



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3662

Introduced 2/9/2024, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-50  
625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3  
625 ILCS 5/11-208.6  
625 ILCS 5/11-208.8  
625 ILCS 5/11-208.9  
625 ILCS 5/11-1201.1

Amends the Election Code. Provides that a political committee that receives a contribution from a vendor providing automated traffic systems shall dispose of the contribution by returning the contribution or an amount equal to the contribution to the contributor or by donating the contribution or an amount equal to the contribution to a charity. Provides that a contribution received in violation of the provision that is not disposed of within 30 days after the State Board of Elections sends notification to the political committee of the excess contribution by certified mail shall escheat to the General Revenue Fund, and the political committee shall be deemed in violation and shall be subject to a civil penalty not to exceed 150% of the total amount of the contribution. Amends the Illinois Vehicle Code. Provides that provisions concerning automated traffic law enforcement system apply to townships (in addition to municipalities and townships).

LRB103 39483 SPS 69678 b

1 AN ACT concerning automated traffic systems.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Section 9-50 as follows:

6 (10 ILCS 5/9-50)

7 Sec. 9-50. Vendor providing automated traffic systems;  
8 contributions.

9 (a) No vendor that offers or provides equipment or  
10 services for automated traffic law enforcement, automated  
11 speed enforcement, or automated railroad grade crossing  
12 enforcement systems to townships, municipalities, or counties,  
13 no political action committee created by such a vendor, and no  
14 vendor-affiliated person shall make a campaign contribution to  
15 any political committee established to promote the candidacy  
16 of a candidate or public official. An officer or agent of such  
17 a vendor may not consent to any contribution or expenditure  
18 that is prohibited by this Section. A candidate, political  
19 committee, or other person may not knowingly accept or receive  
20 any contribution prohibited by this Section. A political  
21 committee that receives a contribution in violation of this  
22 Section shall dispose of the contribution by returning the  
23 contribution or an amount equal to the contribution to the

1 contributor or by donating the contribution or an amount equal  
2 to the contribution to a charity. A contribution received in  
3 violation of this Section that is not disposed of within 30  
4 days after the Board sends notification to the political  
5 committee of the excess contribution by certified mail shall  
6 escheat to the General Revenue Fund, and the political  
7 committee shall be deemed in violation of this Section and  
8 shall be subject to a civil penalty not to exceed 150% of the  
9 total amount of the contribution.

10 (b) As used in this Section:

11 "Automated law enforcement system", "automated speed  
12 enforcement system", and "automated railroad grade crossing  
13 enforcement system" have the meanings given to those terms in  
14 Article II of Chapter 11 of the Illinois Vehicle Code.

15 "Vendor-affiliated person" means: (i) any person with an  
16 ownership interest in excess of 7.5% in a vendor that offers or  
17 provides equipment or services for automated traffic law  
18 enforcement, automated speed enforcement, or automated  
19 railroad grade crossing enforcement systems to townships,  
20 municipalities, or counties; (ii) any person with a  
21 distributive share in excess of 7.5% in a vendor that offers or  
22 provides equipment or services for automated traffic law  
23 enforcement, automated speed enforcement, or automated  
24 railroad grade crossing enforcement systems to townships,  
25 municipalities, or counties; (iii) any executive employees of  
26 a vendor that offers or provides equipment or services for

1 automated traffic law enforcement, automated speed  
2 enforcement, or automated railroad grade crossing enforcement  
3 systems to townships, municipalities, or counties; and (iv)  
4 the spouse, minor child, or other immediate family member  
5 living in the residence of any of the persons identified in  
6 items (i) through (iii).

7 (Source: P.A. 103-364, eff. 7-28-23.)

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Sections 11-208.3, 11-208.6, 11-208.8, 11-208.9, and  
10 11-1201.1 Section 11-208.6 as follows:

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

12 Sec. 11-208.3. Administrative adjudication of violations  
13 of traffic regulations concerning the standing, parking, or  
14 condition of vehicles, automated traffic law violations, and  
15 automated speed enforcement system violations.

16 (a) Any township, municipality, or county may provide by  
17 ordinance for a system of administrative adjudication of  
18 vehicular standing and parking violations and vehicle  
19 compliance violations as described in this subsection,  
20 automated traffic law violations as defined in Section  
21 11-208.6, 11-208.9, or 11-1201.1, and automated speed  
22 enforcement system violations as defined in Section 11-208.8.  
23 The administrative system shall have as its purpose the fair  
24 and efficient enforcement of township, municipal, or county

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

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

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

1 system.

