



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4353

by Rep. Sonya M. Harper

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 15136 RJF 39362 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~~7~~, 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 set forth in Chapter 1 of this Act, for the purposes of this
15 Article, the following words shall have the meaning ascribed to
16 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 person who holds legal title of a motor
26 vehicle, or in the event a motor vehicle is the subject of an

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

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

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

24 "Restricted Plates" shall include, but is not limited to,
25 dealer, manufacturer, transporter, farm, reposessor, and
26 permanently mounted type plates. Vehicles displaying any of

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

5 (Source: P.A. 98-463, eff. 8-16-13; 99-78, eff. 7-20-15.)

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

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

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

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

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

24 (c) The report of the appropriate municipal or county
25 official notifying the Secretary of State of unpaid fines or
26 penalties pursuant to this Section shall be certified and shall

1 contain the following:

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

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

13 (3) A statement that the municipality or county sent a
14 notice of impending drivers license suspension as
15 prescribed by ordinance enacted pursuant to Section
16 11-208.3 of this Code or a notice of default in a payment
17 plan, to the person named in the report at the address
18 recorded with the Secretary of State or at the last address
19 known to the lessor of the cited vehicle at the time of
20 lease or, if any notice sent under Section 11-208.3 of this
21 Code is returned as undeliverable, at the last known
22 address recorded in a United States Post Office approved
23 database; the date on which such notice was sent; and the
24 address to which such notice was sent. In a municipality or
25 county with a population of 1,000,000 or more, the report
26 shall also include a statement that the alleged violator's

1 State vehicle registration number and vehicle make, if
2 specified on the ~~automated speed enforcement system~~
3 ~~violation or~~ automated traffic law violation notice, are
4 correct as they appear on the citations.

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

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

22 (e) Any municipality or county making a certified report to
23 the Secretary of State pursuant to this Section shall also by
24 ordinance establish procedures for persons to challenge the
25 accuracy of the certified report. The ordinance shall also
26 state the grounds for such a challenge, which may be limited to

1 (1) the person not having been the owner or lessee of the
2 vehicle or vehicles receiving 10 or more standing, parking, or
3 compliance violation notices or ~~a combination of 5 or more~~
4 ~~automated speed enforcement system or~~ automated traffic law
5 violations on the date or dates such notices were issued; and
6 (2) the person having already paid the fine or penalty for the
7 10 or more standing, parking, or compliance violations or
8 ~~combination of 5 or more automated speed enforcement system or~~
9 automated traffic law violations indicated on the certified
10 report.

11 (f) Any municipality or county, other than a municipality
12 or county establishing vehicular standing, parking, and
13 compliance regulations under ~~pursuant to~~ Section 11-208.3~~7~~
14 ~~automated speed enforcement system regulations under Section~~
15 ~~11-208.87~~, or automated traffic law regulations under Section
16 ~~11-208.67~~, 11-208.9~~7~~ or 11-1201.1, may also cause a suspension
17 of a person's drivers license pursuant to this Section. Such
18 municipality or county may invoke this sanction by making a
19 certified report to the Secretary of State upon a person's
20 failure to satisfy any fine or penalty imposed by final
21 judgment for 10 or more violations of local standing, parking,
22 or compliance regulations or ~~a combination of 5 or more~~
23 ~~automated speed enforcement system or~~ automated traffic law
24 violations after exhaustion of judicial review procedures, but
25 only if:

26 (1) the municipality or county complies with the

1 provisions of this Section in all respects except in regard
2 to enacting an ordinance pursuant to Section 11-208.3;

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

7 (3) in municipalities or counties with a population of
8 1,000,000 or more, the municipality or county has verified
9 that the alleged violator's State vehicle registration
10 number and vehicle make are correct as they appear on the
11 citations.

12 (g) Any municipality or county, other than a municipality
13 or county establishing standing, parking, and compliance
14 regulations under ~~pursuant to~~ Section 11-208.3, ~~automated~~
15 ~~speed enforcement system regulations under Section 11-208.8,~~
16 or automated traffic law regulations under Section ~~11-208.6,~~
17 ~~11-208.9,~~ or 11-1201.1, may provide by ordinance for the
18 sending of a notice of impending drivers license suspension to
19 the person who has failed to satisfy any fine or penalty
20 imposed by final judgment for 10 or more violations of local
21 standing, parking, or compliance regulations or ~~a combination~~
22 ~~of~~ 5 or more ~~automated speed enforcement system or~~ automated
23 traffic law violations after exhaustion of judicial review
24 procedures. An ordinance so providing shall specify that the
25 notice sent to the person liable for any fine or penalty shall
26 state that failure to pay the fine or penalty owing within 45

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

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

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

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

3 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
4 98-556, eff. 1-1-14.)

5 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)
6 Sec. 11-208. Powers of local authorities.

