportionable Vehicle" means any vehicle, except  
21 recreational vehicles, vehicles displaying restricted plates,  
22 city pickup and delivery vehicles, buses used in transportation

1 of chartered parties, and government owned vehicles that are  
2 used or intended for use in 2 or more member jurisdictions that  
3 allocate or proportionally register vehicles, in a fleet which  
4 is used for the transportation of persons for hire or the  
5 transportation of property and which has a gross vehicle weight  
6 in excess of 26,000 pounds; or has three or more axles  
7 regardless of weight; or is used in combination when the weight  
8 of such combination exceeds 26,000 pounds gross vehicle weight.  
9 Vehicles, or combinations having a gross vehicle weight of  
10 26,000 pounds or less and two-axle vehicles may be  
11 proportionally registered at the option of such owner.

12 "Base Jurisdiction" means, for purposes of fleet  
13 registration, the jurisdiction where the registrant has an  
14 established place of business, where operational records of the  
15 fleet are maintained and where mileage is accrued by the fleet.  
16 In case a registrant operates more than one fleet, and  
17 maintains records for each fleet in different places, the "base  
18 jurisdiction" for a fleet shall be the jurisdiction where an  
19 established place of business is maintained, where records of  
20 the operation of that fleet are maintained and where mileage is  
21 accrued by that fleet.

22 "Operational Records" means documents supporting miles  
23 traveled in each jurisdiction and total miles traveled, such as  
24 fuel reports, trip leases, and logs.

25 "Owner" means a ~~Owner.~~ A person who holds legal title of a  
26 motor vehicle, or in the event a motor vehicle is the subject

1 of an agreement for the conditional sale or lease thereof with  
2 the right of purchase upon performance of the conditions stated  
3 in the agreement and with an immediate right of possession  
4 vested in the conditional vendee or lessee with right of  
5 purchase, or in the event a mortgagor of such motor vehicle is  
6 entitled to possession, or in the event a lessee of such motor  
7 vehicle is entitled to possession or control, then such  
8 conditional vendee or lessee with right of purchase or  
9 mortgagor or lessee is considered to be the owner for the  
10 purpose of this Act.

11 "Registration plate cover" means any tinted, colored,  
12 painted, marked, clear, or illuminated object that is designed  
13 to (i) cover any of the characters of a motor vehicle's  
14 registration plate; or (ii) distort a recorded image of any of  
15 the characters of a motor vehicle's registration plate recorded  
16 by an automated enforcement system as defined in Section  
17 11-208.9 ~~11-208.6, 11-208.8,~~ or 11-1201.1 of this Code or  
18 recorded by an automated traffic control system as defined in  
19 Section 15 of the Automated Traffic Control Systems in Highway  
20 Construction or Maintenance Zones Act.

21 "Rental Owner" means an owner principally engaged, with  
22 respect to one or more rental fleets, in renting to others or  
23 offering for rental the vehicles of such fleets, without  
24 drivers.

25 "Restricted Plates" shall include, but are not limited to,  
26 dealer, manufacturer, transporter, farm, reposessor, and

1 permanently mounted type plates. Vehicles displaying any of  
2 these type plates from a foreign jurisdiction that is a member  
3 of the International Registration Plan shall be granted  
4 reciprocity but shall be subject to the same limitations as  
5 similar plated Illinois registered vehicles.

6 (Source: P.A. 97-743, eff. 1-1-13; 98-463, eff. 8-16-13;  
7 revised 12-10-14.)

8 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

9 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
10 parking, compliance, ~~automated speed enforcement system,~~ or  
11 automated traffic law violations; suspension of driving  
12 privileges.

13 (a) Upon receipt of a certified report, as prescribed by  
14 subsection (c) of this Section, from any municipality or county  
15 stating that the owner of a registered vehicle: (1) has failed  
16 to pay any fine or penalty due and owing as a result of 10 or  
17 more violations of a municipality's or county's vehicular  
18 standing, parking, or compliance regulations established by  
19 ordinance pursuant to Section 11-208.3 of this Code, (2) has  
20 failed to pay any fine or penalty due and owing as a result of 5  
21 offenses for ~~automated speed enforcement system violations or~~  
22 automated traffic violations as defined in Section ~~Sections~~  
23 ~~11-208.6, 11-208.8, 11-208.9,~~ 11-208.9, or 11-1201.1, or combination  
24 thereof, or (3) is more than 14 days in default of a payment  
25 plan pursuant to which a suspension had been terminated under

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

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

26 (c) The report of the appropriate municipal or county

1 official notifying the Secretary of State of unpaid fines or  
2 penalties pursuant to this Section shall be certified and shall  
3 contain the following:

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

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

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

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

7 (4) A unique identifying reference number for each  
8 request of suspension sent whenever a person has failed to  
9 pay the fine or penalty or has defaulted on a payment plan.