2 (2) A parking, standing, compliance, automated speed  
3 enforcement system, or automated traffic law violation  
4 notice that shall specify or include the date, time, and  
5 place of violation of a parking, standing, compliance,  
6 automated speed enforcement system, or automated traffic  
7 law regulation; the particular regulation violated; any  
8 requirement to complete a traffic education program; the  
9 fine and any penalty that may be assessed for late payment  
10 or failure to complete a required traffic education  
11 program, or both, when so provided by ordinance; the  
12 vehicle make or a photograph of the vehicle; the state  
13 registration number of the vehicle; and the identification  
14 number of the person issuing the notice. With regard to  
15 automated speed enforcement system or automated traffic  
16 law violations, vehicle make shall be specified on the  
17 automated speed enforcement system or automated traffic  
18 law violation notice if the notice does not include a  
19 photograph of the vehicle and the make is available and  
20 readily discernible. With regard to townships,  
21 municipalities, or counties with a population of 1 million  
22 or more, it shall be grounds for dismissal of a parking  
23 violation if the state registration number or vehicle make  
24 specified is incorrect. The violation notice shall state  
25 that the completion of any required traffic education  
26 program, the payment of any indicated fine, and the

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

8 (3) Service of a parking, standing, or compliance  
9 violation notice by: (i) affixing the original or a  
10 facsimile of the notice to an unlawfully parked or  
11 standing vehicle; (ii) handing the notice to the operator  
12 of a vehicle if he or she is present; or (iii) mailing the  
13 notice to the address of the registered owner or lessee of  
14 the cited vehicle as recorded with the Secretary of State  
15 or the lessor of the motor vehicle within 30 days after the  
16 Secretary of State or the lessor of the motor vehicle  
17 notifies the township, municipality, or county of the  
18 identity of the owner or lessee of the vehicle, but not  
19 later than 90 days after the date of the violation, except  
20 that in the case of a lessee of a motor vehicle, service of  
21 a parking, standing, or compliance violation notice may  
22 occur no later than 210 days after the violation; and  
23 service of an automated speed enforcement system or  
24 automated traffic law violation notice by mail to the  
25 address of the registered owner or lessee of the cited  
26 vehicle as recorded with the Secretary of State or the

1 lessor of the motor vehicle within 30 days after the  
2 Secretary of State or the lessor of the motor vehicle  
3 notifies the township, municipality, or county of the  
4 identity of the owner or lessee of the vehicle, but not  
5 later than 90 days after the violation, except that in the  
6 case of a lessee of a motor vehicle, service of an  
7 automated traffic law violation notice may occur no later  
8 than 210 days after the violation. A person authorized by  
9 ordinance to issue and serve parking, standing, and  
10 compliance violation notices shall certify as to the  
11 correctness of the facts entered on the violation notice  
12 by signing his or her name to the notice at the time of  
13 service or, in the case of a notice produced by a  
14 computerized device, by signing a single certificate to be  
15 kept by the traffic compliance administrator attesting to  
16 the correctness of all notices produced by the device  
17 while it was under his or her control. In the case of an  
18 automated traffic law violation, the ordinance shall  
19 require a determination by a technician employed or  
20 contracted by the township, municipality, or county that,  
21 based on inspection of recorded images, the motor vehicle  
22 was being operated in violation of Section 11-208.6,  
23 11-208.9, or 11-1201.1 or a local ordinance. If the  
24 technician determines that the vehicle entered the  
25 intersection as part of a funeral procession or in order  
26 to yield the right-of-way to an emergency vehicle, a



1 citation shall not be issued. In townships or  
2 municipalities with a population of less than 1,000,000  
3 inhabitants and counties with a population of less than  
4 3,000,000 inhabitants, the automated traffic law ordinance  
5 shall require that all determinations by a technician that  
6 a motor vehicle was being operated in violation of Section  
7 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must  
8 be reviewed and approved by a law enforcement officer or  
9 retired law enforcement officer of the township,  
10 municipality, or county issuing the violation. In  
11 townships or municipalities with a population of 1,000,000  
12 or more inhabitants and counties with a population of  
13 3,000,000 or more inhabitants, the automated traffic law  
14 ordinance shall require that all determinations by a  
15 technician that a motor vehicle was being operated in  
16 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a  
17 local ordinance must be reviewed and approved by a law  
18 enforcement officer or retired law enforcement officer of  
19 the township, municipality, or county issuing the  
20 violation or by an additional fully trained reviewing  
21 technician who is not employed by the contractor who  
22 employs the technician who made the initial determination.  
23 In the case of an automated speed enforcement system  
24 violation, the ordinance shall require a determination by  
25 a technician employed by the township or municipality,  
26 based upon an inspection of recorded images, video or