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

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

14 2. Regulating traffic by means of police officers or
15 traffic control signals;

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

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

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

24 6. Designating any highway as a through highway, as
25 authorized in Section 11-302, and requiring that all

1 vehicles stop before entering or crossing the same or
2 designating any intersection as a stop intersection or a
3 yield right-of-way intersection and requiring all vehicles
4 to stop or yield the right-of-way at one or more entrances
5 to such intersections;

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

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

11 9. Regulating or prohibiting the turning of vehicles or
12 specified types of vehicles at intersections;

13 10. Altering the speed limits as authorized in Section
14 11-604;

15 11. Prohibiting U-turns;

16 12. Prohibiting pedestrian crossings at other than
17 designated and marked crosswalks or at intersections;

18 13. Prohibiting parking during snow removal operation;

19 14. Imposing fines in accordance with Section
20 11-1301.3 as penalties for use of any parking place
21 reserved for persons with disabilities, as defined by
22 Section 1-159.1, or veterans with disabilities by any
23 person using a motor vehicle not bearing registration
24 plates specified in Section 11-1301.1 or a special decal or
25 device as defined in Section 11-1301.2 as evidence that the
26 vehicle is operated by or for a person with disabilities or

1 a veteran with a disability;

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

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

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

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

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

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

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

11 (f) No unit of local government, including a home rule
12 unit, A municipality or county designated in Section 11-208.6
13 may enact or enforce an ordinance providing for an automated
14 traffic law enforcement system to enforce violations of Section
15 11-306 of this Code or a similar provision of a local ordinance
16 and imposing liability on a registered owner or lessee of a
17 vehicle used in such a violation. For the purposes of this
18 subsection (f), "automated traffic law enforcement system"
19 means a device with one or more motor vehicle sensors working
20 in conjunction with a red light signal to produce recorded
21 images of motor vehicles entering an intersection against a red
22 signal indication in violation of Section 11-306 of this Code
23 or a similar provision of a local ordinance. This subsection
24 (f) is a denial and limitation of home rule powers and
25 functions under subsection (g) of Section 6 of Article VII of
26 the Illinois Constitution.

1 (g) A municipality or county, as provided in Section
2 11-1201.1, may enact an ordinance providing for an automated
3 traffic law enforcement system to enforce violations of Section
4 11-1201 of this Code or a similar provision of a local
5 ordinance and imposing liability on a registered owner of a
6 vehicle used in such a violation.

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

23 (i) A municipality or county designated in Section 11-208.9
24 may enact an ordinance providing for an automated traffic law
25 enforcement system to enforce violations of Section 11-1414 of
26 this Code or a similar provision of a local ordinance and

1 imposing liability on a registered owner or lessee of a vehicle
2 used in such a violation.

3 (Source: P.A. 98-396, eff. 1-1-14; 98-556, eff. 1-1-14; 98-756,
4 eff. 7-16-14; 99-143, eff. 7-27-15.)

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

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

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

1 fines not in excess of \$500 or requiring the completion of a
2 traffic education program, or both, that occur after the
3 effective date of the ordinance adopting such a system under
4 this Section. For purposes of this Section, "compliance
5 violation" means a violation of a municipal or county
6 regulation governing the condition or use of equipment on a
7 vehicle or governing the display of a municipal or county wheel
8 tax license.

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

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

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

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

26 (3) Service of the parking, standing, or compliance

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

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

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

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

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

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

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

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

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

21 (i) A second notice of parking, standing, or
22 compliance violation. This notice shall specify the
23 date and location of the violation cited in the
24 parking, standing, or compliance violation notice, the
25 particular regulation violated, the vehicle make and
26 state registration number, any requirement to complete

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

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

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

23 (6) A notice of impending drivers license suspension.
24 This notice shall be sent to the person liable for failure
25 to complete a required traffic education program or to pay
26 any fine or penalty that remains due and owing, or both, on

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

20 (7) Final determinations of violation liability. A
21 final determination of violation liability shall occur
22 following failure to complete the required traffic
23 education program or to pay the fine or penalty, or both,
24 after a hearing officer's determination of violation
25 liability and the exhaustion of or failure to exhaust any
26 administrative review procedures provided by ordinance.

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

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

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

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

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

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

24 (c) Any municipality or county establishing vehicular
25 standing, parking, compliance, ~~automated speed enforcement~~
26 ~~system~~, or automated traffic law regulations under this Section

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

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

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

23 (3) The right to a prompt hearing after a vehicle has
24 been immobilized or subsequently towed without the
25 completion of the required traffic education program or
26 payment of the outstanding fines and penalties on parking,

1 standing, compliance, ~~automated speed enforcement system,~~
2 or automated traffic law violations, or both, for which
3 final determinations have been issued. An order issued
4 after the hearing is a final administrative decision within
5 the meaning of Section 3-101 of the Code of Civil
6 Procedure.

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

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

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

1 violation.