10 (d) Any municipality or county making a certified report to  
11 the Secretary of State pursuant to this Section shall notify  
12 the Secretary of State, in a form prescribed by the Secretary,  
13 whenever a person named in the certified report has paid the  
14 previously reported fine or penalty, whenever a person named in  
15 the certified report has entered into a payment plan pursuant  
16 to which the municipality or county has agreed to terminate the  
17 suspension, or whenever the municipality or county determines  
18 that the original report was in error. A certified copy of such  
19 notification shall also be given upon request and at no  
20 additional charge to the person named therein. Upon receipt of  
21 the municipality's or county's notification or presentation of  
22 a certified copy of such notification, the Secretary of State  
23 shall terminate the suspension.

24 (e) Any municipality or county making a certified report to  
25 the Secretary of State pursuant to this Section shall also by  
26 ordinance establish procedures for persons to challenge the



1 accuracy of the certified report. The ordinance shall also  
2 state the grounds for such a challenge, which may be limited to  
3 (1) the person not having been the owner or lessee of the  
4 vehicle or vehicles receiving 10 or more standing, parking, or  
5 compliance violation notices or ~~a combination of~~ 5 or more  
6 ~~automated speed enforcement system or~~ automated traffic law  
7 violations on the date or dates such notices were issued; and  
8 (2) the person having already paid the fine or penalty for the  
9 10 or more standing, parking, or compliance violations or  
10 ~~combination of 5 or more automated speed enforcement system or~~  
11 automated traffic law violations indicated on the certified  
12 report.

13 (f) Any municipality or county, other than a municipality  
14 or county establishing vehicular standing, parking, and  
15 compliance regulations under ~~pursuant to~~ Section 11-208.3,  
16 ~~automated speed enforcement system regulations under Section~~  
17 ~~11-208.8,~~ or automated traffic law regulations under Section  
18 ~~11-208.6,~~ 11-208.9~~7~~ or 11-1201.1, may also cause a suspension  
19 of a person's drivers license pursuant to this Section. Such  
20 municipality or county may invoke this sanction by making a  
21 certified report to the Secretary of State upon a person's  
22 failure to satisfy any fine or penalty imposed by final  
23 judgment for 10 or more violations of local standing, parking,  
24 or compliance regulations or ~~a combination of~~ 5 or more  
25 ~~automated speed enforcement system or~~ automated traffic law  
26 violations after exhaustion of judicial review procedures, but

1 only if:

2 (1) the municipality or county complies with the  
3 provisions of this Section in all respects except in regard  
4 to enacting an ordinance pursuant to Section 11-208.3;

5 (2) the municipality or county has sent a notice of  
6 impending drivers license suspension as prescribed by an  
7 ordinance enacted pursuant to subsection (g) of this  
8 Section; and

9 (3) in municipalities or counties with a population of  
10 1,000,000 or more, the municipality or county has verified  
11 that the alleged violator's State vehicle registration  
12 number and vehicle make are correct as they appear on the  
13 citations.

14 (g) Any municipality or county, other than a municipality  
15 or county establishing standing, parking, and compliance  
16 regulations under ~~pursuant to~~ Section 11-208.3, ~~automated~~  
17 ~~speed enforcement system regulations under Section 11-208.8,~~  
18 or automated traffic law regulations under Section ~~11-208.6,~~  
19 ~~11-208.9,~~ or 11-1201.1, may provide by ordinance for the  
20 sending of a notice of impending drivers license suspension to  
21 the person who has failed to satisfy any fine or penalty  
22 imposed by final judgment for 10 or more violations of local  
23 standing, parking, or compliance regulations or ~~a combination~~  
24 ~~of~~ 5 or more ~~automated speed enforcement system or~~ automated  
25 traffic law violations after exhaustion of judicial review  
26 procedures. An ordinance so providing shall specify that the

1 notice sent to the person liable for any fine or penalty shall  
2 state that failure to pay the fine or penalty owing within 45  
3 days of the notice's date will result in the municipality or  
4 county notifying the Secretary of State that the person's  
5 drivers license is eligible for suspension pursuant to this  
6 Section. The notice of impending drivers license suspension  
7 shall be sent by first class United States mail, postage  
8 prepaid, to the address recorded with the Secretary of State or  
9 at the last address known to the lessor of the cited vehicle at  
10 the time of lease or, if any notice sent under Section 11-208.3  
11 of this Code is returned as undeliverable, to the last known  
12 address recorded in a United States Post Office approved  
13 database.

14 (h) An administrative hearing to contest an impending  
15 suspension or a suspension made pursuant to this Section may be  
16 had upon filing a written request with the Secretary of State.  
17 The filing fee for this hearing shall be \$20, to be paid at the  
18 time the request is made. A municipality or county which files  
19 a certified report with the Secretary of State pursuant to this  
20 Section shall reimburse the Secretary for all reasonable costs  
21 incurred by the Secretary as a result of the filing of the  
22 report, including but not limited to the costs of providing the  
23 notice required pursuant to subsection (b) and the costs  
24 incurred by the Secretary in any hearing conducted with respect  
25 to the report pursuant to this subsection and any appeal from  
26 such a hearing.