1 other documentation, including documentation of the speed  
2 limit and automated speed enforcement signage, and  
3 documentation of the inspection, calibration, and  
4 certification of the speed equipment, that the vehicle was  
5 being operated in violation of Article VI of Chapter 11 of  
6 this Code or a similar local ordinance. If the technician  
7 determines that the vehicle speed was not determined by a  
8 calibrated, certified speed equipment device based upon  
9 the speed equipment documentation, or if the vehicle was  
10 an emergency vehicle, a citation may not be issued. The  
11 automated speed enforcement ordinance shall require that  
12 all determinations by a technician that a violation  
13 occurred be reviewed and approved by a law enforcement  
14 officer or retired law enforcement officer of the township  
15 or municipality issuing the violation or by an additional  
16 fully trained reviewing technician who is not employed by  
17 the contractor who employs the technician who made the  
18 initial determination. Routine and independent calibration  
19 of the speeds produced by automated speed enforcement  
20 systems and equipment shall be conducted annually by a  
21 qualified technician. Speeds produced by an automated  
22 speed enforcement system shall be compared with speeds  
23 produced by lidar or other independent equipment. Radar or  
24 lidar equipment shall undergo an internal validation test  
25 no less frequently than once each week. Qualified  
26 technicians shall test loop-based equipment no less

1 frequently than once a year. Radar equipment shall be  
2 checked for accuracy by a qualified technician when the  
3 unit is serviced, when unusual or suspect readings  
4 persist, or when deemed necessary by a reviewing  
5 technician. Radar equipment shall be checked with the  
6 internal frequency generator and the internal circuit test  
7 whenever the radar is turned on. Technicians must be alert  
8 for any unusual or suspect readings, and if unusual or  
9 suspect readings of a radar unit persist, that unit shall  
10 immediately be removed from service and not returned to  
11 service until it has been checked by a qualified  
12 technician and determined to be functioning properly.  
13 Documentation of the annual calibration results, including  
14 the equipment tested, test date, technician performing the  
15 test, and test results, shall be maintained and available  
16 for use in the determination of an automated speed  
17 enforcement system violation and issuance of a citation.  
18 The technician performing the calibration and testing of  
19 the automated speed enforcement equipment shall be trained  
20 and certified in the use of equipment for speed  
21 enforcement purposes. Training on the speed enforcement  
22 equipment may be conducted by law enforcement, civilian,  
23 or manufacturer's personnel and if applicable may be  
24 equivalent to the equipment use and operations training  
25 included in the Speed Measuring Device Operator Program  
26 developed by the National Highway Traffic Safety

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

1           accordance with this Section, a copy of the notice, or the  
2           computer-generated record shall be prima facie correct and  
3           shall be prima facie evidence of the correctness of the  
4           facts shown on the notice. The notice, copy, or  
5           computer-generated record shall be admissible in any  
6           subsequent administrative or legal proceedings.

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

26          (5) Service of additional notices, sent by first class

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

17 (i) A second notice of parking, standing, or  
18 compliance violation if the first notice of the  
19 violation was issued by affixing the original or a  
20 facsimile of the notice to the unlawfully parked  
21 vehicle or by handing the notice to the operator. This  
22 notice shall specify or include the date and location  
23 of the violation cited in the parking, standing, or  
24 compliance violation notice, the particular regulation  
25 violated, the vehicle make or a photograph of the  
26 vehicle, the state registration number of the vehicle,

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

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

1 automated speed enforcement system, or automated  
2 traffic law violation liability and the conclusion of  
3 judicial review procedures taken under this Section.  
4 The notice shall state that the incomplete traffic  
5 education program or the unpaid fine or penalty, or  
6 both, is a debt due and owing the township,  
7 municipality, or county. The notice shall contain  
8 warnings that failure to complete any required traffic  
9 education program or to pay any fine or penalty due and  
10 owing the township, municipality, or county, or both,  
11 within the time specified may result in the  
12 township's, municipality's, or county's filing of a  
13 petition in the Circuit Court to have the incomplete  
14 traffic education program or unpaid fine or penalty,  
15 or both, rendered a judgment as provided by this  
16 Section, or, where applicable, may result in  
17 suspension of the person's driver's license for  
18 failure to complete a traffic education program.

19 (6) A notice of impending driver's license suspension.