2 (f) After the expiration of the period within which
3 judicial review may be sought for a final determination of
4 parking, standing, compliance, ~~automated speed enforcement~~
5 ~~system,~~ or automated traffic law violation, the municipality or
6 county may commence a proceeding in the Circuit Court for
7 purposes of obtaining a judgment on the final determination of
8 violation. Nothing in this Section shall prevent a municipality
9 or county from consolidating multiple final determinations of
10 parking, standing, compliance, ~~automated speed enforcement~~
11 ~~system,~~ or automated traffic law violations against a person in
12 a proceeding. Upon commencement of the action, the municipality
13 or county shall file a certified copy or record of the final
14 determination of parking, standing, compliance, ~~automated~~
15 ~~speed enforcement system,~~ or automated traffic law violation,
16 which shall be accompanied by a certification that recites
17 facts sufficient to show that the final determination of
18 violation was issued in accordance with this Section and the
19 applicable municipal or county ordinance. Service of the
20 summons and a copy of the petition may be by any method
21 provided by Section 2-203 of the Code of Civil Procedure or by
22 certified mail, return receipt requested, provided that the
23 total amount of fines and penalties for final determinations of
24 parking, standing, compliance, ~~automated speed enforcement~~
25 ~~system,~~ or automated traffic law violations does not exceed
26 \$2500. If the court is satisfied that the final determination

1 of parking, standing, compliance, ~~automated speed enforcement~~
2 ~~system,~~ or automated traffic law violation was entered in
3 accordance with the requirements of this Section and the
4 applicable municipal or county ordinance, and that the
5 registered owner or the lessee, as the case may be, had an
6 opportunity for an administrative hearing and for judicial
7 review as provided in this Section, the court shall render
8 judgment in favor of the municipality or county and against the
9 registered owner or the lessee for the amount indicated in the
10 final determination of parking, standing, compliance,
11 ~~automated speed enforcement system,~~ or automated traffic law
12 violation, plus costs. The judgment shall have the same effect
13 and may be enforced in the same manner as other judgments for
14 the recovery of money.

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

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

24 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,
25 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)

1 (625 ILCS 5/11-208.9)

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

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

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

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

23 (1) 2 or more photographs;

24 (2) 2 or more microphotographs;

25 (3) 2 or more electronic images; or

26 (4) a video recording showing the motor vehicle and, on

1 at least one image or portion of the recording, clearly
2 identifying the registration plate number of the motor
3 vehicle.

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

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

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

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

25 (3) the violation charged;

26 (4) the location where the violation occurred;

- 1 (5) the date and time of the violation;
- 2 (6) a copy of the recorded images;
- 3 (7) the amount of the civil penalty imposed and the
4 date by which the civil penalty should be paid;
- 5 (8) a statement that recorded images are evidence of a
6 violation of overtaking or passing a school bus stopped for
7 the purpose of receiving or discharging pupils;
- 8 (9) a warning that failure to pay the civil penalty or
9 to contest liability in a timely manner is an admission of
10 liability and may result in a suspension of the driving
11 privileges of the registered owner of the vehicle;
- 12 (10) a statement that the person may elect to proceed
13 by:
- 14 (A) paying the fine; or
- 15 (B) challenging the charge in court, by mail, or by
16 administrative hearing; and
- 17 (11) a website address, accessible through the
18 Internet, where the person may view the recorded images of
19 the violation.
- 20 (f) If a person charged with a traffic violation, as a
21 result of an automated traffic law enforcement system under
22 this Section, does not pay the fine or successfully contest the
23 civil penalty resulting from that violation, the Secretary of
24 State shall suspend the driving privileges of the registered
25 owner of the vehicle under Section 6-306.5 of this Code for
26 failing to pay any fine or penalty due and owing as a result of

1 ~~a combination of 5 violations of the automated traffic law~~
2 ~~enforcement system or the automated speed enforcement system~~
3 ~~under Section 11-208.8 of this Code.~~

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

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

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

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

23 (2) that the driver of the motor vehicle received a
24 Uniform Traffic Citation from a police officer for a
25 violation of Section 11-1414 of this Code within one-eighth
26 of a mile and 15 minutes of the violation that was recorded

1 by the system;

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

6 (4) any other evidence or issues provided by municipal
7 or county ordinance.

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

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

1 or county for the purpose of determining if a person is subject
2 to the higher fine for a second or subsequent offense.

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

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

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

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

17 (o) The compensation paid for an automated traffic law
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 (p) No person who is the lessor of a motor vehicle pursuant
23 to a written lease agreement shall be liable for an automated
24 speed or traffic law enforcement system violation involving
25 such motor vehicle during the period of the lease; provided
26 that upon the request of the appropriate authority received

1 within 120 days after the violation occurred, the lessor
2 provides within 60 days after such receipt the name and address
3 of the lessee. The drivers license number of a lessee may be
4 subsequently individually requested by the appropriate
5 authority if needed for enforcement of this Section.

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

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

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

1 installation, maintenance, and operation of the automated
2 traffic law enforcement system. The school district must enter
3 into an intergovernmental agreement, approved by the elected
4 school board of that district, with the municipality or county
5 with jurisdiction over that school district for the
6 administration of the automated traffic law enforcement
7 system. The proceeds from a school district's automated traffic
8 law enforcement system's fines shall be divided equally between
9 the school district and the municipality or county
10 administering the automated traffic law enforcement system.
11 (Source: P.A. 98-556, eff. 1-1-14.)

12 (625 ILCS 5/11-612)

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

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

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

4 (625 ILCS 5/11-208.6 rep.)

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

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.