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

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

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

7 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

13 1. Regulating the standing or parking of vehicles,  
14 except as limited by Sections 11-1306 and 11-1307 of this  
15 Act;

16 2. Regulating traffic by means of police officers or  
17 traffic control signals;

18 3. Regulating or prohibiting processions or  
19 assemblages on the highways; and certifying persons to  
20 control traffic for processions or assemblages;

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

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

1           6. Designating any highway as a through highway, as  
2 authorized in Section 11-302, and requiring that all  
3 vehicles stop before entering or crossing the same or  
4 designating any intersection as a stop intersection or a  
5 yield right-of-way intersection and requiring all vehicles  
6 to stop or yield the right-of-way at one or more entrances  
7 to such intersections;

8           7. Restricting the use of highways as authorized in  
9 Chapter 15;

10          8. Regulating the operation of bicycles and requiring  
11 the registration and licensing of same, including the  
12 requirement of a registration fee;

13          9. Regulating or prohibiting the turning of vehicles or  
14 specified types of vehicles at intersections;

15          10. Altering the speed limits as authorized in Section  
16 11-604;

17          11. Prohibiting U-turns;

18          12. Prohibiting pedestrian crossings at other than  
19 designated and marked crosswalks or at intersections;

20          13. Prohibiting parking during snow removal operation;

21          14. Imposing fines in accordance with Section  
22 11-1301.3 as penalties for use of any parking place  
23 reserved for persons with disabilities, as defined by  
24 Section 1-159.1, or disabled veterans by any person using a  
25 motor vehicle not bearing registration plates specified in  
26 Section 11-1301.1 or a special decal or device as defined

1 in Section 11-1301.2 as evidence that the vehicle is  
2 operated by or for a person with disabilities or disabled  
3 veteran;

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

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

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

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

17 (d) The provisions of this Code shall not be deemed to  
18 prevent local authorities within the reasonable exercise of  
19 their police power from prohibiting, on private property, the  
20 unauthorized use of parking spaces reserved for persons with  
21 disabilities.

22 (e) No unit of local government, including a home rule  
23 unit, may enact or enforce an ordinance that applies only to  
24 motorcycles if the principal purpose for that ordinance is to  
25 restrict the access of motorcycles to any highway or portion of  
26 a highway for which federal or State funds have been used for

1 the planning, design, construction, or maintenance of that  
2 highway. No unit of local government, including a home rule  
3 unit, may enact an ordinance requiring motorcycle users to wear  
4 protective headgear. Nothing in this subsection (e) shall  
5 affect the authority of a unit of local government to regulate  
6 motorcycles for traffic control purposes or in accordance with  
7 Section 12-602 of this Code. No unit of local government,  
8 including a home rule unit, may regulate motorcycles in a  
9 manner inconsistent with this Code. This subsection (e) is a  
10 limitation under subsection (i) of Section 6 of Article VII of  
11 the Illinois Constitution on the concurrent exercise by home  
12 rule units of powers and functions exercised by the State.

13 (f) No unit of local government, including a home rule  
14 unit, A municipality or county designated in Section 11-208.6  
15 may enact or enforce an ordinance providing for an automated  
16 traffic law enforcement system to enforce violations of Section  
17 11-306 of this Code or a similar provision of a local ordinance  
18 and imposing liability on a registered owner or lessee of a  
19 vehicle used in such a violation. For the purposes of this  
20 subsection (f), "automated traffic law enforcement system"  
21 means a device with one or more motor vehicle sensors working  
22 in conjunction with a red light signal to produce recorded  
23 images of motor vehicles entering an intersection against a red  
24 signal indication in violation of Section 11-306 of this Code  
25 or a similar provision of a local ordinance. This subsection  
26 (f) is a denial and limitation of home rule powers and

1 functions under subsection (g) of Section 6 of Article VII of  
2 the Illinois Constitution.

3 (g) A municipality or county, as provided in Section  
4 11-1201.1, may enact an ordinance providing for an automated  
5 traffic law enforcement system to enforce violations of Section  
6 11-1201 of this Code or a similar provision of a local  
7 ordinance and imposing liability on a registered owner of a  
8 vehicle used in such a violation.

9 (h) No unit of local government, including a home rule  
10 unit, A municipality designated in Section 11-208.8 may enact  
11 or enforce an ordinance providing for an automated speed  
12 enforcement system to enforce violations of Article VI of  
13 Chapter 11 of this Code or a similar provision of a local  
14 ordinance. For purposes of this subsection (h), "automated  
15 speed enforcement system" means a photographic device, radar  
16 device, laser device, or other electrical or mechanical device  
17 or devices installed or utilized and designed to record the  
18 speed of a vehicle and obtain a clear photograph or other  
19 recorded image of the vehicle and the vehicle's registration  
20 plate while the driver is violating Article VI of Chapter 11 of  
21 this Code or a similar provision of a local ordinance. This  
22 subsection (h) is a denial and limitation of home rule powers  
23 and functions under subsection (g) of Section 6 of Article VII  
24 of the Illinois Constitution.