20 This notice shall be sent to the person liable for failure  
21 to complete a required traffic education program. The  
22 notice shall state that failure to complete a required  
23 traffic education program within 45 days of the notice's  
24 date will result in the township, municipality, or county  
25 notifying the Secretary of State that the person is  
26 eligible for initiation of suspension proceedings under



1 Section 6-306.5 of this Code. The notice shall also state  
2 that the person may obtain a photostatic copy of an  
3 original ticket imposing a fine or penalty by sending a  
4 self-addressed, stamped envelope to the township,  
5 municipality, or county along with a request for the  
6 photostatic copy. The notice of impending driver's license  
7 suspension shall be sent by first class United States  
8 mail, postage prepaid, to the address 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 (7) Final determinations of violation liability. A  
13 final determination of violation liability shall occur  
14 following failure to complete the required traffic  
15 education program or to pay the fine or penalty, or both,  
16 after a hearing officer's determination of violation  
17 liability and the exhaustion of or failure to exhaust any  
18 administrative review procedures provided by ordinance.  
19 Where a person fails to appear at a hearing to contest the  
20 alleged violation in the time and manner specified in a  
21 prior mailed notice, the hearing officer's determination  
22 of violation liability shall become final: (A) upon denial  
23 of a timely petition to set aside that determination, or  
24 (B) upon expiration of the period for filing the petition  
25 without a filing having been made.

26 (8) A petition to set aside a determination of

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

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the township,  
2 municipality, or county may contest the merits of the  
3 alleged violation without attending a hearing.

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

14 (11) Other provisions as are necessary and proper to  
15 carry into effect the powers granted and purposes stated  
16 in this Section.

17 (b-5) An automated speed enforcement system or automated  
18 traffic law ordinance adopted under this Section by a  
19 township, municipality, or county shall require that the  
20 determination to issue a citation be vested solely with the  
21 township, municipality, or county and that such authority may  
22 not be delegated to any vendor retained by the township,  
23 municipality, or county. Any contract or agreement violating  
24 such a provision in the ordinance is null and void.

25 (c) Any township, municipality, or county establishing  
26 vehicular standing, parking, compliance, automated speed

1 enforcement system, or automated traffic law regulations under  
2 this Section may also provide by ordinance for a program of  
3 vehicle immobilization for the purpose of facilitating  
4 enforcement of those regulations. The program of vehicle  
5 immobilization shall provide for immobilizing any eligible  
6 vehicle upon the public way by presence of a restraint in a  
7 manner to prevent operation of the vehicle. Any ordinance  
8 establishing a program of vehicle immobilization under this  
9 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  
13 has 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  
7 within 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  
17 be 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 township, municipality, or county and, as  
24 such, may be collected in accordance with applicable law.  
25 Completion of any required traffic education program and  
26 payment in full of any fine or penalty resulting from a

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

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

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

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

1 (h) Notwithstanding any other provision of law to the  
2 contrary, a person shall not be liable for violations, fees,  
3 fines, or penalties under this Section during the period in  
4 which the motor vehicle was stolen or hijacked, as indicated  
5 in a report to the appropriate law enforcement agency filed in  
6 a timely manner.

7 (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;  
8 103-364, eff. 7-28-23.)

9 (625 ILCS 5/11-208.6)

10 Sec. 11-208.6. Automated traffic law enforcement system.

11 (a) As used in this Section, "automated traffic law  
12 enforcement system" means a device with one or more motor  
13 vehicle sensors working in conjunction with a red light signal  
14 to produce recorded images of motor vehicles entering an  
15 intersection against a red signal indication in violation of  
16 Section 11-306 of this Code or a similar provision of a local  
17 ordinance.

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



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

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

7 (4) a video recording showing the motor vehicle and,  
8 on at least one image or portion of the recording, clearly  
9 identifying the registration plate or digital registration  
10 plate number of the motor vehicle.

11 (b-5) A township, municipality, or county that produces a  
12 recorded image of a motor vehicle's violation of a provision  
13 of this Code or a local ordinance must make the recorded images  
14 of a violation accessible to the alleged violator by providing  
15 the alleged violator with a website address, accessible  
16 through the Internet.

17 (c) Except as provided under Section 11-208.8 of this  
18 Code, a township, county, or municipality, including a home  
19 rule county, ~~or~~ municipality, or township, may not use an  
20 automated traffic law enforcement system to provide recorded  
21 images of a motor vehicle for the purpose of recording its  
22 speed. Except as provided under Section 11-208.8 of this Code,  
23 the regulation of the use of automated traffic law enforcement  
24 systems to record vehicle speeds is an exclusive power and  
25 function of the State. This subsection (c) is a denial and  
26 limitation of home rule powers and functions under subsection

1 (h) of Section 6 of Article VII of the Illinois Constitution.

2 (c-5) A township, county, or municipality, including a  
3 home rule county, ~~or~~ municipality, or township, may not use an  
4 automated traffic law enforcement system to issue violations  
5 in instances where the motor vehicle comes to a complete stop  
6 and does not enter the intersection, as defined by Section  
7 1-132 of this Code, during the cycle of the red signal  
8 indication unless one or more pedestrians or bicyclists are  
9 present, even if the motor vehicle stops at a point past a stop  
10 line or crosswalk where a driver is required to stop, as  
11 specified in subsection (c) of Section 11-306 of this Code or a  
12 similar provision of a local ordinance.

13 (c-6) A township, a county, or a municipality with less  
14 than 2,000,000 inhabitants, including a home rule county, ~~or~~  
15 municipality, or township, may not use an automated traffic  
16 law enforcement system to issue violations in instances where  
17 a motorcyclist enters an intersection against a red signal  
18 indication when the red signal fails to change to a green  
19 signal within a reasonable period of time not less than 120  
20 seconds because of a signal malfunction or because the signal  
21 has failed to detect the arrival of the motorcycle due to the  
22 motorcycle's size or weight.

23 (d) For each violation of a provision of this Code or a  
24 local ordinance recorded by an automatic traffic law  
25 enforcement system, the county, ~~or~~ municipality, or township  
26 having jurisdiction shall issue a written notice of the

1 violation to the registered owner of the vehicle as the  
2 alleged violator. The notice shall be delivered to the  
3 registered owner of the vehicle, by mail, within 30 days after  
4 the Secretary of State notifies the township, municipality, or  
5 county of the identity of the owner of the vehicle, but in no  
6 event later than 90 days after the violation.

7 The notice shall include:

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

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

12 (3) the violation charged;

13 (4) the location where the violation occurred;

14 (5) the date and time of the violation;

15 (6) a copy of the recorded images;

16 (7) the amount of the civil penalty imposed and the  
17 requirements of any traffic education program imposed and  
18 the date by which the civil penalty should be paid and the  
19 traffic education program should be completed;

20 (8) a statement that recorded images are evidence of a  
21 violation of a red light signal;

22 (9) a warning that failure to pay the civil penalty,  
23 to complete a required traffic education program, or to  
24 contest liability in a timely manner is an admission of  
25 liability;

26 (10) a statement that the person may elect to proceed

1 by:

2 (A) paying the fine, completing a required traffic  
3 education program, or both; or

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

6 (11) a website address, accessible through the  
7 Internet, where the person may view the recorded images of  
8 the violation.

9 (e) (Blank).

10 (f) Based on inspection of recorded images produced by an  
11 automated traffic law enforcement system, a notice alleging  
12 that the violation occurred shall be evidence of the facts  
13 contained in the notice and admissible in any proceeding  
14 alleging a violation under this Section.

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

23 (h) The court or hearing officer may consider in defense  
24 of a violation:

25 (1) that the motor vehicle or registration plates or  
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the  
2 control of or in the possession of the owner or lessee at  
3 the time of the violation;

4 (1.5) that the motor vehicle was hijacked before the  
5 violation occurred and not under the control of or in the  
6 possession of the owner or lessee at the time of the  
7 violation;

8 (2) that the driver of the vehicle passed through the  
9 intersection when the light was red either (i) in order to  
10 yield the right-of-way to an emergency vehicle or (ii) as  
11 part of a funeral procession; and

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

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

22 (j) Unless the driver of the motor vehicle received a  
23 Uniform Traffic Citation from a police officer at the time of  
24 the violation, the motor vehicle owner is subject to a civil  
25 penalty not exceeding \$100 or the completion of a traffic  
26 education program, or both, plus an additional penalty of not

1 more than \$100 for failure to pay the original penalty or to  
2 complete a required traffic education program, or both, in a  
3 timely manner, if the motor vehicle is recorded by an  
4 automated traffic law enforcement system. A violation for  
5 which a civil penalty is imposed under this Section is not a  
6 violation of a traffic regulation governing the movement of  
7 vehicles and may not be recorded on the driving record of the  
8 owner of the vehicle.

9 (j-3) A registered owner who is a holder of a valid  
10 commercial driver's license is not required to complete a  
11 traffic education program.