25 (i) A municipality or county designated in Section 11-208.9  
26 may enact an ordinance providing for an automated traffic law



1 enforcement system to enforce violations of Section 11-1414 of  
2 this Code or a similar provision of a local ordinance and  
3 imposing liability on a registered owner or lessee of a vehicle  
4 used in such a violation.

5 (Source: P.A. 97-29, eff. 1-1-12; 97-672, eff. 7-1-12; 98-396,  
6 eff. 1-1-14; 98-556, eff. 1-1-14; 98-756, eff. 7-16-14.)

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 traffic law violations,  
11 ~~and automated speed enforcement system violations.~~

12 (a) Any municipality or county may provide by ordinance for  
13 a system of administrative adjudication of vehicular standing  
14 and parking violations and vehicle compliance violations as  
15 described in this subsection, and automated traffic law  
16 violations as defined in Section ~~11-208.6~~, 11-208.9~~7~~ or  
17 11-1201.1, ~~and automated speed enforcement system violations~~  
18 ~~as defined in Section 11-208.8~~. The administrative system shall  
19 have as its purpose the fair and efficient enforcement of  
20 municipal or county regulations through the administrative  
21 adjudication of ~~automated speed enforcement system or~~  
22 automated traffic law violations and violations of municipal or  
23 county ordinances regulating the standing and parking of  
24 vehicles, the condition and use of vehicle equipment, and the  
25 display of municipal or county wheel tax licenses within the

1 municipality's or county's borders. The administrative system  
2 shall only have authority to adjudicate civil offenses carrying  
3 fines not in excess of \$500 or requiring the completion of a  
4 traffic education program, or both, that occur after the  
5 effective date of the ordinance adopting such a system under  
6 this Section. For purposes of this Section, "compliance  
7 violation" means a violation of a municipal or county  
8 regulation governing the condition or use of equipment on a  
9 vehicle or governing the display of a municipal or county wheel  
10 tax license.

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

13 (1) A traffic compliance administrator authorized to  
14 adopt, distribute and process parking, compliance, and  
15 ~~automated speed enforcement system~~ or automated traffic  
16 law violation notices and other notices required by this  
17 Section, collect money paid as fines and penalties for  
18 violation of parking and compliance ordinances and  
19 ~~automated speed enforcement system~~ or automated traffic  
20 law violations, and operate an administrative adjudication  
21 system. The traffic compliance administrator also may make  
22 a certified report to the Secretary of State under Section  
23 6-306.5.

24 (2) A parking, standing, compliance, ~~automated speed~~  
25 ~~enforcement system~~, or automated traffic law violation  
26 notice that shall specify the date, time, and place of

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

1 the time and manner in which a hearing may be had.

2 (3) Service of the parking, standing, or compliance  
3 violation notice by affixing the original or a facsimile of  
4 the notice to an unlawfully parked vehicle or by handing  
5 the notice to the operator of a vehicle if he or she is  
6 present and service of an ~~automated speed enforcement~~  
7 ~~system or~~ automated traffic law violation notice by mail to  
8 the address of the registered owner or lessee of the cited  
9 vehicle as recorded with the Secretary of State or the  
10 lessor of the motor vehicle within 30 days after the  
11 Secretary of State or the lessor of the motor vehicle  
12 notifies the municipality or county of the identity of the  
13 owner or lessee of the vehicle, but not later than 90 days  
14 after the violation, except that in the case of a lessee of  
15 a motor vehicle, service of an automated traffic law  
16 violation notice may occur no later than 210 days after the  
17 violation. A person authorized by ordinance to issue and  
18 serve parking, standing, and compliance violation notices  
19 shall certify as to the correctness of the facts entered on  
20 the violation notice by signing his or her name to the  
21 notice at the time of service or in the case of a notice  
22 produced by a computerized device, by signing a single  
23 certificate to be kept by the traffic compliance  
24 administrator attesting to the correctness of all notices  
25 produced by the device while it was under his or her  
26 control. In the case of an automated traffic law violation,

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

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

1 ~~equipment shall be conducted annually by a qualified~~  
2 ~~technician. Speeds produced by an automated speed~~  
3 ~~enforcement system shall be compared with speeds produced~~  
4 ~~by lidar or other independent equipment. Radar or lidar~~  
5 ~~equipment shall undergo an internal validation test no less~~  
6 ~~frequently than once each week. Qualified technicians~~  
7 ~~shall test loop based equipment no less frequently than~~  
8 ~~once a year. Radar equipment shall be checked for accuracy~~  
9 ~~by a qualified technician when the unit is serviced, when~~  
10 ~~unusual or suspect readings persist, or when deemed~~  
11 ~~necessary by a reviewing technician. Radar equipment shall~~  
12 ~~be checked with the internal frequency generator and the~~  
13 ~~internal circuit test whenever the radar is turned on.~~  
14 ~~Technicians must be alert for any unusual or suspect~~  
15 ~~readings, and if unusual or suspect readings of a radar~~  
16 ~~unit persist, that unit shall immediately be removed from~~  
17 ~~service and not returned to service until it has been~~  
18 ~~checked by a qualified technician and determined to be~~  
19 ~~functioning properly. Documentation of the annual~~  
20 ~~calibration results, including the equipment tested, test~~  
21 ~~date, technician performing the test, and test results,~~  
22 ~~shall be maintained and available for use in the~~  
23 ~~determination of an automated speed enforcement system~~  
24 ~~violation and issuance of a citation. The technician~~  
25 ~~performing the calibration and testing of the automated~~  
26 ~~speed enforcement equipment shall be trained and certified~~