12 (j-5) For purposes of the required traffic education  
13 program only, a registered owner may submit an affidavit to  
14 the court or hearing officer swearing that at the time of the  
15 alleged violation, the vehicle was in the custody and control  
16 of another person. The affidavit must identify the person in  
17 custody and control of the vehicle, including the person's  
18 name and current address. The person in custody and control of  
19 the vehicle at the time of the violation is required to  
20 complete the required traffic education program. If the person  
21 in custody and control of the vehicle at the time of the  
22 violation completes the required traffic education program,  
23 the registered owner of the vehicle is not required to  
24 complete a traffic education program.

25 (k) An intersection equipped with an automated traffic law  
26 enforcement system must be posted with a sign visible to

1 approaching traffic indicating that the intersection is being  
2 monitored by an automated traffic law enforcement system and  
3 informing drivers whether, following a stop, a right turn at  
4 the intersection is permitted or prohibited.

5 (k-3) A township, municipality, or county that has one or  
6 more intersections equipped with an automated traffic law  
7 enforcement system must provide notice to drivers by posting  
8 the locations of automated traffic law systems on the  
9 township, municipality, or county website.

10 (k-5) An intersection equipped with an automated traffic  
11 law enforcement system must have a yellow change interval that  
12 conforms with the Illinois Manual on Uniform Traffic Control  
13 Devices (IMUTCD) published by the Illinois Department of  
14 Transportation. Beginning 6 months before it installs an  
15 automated traffic law enforcement system at an intersection, a  
16 county, ~~or~~ municipality, or township may not change the yellow  
17 change interval at that intersection.

18 (k-7) A township, municipality, or county operating an  
19 automated traffic law enforcement system shall conduct a  
20 statistical analysis to assess the safety impact of each  
21 automated traffic law enforcement system at an intersection  
22 following installation of the system and every 2 years  
23 thereafter. Each statistical analysis shall be based upon the  
24 best available crash, traffic, and other data, and shall cover  
25 a period of time before and after installation of the system  
26 sufficient to provide a statistically valid comparison of

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

18 (k-8) Any township, municipality, or county operating an  
19 automated traffic law enforcement system before July 28, 2023  
20 (the effective date of Public Act 103-364) ~~this amendatory Act~~  
21 ~~of the 103rd General Assembly~~ shall conduct a statistical  
22 analysis to assess the safety impact of each automated traffic  
23 law enforcement system at an intersection by no later than one  
24 year after July 28, 2023 (the effective date of Public Act  
25 103-364) ~~this amendatory Act of the 103rd General Assembly~~ and  
26 every 2 years thereafter. The statistical analyses shall be



1 based upon the best available crash, traffic, and other data,  
2 and shall cover a period of time before and after installation  
3 of the system sufficient to provide a statistically valid  
4 comparison of safety impact. The statistical analyses shall be  
5 consistent with professional judgment and acceptable industry  
6 practice. The statistical analyses also shall be consistent  
7 with the data required for valid comparisons of before and  
8 after conditions. The statistical analyses required by this  
9 subsection shall be made available to the public and shall be  
10 published on the website of the township, municipality, or  
11 county. If the statistical analysis for any period following  
12 installation of the system indicates that there has been an  
13 increase in the rate of accidents at the approach to the  
14 intersection monitored by the system, the township,  
15 municipality, or county shall undertake additional studies to  
16 determine the cause and severity of the accidents, and may  
17 take any action that it determines is necessary or appropriate  
18 to reduce the number or severity of the accidents at that  
19 intersection.

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

25 (1-1) No member of the General Assembly and no officer or  
26 employee of a township, municipality, or county shall

1 knowingly accept employment or receive compensation or fees  
2 for services from a vendor that provides automated traffic law  
3 enforcement system equipment or services to townships,  
4 municipalities, or counties. No former member of the General  
5 Assembly shall, within a period of 2 years immediately after  
6 the termination of service as a member of the General  
7 Assembly, knowingly accept employment or receive compensation  
8 or fees for services from a vendor that provides automated  
9 traffic law enforcement system equipment or services to  
10 townships, municipalities, or counties. No former officer or  
11 employee of a township, municipality, or county shall, within  
12 a period of 2 years immediately after the termination of  
13 township, municipal, or county employment, knowingly accept  
14 employment or receive compensation or fees for services from a  
15 vendor that provides automated traffic law enforcement system  
16 equipment or services to townships, municipalities, or  
17 counties.

18 (m) This Section applies only to the counties of Cook,  
19 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
20 to municipalities and townships located within those counties.

21 (n) The fee for participating in a traffic education  
22 program under this Section shall not exceed \$25.

23 A low-income individual required to complete a traffic  
24 education program under this Section who provides proof of  
25 eligibility for the federal earned income tax credit under  
26 Section 32 of the Internal Revenue Code or the Illinois earned

1 income tax credit under Section 212 of the Illinois Income Tax  
2 Act shall not be required to pay any fee for participating in a  
3 required traffic education program.