1 ~~in the use of equipment for speed enforcement purposes.~~  
2 ~~Training on the speed enforcement equipment may be~~  
3 ~~conducted by law enforcement, civilian, or manufacturer's~~  
4 ~~personnel and if applicable may be equivalent to the~~  
5 ~~equipment use and operations training included in the Speed~~  
6 ~~Measuring Device Operator Program developed by the~~  
7 ~~National Highway Traffic Safety Administration (NHTSA).~~  
8 ~~The vendor or technician who performs the work shall keep~~  
9 ~~accurate records on each piece of equipment the technician~~  
10 ~~calibrates and tests.~~ As used in this paragraph,  
11 "fully-trained reviewing technician" means a person who  
12 has received at least 40 hours of supervised training in  
13 subjects which shall include image inspection and  
14 interpretation, the elements necessary to prove a  
15 violation, license plate identification, and traffic  
16 safety and management. In all municipalities and counties,  
17 the ~~automated speed enforcement system or~~ automated  
18 traffic law ordinance shall require that no additional fee  
19 shall be charged to the alleged violator for exercising his  
20 or her right to an administrative hearing, and persons  
21 shall be given at least 25 days following an administrative  
22 hearing to pay any civil penalty imposed by a finding that  
23 Section ~~11-208.6, 11-208.8,~~ 11-208.9, or 11-1201.1 or a  
24 similar local ordinance has been violated. The original or  
25 a facsimile of the violation notice or, in the case of a  
26 notice produced by a computerized device, a printed record



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

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

1 the production of relevant books and papers. Persons  
2 appearing at a hearing under this Section may be  
3 represented by counsel at their expense. The ordinance may  
4 also provide for internal administrative review following  
5 the decision of the hearing officer.

6 (5) Service of additional notices, sent by first class  
7 United States mail, postage prepaid, to the address of the  
8 registered owner of the cited vehicle as recorded with the  
9 Secretary of State or, if any notice to that address is  
10 returned as undeliverable, to the last known address  
11 recorded in a United States Post Office approved database,  
12 or, under Section 11-1306 or subsection (p) of Section  
13 ~~11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8~~  
14 of this Code, to the lessee of the cited vehicle at the  
15 last address known to the lessor of the cited vehicle at  
16 the time of lease 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 The service shall be deemed complete as of the date of  
20 deposit in the United States mail. The notices shall be in  
21 the following sequence and shall include but not be limited  
22 to the information specified herein:

23 (i) A second notice of parking, standing, or  
24 compliance violation. This notice shall specify the  
25 date and location of the violation cited in the  
26 parking, standing, or compliance violation notice, the

1 particular regulation violated, the vehicle make and  
2 state registration number, any requirement to complete  
3 a traffic education program, the fine and any penalty  
4 that may be assessed for late payment or failure to  
5 complete a traffic education program, or both, when so  
6 provided by ordinance, the availability of a hearing in  
7 which the violation may be contested on its merits, and  
8 the time and manner in which the hearing may be had.  
9 The notice of violation shall also state that failure  
10 to complete a required traffic education program, to  
11 pay the indicated fine and any applicable penalty, or  
12 to appear at a hearing on the merits in the time and  
13 manner specified, will result in a final determination  
14 of violation liability for the cited violation in the  
15 amount of the fine or penalty indicated, and that, upon  
16 the occurrence of a final determination of violation  
17 liability for the failure, and the exhaustion of, or  
18 failure to exhaust, available administrative or  
19 judicial procedures for review, any incomplete traffic  
20 education program or any unpaid fine or penalty, or  
21 both, will constitute a debt due and owing the  
22 municipality or county.

23 (ii) A notice of final determination of parking,  
24 standing, compliance, ~~automated speed enforcement~~  
25 ~~system,~~ or automated traffic law violation liability.  
26 This notice shall be sent following a final

1 determination of parking, standing, compliance,  
2 ~~automated speed enforcement system,~~ or automated  
3 traffic law violation liability and the conclusion of  
4 judicial review procedures taken under this Section.  
5 The notice shall state that the incomplete traffic  
6 education program or the unpaid fine or penalty, or  
7 both, is a debt due and owing the municipality or  
8 county. The notice shall contain warnings that failure  
9 to complete any required traffic education program or  
10 to pay any fine or penalty due and owing the  
11 municipality or county, or both, within the time  
12 specified may result in the municipality's or county's  
13 filing of a petition in the Circuit Court to have the  
14 incomplete traffic education program or unpaid fine or  
15 penalty, or both, rendered a judgment as provided by  
16 this Section, or may result in suspension of the  
17 person's drivers license for failure to complete a  
18 traffic education program or to pay fines or penalties,  
19 or both, for 10 or more parking violations under  
20 Section 6-306.5, or a combination of 5 or more  
21 automated traffic law violations under Section  
22 ~~11-208.6~~ or 11-208.9 or 11-1201.1 of this Code ~~or~~  
23 ~~automated speed enforcement system violations under~~  
24 ~~Section 11-208.8.~~

25 (6) A notice of impending drivers license suspension.

26 This notice shall be sent to the person liable for failure

1 to complete a required traffic education program or to pay  
2 any fine or penalty that remains due and owing, or both, on  
3 10 or more parking violations or ~~combination of~~ 5 or more  
4 unpaid ~~automated speed enforcement system~~ or automated  
5 traffic law violations. The notice shall state that failure  
6 to complete a required traffic education program or to pay  
7 the fine or penalty owing, or both, within 45 days of the  
8 notice's date will result in the municipality or county  
9 notifying the Secretary of State that the person is  
10 eligible for initiation of suspension proceedings under  
11 Section 6-306.5 of this Code. The notice shall also state  
12 that the person may obtain a photostatic copy of an  
13 original ticket imposing a fine or penalty by sending a  
14 self addressed, stamped envelope to the municipality or  
15 county along with a request for the photostatic copy. The  
16 notice of impending drivers license suspension shall be  
17 sent by first class United States mail, postage prepaid, to  
18 the address recorded with the Secretary of State or, if any  
19 notice to that address is returned as undeliverable, to the  
20 last known address recorded in a United States Post Office  
21 approved database.

22 (7) Final determinations of violation liability. A  
23 final determination of violation liability shall occur  
24 following failure to complete the required traffic  
25 education program or to pay the fine or penalty, or both,  
26 after a hearing officer's determination of violation

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

10 (8) A petition to set aside a determination of parking,  
11 standing, compliance, ~~automated speed enforcement system,~~  
12 or automated traffic law violation liability that may be  
13 filed by a person owing an unpaid fine or penalty. A  
14 petition to set aside a determination of liability may also  
15 be filed by a person required to complete a traffic  
16 education program. The petition shall be filed with and  
17 ruled upon by the traffic compliance administrator in the  
18 manner and within the time specified by ordinance. The  
19 grounds for the petition may be limited to: (A) the person  
20 not having been the owner or lessee of the cited vehicle on  
21 the date the violation notice was issued, (B) the person  
22 having already completed the required traffic education  
23 program or paid the fine or penalty, or both, for the  
24 violation in question, and (C) excusable failure to appear  
25 at or request a new date for a hearing. With regard to  
26 municipalities or counties with a population of 1 million

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

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

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

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

26 (c) Any municipality or county establishing vehicular

1 standing, parking, compliance, ~~automated speed enforcement~~  
2 ~~system,~~ or automated traffic law regulations under this Section  
3 may also provide by ordinance for a program of vehicle  
4 immobilization for the purpose of facilitating enforcement of  
5 those regulations. The program of vehicle immobilization shall  
6 provide for immobilizing any eligible vehicle upon the public  
7 way by presence of a restraint in a manner to prevent operation  
8 of the vehicle. Any ordinance establishing a program of vehicle  
9 immobilization under this Section shall provide:

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

18 (2) A notice of impending vehicle immobilization and a  
19 right to a hearing to challenge the validity of the notice  
20 by disproving liability for the incomplete traffic  
21 education programs or unpaid final determinations of  
22 parking, standing, compliance, ~~automated speed enforcement~~  
23 ~~system,~~ or automated traffic law violation liability, or  
24 both, listed on the notice.

25 (3) The right to a prompt hearing after a vehicle has  
26 been immobilized or subsequently towed without the



1 completion of the required traffic education program or  
2 payment of the outstanding fines and penalties on parking,  
3 standing, compliance, ~~automated speed enforcement system,~~  
4 or automated traffic law violations, or both, for which  
5 final determinations have been issued. An order issued  
6 after the hearing is a final administrative decision within  
7 the meaning of Section 3-101 of the Code of Civil  
8 Procedure.

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

12 (d) Judicial review of final determinations of parking,  
13 standing, compliance, ~~automated speed enforcement system,~~ or  
14 automated traffic law violations and final administrative  
15 decisions issued after hearings regarding vehicle  
16 immobilization and impoundment made under this Section shall be  
17 subject to the provisions of the Administrative Review Law.

18 (e) Any fine, penalty, incomplete traffic education  
19 program, or part of any fine or any penalty remaining unpaid  
20 after the exhaustion of, or the failure to exhaust,  
21 administrative remedies created under this Section and the  
22 conclusion of any judicial review procedures shall be a debt  
23 due and owing the municipality or county and, as such, may be  
24 collected in accordance with applicable law. Completion of any  
25 required traffic education program and payment in full of any  
26 fine or penalty resulting from a standing, parking, compliance,

1 ~~automated speed enforcement system,~~ or automated traffic law  
2 violation shall constitute a final disposition of that  
3 violation.