4 (o) (Blank).

5 (p) No person who is the lessor of a motor vehicle pursuant  
6 to a written lease agreement shall be liable for an automated  
7 speed or traffic law enforcement system violation involving  
8 such motor vehicle during the period of the lease; provided  
9 that upon the request of the appropriate authority received  
10 within 120 days after the violation occurred, the lessor  
11 provides within 60 days after such receipt the name and  
12 address of the lessee.

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

19 (q) If a county, ~~or~~ municipality, or township selects a  
20 new vendor for its automated traffic law enforcement system  
21 and must, as a consequence, apply for a permit, approval, or  
22 other authorization from the Department for reinstallation of  
23 one or more malfunctioning components of that system and if,  
24 at the time of the application for the permit, approval, or  
25 other authorization, the new vendor operates an automated  
26 traffic law enforcement system for any other county, ~~or~~

1 municipality, or township in the State, then the Department  
2 shall approve or deny the county, municipality, or township's  
3 ~~or municipality's~~ application for the permit, approval, or  
4 other authorization within 90 days after its receipt.

5 (r) The Department may revoke any permit, approval, or  
6 other authorization granted to a county, ~~or municipality, or~~  
7 township for the placement, installation, or operation of an  
8 automated traffic law enforcement system if any official or  
9 employee who serves that county, ~~or municipality, or township~~  
10 is charged with bribery, official misconduct, or a similar  
11 crime related to the placement, installation, or operation of  
12 the automated traffic law enforcement system in the county, ~~or~~  
13 municipality, or township.

14 The Department shall adopt any rules necessary to  
15 implement and administer this subsection. The rules adopted by  
16 the Department shall describe the revocation process, shall  
17 ensure that notice of the revocation is provided, and shall  
18 provide an opportunity to appeal the revocation. Any county, ~~or~~  
19 municipality, or township that has a permit, approval, or  
20 other authorization revoked under this subsection may not  
21 reapply for such a permit, approval, or other authorization  
22 for a period of one ± year after the revocation.

23 (s) If an automated traffic law enforcement system is  
24 removed or rendered inoperable due to construction, then the  
25 Department shall authorize the reinstallation or use of the  
26 automated traffic law enforcement system within 30 days after

1 the construction is complete.

2 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;  
3 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; revised  
4 1-30-24.)

5 (625 ILCS 5/11-208.8)

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

8 (a) As used in this Section:

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

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

25 "Owner" means the person or entity to whom the vehicle is

1 registered.

2 "Recorded image" means images recorded by an automated  
3 speed enforcement system on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

7 (4) a video recording showing the motor vehicle and,  
8 on at least one image or portion of the recording, clearly  
9 identifying the registration plate or digital registration  
10 plate number of the motor vehicle.

11 "Safety zone" means an area that is within one-eighth of a  
12 mile from the nearest property line of any public or private  
13 elementary or secondary school, or from the nearest property  
14 line of any facility, area, or land owned by a school district  
15 that is used for educational purposes approved by the Illinois  
16 State Board of Education, not including school district  
17 headquarters or administrative buildings. A safety zone also  
18 includes an area that is within one-eighth of a mile from the  
19 nearest property line of any facility, area, or land owned by a  
20 park district used for recreational purposes. However, if any  
21 portion of a roadway is within either one-eighth mile radius,  
22 the safety zone also shall include the roadway extended to the  
23 furthest portion of the next furthest intersection. The term  
24 "safety zone" does not include any portion of the roadway  
25 known as Lake Shore Drive or any controlled access highway  
26 with 8 or more lanes of traffic.

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

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

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

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

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

26 (1) if the recorded speed is no less than 6 miles per

1 hour and no more than 10 miles per hour over the legal  
2 speed limit, a civil penalty not exceeding \$50, plus an  
3 additional penalty of not more than \$50 for failure to pay  
4 the original penalty in a timely manner; or

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

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

26 (d) The net proceeds that a township or municipality



1 receives from civil penalties imposed under an automated speed  
2 enforcement system, after deducting all non-personnel and  
3 personnel costs associated with the operation and maintenance  
4 of such system, shall be expended or obligated by the township  
5 or municipality for the following purposes:

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

12 (ii) initiatives to improve pedestrian and traffic  
13 safety;

14 (iii) construction and maintenance of infrastructure  
15 within the township or municipality, including but not  
16 limited to roads and bridges; and

17 (iv) after school programs.