4 (f) After the expiration of the period within which  
5 judicial review may be sought for a final determination of  
6 parking, standing, compliance, ~~automated speed enforcement~~  
7 ~~system,~~ or automated traffic law violation, the municipality or  
8 county may commence a proceeding in the Circuit Court for  
9 purposes of obtaining a judgment on the final determination of  
10 violation. Nothing in this Section shall prevent a municipality  
11 or county from consolidating multiple final determinations of  
12 parking, standing, compliance, ~~automated speed enforcement~~  
13 ~~system,~~ or automated traffic law violations against a person in  
14 a proceeding. Upon commencement of the action, the municipality  
15 or county shall file a certified copy or record of the final  
16 determination of parking, standing, compliance, ~~automated~~  
17 ~~speed enforcement system,~~ or automated traffic law violation,  
18 which shall be accompanied by a certification that recites  
19 facts sufficient to show that the final determination of  
20 violation was issued in accordance with this Section and the  
21 applicable municipal or county ordinance. Service of the  
22 summons and a copy of the petition may be by any method  
23 provided by Section 2-203 of the Code of Civil Procedure or by  
24 certified mail, return receipt requested, provided that the  
25 total amount of fines and penalties for final determinations of  
26 parking, standing, compliance, ~~automated speed enforcement~~

1 ~~system,~~ or automated traffic law violations does not exceed  
2 \$2500. If the court is satisfied that the final determination  
3 of parking, standing, compliance, ~~automated speed enforcement~~  
4 ~~system,~~ or automated traffic law violation was entered in  
5 accordance with the requirements of this Section and the  
6 applicable municipal or county ordinance, and that the  
7 registered owner or the lessee, as the case may be, had an  
8 opportunity for an administrative hearing and for judicial  
9 review as provided in this Section, the court shall render  
10 judgment in favor of the municipality or county and against the  
11 registered owner or the lessee for the amount indicated in the  
12 final determination of parking, standing, compliance,  
13 ~~automated speed enforcement system,~~ or automated traffic law  
14 violation, plus costs. The judgment shall have the same effect  
15 and may be enforced in the same manner as other judgments for  
16 the recovery of money.

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

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

26 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,

1 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)

2 (625 ILCS 5/11-208.9)

3 Sec. 11-208.9. Automated traffic law enforcement system;  
4 approaching, overtaking, and passing a school bus.

5 (a) As used in this Section, "automated traffic law  
6 enforcement system" means a device with one or more motor  
7 vehicle sensors working in conjunction with the visual signals  
8 on a school bus, as specified in Sections 12-803 and 12-805 of  
9 this Code, to produce recorded images of motor vehicles that  
10 fail to stop before meeting or overtaking, from either  
11 direction, any school bus stopped at any location for the  
12 purpose of receiving or discharging pupils in violation of  
13 Section 11-1414 of this Code or a similar provision of a local  
14 ordinance.

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

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

24 (1) 2 or more photographs;

25 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

2 (4) a video recording showing the motor vehicle and, on  
3 at least one image or portion of the recording, clearly  
4 identifying the registration plate number of the motor  
5 vehicle.

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

12 (d) For each violation of a provision of this Code or a  
13 local ordinance recorded by an automated traffic law  
14 enforcement system, the county or municipality having  
15 jurisdiction shall issue a written notice of the violation to  
16 the registered owner of the vehicle as the alleged violator.  
17 The notice shall be delivered to the registered owner of the  
18 vehicle, by mail, within 30 days after the Secretary of State  
19 notifies the municipality or county of the identity of the  
20 owner of the vehicle, but in no event later than 90 days after  
21 the violation.

22 (e) The notice required under subsection (d) shall include:

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

25 (2) the registration number of the motor vehicle  
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the  
6 date by which the civil penalty should be paid;
- 7 (8) a statement that recorded images are evidence of a  
8 violation of overtaking or passing a school bus stopped for  
9 the purpose of receiving or discharging pupils;
- 10 (9) a warning that failure to pay the civil penalty or  
11 to contest liability in a timely manner is an admission of  
12 liability and may result in a suspension of the driving  
13 privileges of the registered owner of the vehicle;
- 14 (10) a statement that the person may elect to proceed  
15 by:
- 16 (A) paying the fine; or
- 17 (B) challenging the charge in court, by mail, or by  
18 administrative hearing; and
- 19 (11) a website address, accessible through the  
20 Internet, where the person may view the recorded images of  
21 the violation.
- 22 (f) If a person charged with a traffic violation, as a  
23 result of an automated traffic law enforcement system under  
24 this Section, does not pay the fine or successfully contest the  
25 civil penalty resulting from that violation, the Secretary of  
26 State shall suspend the driving privileges of the registered

1 owner of the vehicle under Section 6-306.5 of this Code for  
2 failing to pay any fine or penalty due and owing as a result of  
3 ~~a combination of 5 violations of the automated traffic law~~  
4 ~~enforcement system or the automated speed enforcement system~~  
5 ~~under Section 11-208.8 of this Code.~~

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

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

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

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

25 (2) that the driver of the motor vehicle received a  
26 Uniform Traffic Citation from a police officer for a

1 violation of Section 11-1414 of this Code within one-eighth  
2 of a mile and 15 minutes of the violation that was recorded  
3 by the system;

4 (3) that the visual signals required by Sections 12-803  
5 and 12-805 of this Code were damaged, not activated, not  
6 present in violation of Sections 12-803 and 12-805, or  
7 inoperable; and

8 (4) any other evidence or issues provided by municipal  
9 or county ordinance.

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

17 (k) Unless the driver of the motor vehicle received a  
18 Uniform Traffic Citation from a police officer at the time of  
19 the violation, the motor vehicle owner is subject to a civil  
20 penalty not exceeding \$150 for a first time violation or \$500  
21 for a second or subsequent violation, plus an additional  
22 penalty of not more than \$100 for failure to pay the original  
23 penalty in a timely manner, if the motor vehicle is recorded by  
24 an automated traffic law enforcement system. A violation for  
25 which a civil penalty is imposed under this Section is not a  
26 violation of a traffic regulation governing the movement of



1 vehicles and may not be recorded on the driving record of the  
2 owner of the vehicle, but may be recorded by the municipality  
3 or county for the purpose of determining if a person is subject  
4 to the higher fine for a second or subsequent offense.

5 (l) A school bus equipped with an automated traffic law  
6 enforcement system must be posted with a sign indicating that  
7 the school bus is being monitored by an automated traffic law  
8 enforcement system.

9 (m) A municipality or county that has one or more school  
10 buses equipped with an automated traffic law enforcement system  
11 must provide notice to drivers by posting a list of school  
12 districts using school buses equipped with an automated traffic  
13 law enforcement system on the municipality or county website.  
14 School districts that have one or more school buses equipped  
15 with an automated traffic law enforcement system must provide  
16 notice to drivers by posting that information on their  
17 websites.

18 (n) A municipality or county operating an automated traffic  
19 law enforcement system shall conduct a statistical analysis to  
20 assess the safety impact in each school district using school  
21 buses equipped with an automated traffic law enforcement system  
22 following installation of the system. The statistical analysis  
23 shall be based upon the best available crash, traffic, and  
24 other data, and shall cover a period of time before and after  
25 installation of the system sufficient to provide a  
26 statistically valid comparison of safety impact. The

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

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

24 (p) No person who is the lessor of a motor vehicle pursuant  
25 to a written lease agreement shall be liable for an automated  
26 speed or traffic law enforcement system violation involving

1 such motor vehicle during the period of the lease; provided  
2 that upon the request of the appropriate authority received  
3 within 120 days after the violation occurred, the lessor  
4 provides within 60 days after such receipt the name and address  
5 of the lessee. The drivers license number of a lessee may be  
6 subsequently individually requested by the appropriate  
7 authority if needed for enforcement of this Section.

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

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

20 (r) After a municipality or county enacts an ordinance  
21 providing for automated traffic law enforcement systems under  
22 this Section, each school district within that municipality or  
23 county's jurisdiction may implement an automated traffic law  
24 enforcement system under this Section. The elected school board  
25 for that district must approve the implementation of an  
26 automated traffic law enforcement system. The school district

1 shall be responsible for entering into a contract, approved by  
2 the elected school board of that district, with vendors for the  
3 installation, maintenance, and operation of the automated  
4 traffic law enforcement system. The school district must enter  
5 into an intergovernmental agreement, approved by the elected  
6 school board of that district, with the municipality or county  
7 with jurisdiction over that school district for the  
8 administration of the automated traffic law enforcement  
9 system. The proceeds from a school district's automated traffic  
10 law enforcement system's fines shall be divided equally between  
11 the school district and the municipality or county  
12 administering the automated traffic law enforcement system.

13 (Source: P.A. 98-556, eff. 1-1-14.)

14 (625 ILCS 5/11-612)

15 Sec. 11-612. Certain systems to record vehicle speeds  
16 prohibited. Except as authorized in the Automated Traffic  
17 Control Systems in Highway Construction or Maintenance Zones  
18 Act ~~and Section 11-208.8 of this Code~~, no photographic, video,  
19 or other imaging system may be used in this State to record  
20 vehicle speeds for the purpose of enforcing any law or  
21 ordinance regarding a maximum or minimum speed limit unless a  
22 law enforcement officer is present at the scene and witnesses  
23 the event. No State or local governmental entity, including a  
24 home rule county or municipality, may use such a system in a  
25 way that is prohibited by this Section. The regulation of the

1 use of such systems is an exclusive power and function of the  
2 State. This Section is a denial and limitation of home rule  
3 powers and functions under subsection (h) of Section 6 of  
4 Article VII of the Illinois Constitution.

5 (Source: P.A. 97-672, eff. 7-1-12.)

6 (625 ILCS 5/11-208.6 rep.)

7 (625 ILCS 5/11-208.8 rep.)

8 Section 10. The Illinois Vehicle Code is amended by  
9 repealing Sections 11-208.6 and 11-208.8.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.