18 (e) For each violation of a provision of this Code or a  
19 local ordinance recorded by an automated speed enforcement  
20 system, the township or municipality having jurisdiction shall  
21 issue a written notice of the violation to the registered  
22 owner of the vehicle as the alleged violator. The notice shall  
23 be delivered to the registered owner of the vehicle, by mail,  
24 within 30 days after the Secretary of State notifies the  
25 township or municipality of the identity of the owner of the  
26 vehicle, but in no event later than 90 days after the

1 violation.

2 (f) The notice required under subsection (e) of this  
3 Section shall include:

4 (1) the name and address of the registered owner of  
5 the vehicle;

6 (2) the registration number of the motor vehicle  
7 involved in the violation;

8 (3) the violation charged;

9 (4) the date, time, and location where the violation  
10 occurred;

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

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

14 (7) a statement that recorded images are evidence of a  
15 violation of a speed restriction;

16 (8) a warning that failure to pay the civil penalty or  
17 to contest liability in a timely manner is an admission of  
18 liability;

19 (9) a statement that the person may elect to proceed  
20 by:

21 (A) paying the fine; or

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

24 (10) a website address, accessible through the  
25 Internet, where the person may view the recorded images of  
26 the violation.

1 (g) (Blank).

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

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

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

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

22 (1.5) that the motor vehicle was hijacked before the  
23 violation occurred and not under the control of or in the  
24 possession of the owner or lessee at the time of the  
25 violation;

26 (2) that the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer for a  
2 speeding violation occurring within one-eighth of a mile  
3 and 15 minutes of the violation that was recorded by the  
4 system; and

5 (3) any other evidence or issues provided by township  
6 or municipal ordinance.

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

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

23 (m) A roadway where a new automated speed enforcement  
24 system is installed shall be posted with signs providing 30  
25 days notice of the use of a new automated speed enforcement  
26 system prior to the issuance of any citations through the

1 automated speed enforcement system.

2 (n) The compensation paid for an automated speed  
3 enforcement system must be based on the value of the equipment  
4 or the services provided and may not be based on the number of  
5 traffic citations issued or the revenue generated by the  
6 system.

7 (n-1) No member of the General Assembly and no officer or  
8 employee of a township, municipality, or county shall  
9 knowingly accept employment or receive compensation or fees  
10 for services from a vendor that provides automated speed  
11 enforcement system equipment or services to townships,  
12 municipalities, or counties. No former member of the General  
13 Assembly shall, within a period of 2 years immediately after  
14 the termination of service as a member of the General  
15 Assembly, knowingly accept employment or receive compensation  
16 or fees for services from a vendor that provides automated  
17 speed enforcement system equipment or services to townships,  
18 municipalities, or counties. No former officer or employee of  
19 a township, municipality, or county shall, within a period of  
20 2 years immediately after the termination of township,  
21 municipal, or county employment, knowingly accept employment  
22 or receive compensation or fees for services from a vendor  
23 that provides automated speed enforcement system equipment or  
24 services to townships, municipalities, or counties.

25 (o) (Blank).

26 (p) No person who is the lessor of a motor vehicle pursuant

1 to a written lease agreement shall be liable for an automated  
2 speed or traffic law enforcement system violation involving  
3 such motor vehicle during the period of the lease; provided  
4 that upon the request of the appropriate authority received  
5 within 120 days after the violation occurred, the lessor  
6 provides within 60 days after such receipt the name and  
7 address of the lessee. The drivers license number of a lessee  
8 may be subsequently individually requested by the appropriate  
9 authority if needed for enforcement of this Section.

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

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

21 (r) A township or municipality operating an automated  
22 speed enforcement system shall conduct a statistical analysis  
23 to assess the safety impact of the system following  
24 installation of the system and every 2 years thereafter. A  
25 township or municipality operating an automated speed  
26 enforcement system before the effective date of this

1 amendatory Act of the 103rd General Assembly shall conduct a  
2 statistical analysis to assess the safety impact of the system  
3 by no later than one year after the effective date of this  
4 amendatory Act of the 103rd General Assembly and every 2 years  
5 thereafter. Each statistical analysis shall be based upon the  
6 best available crash, traffic, and other data, and shall cover  
7 a period of time before and after installation of the system  
8 sufficient to provide a statistically valid comparison of  
9 safety impact. Each statistical analysis shall be consistent  
10 with professional judgment and acceptable industry practice.  
11 Each statistical analysis also shall be consistent with the  
12 data required for valid comparisons of before and after  
13 conditions and shall be conducted within a reasonable period  
14 following the installation of the automated traffic law  
15 enforcement system. Each statistical analysis required by this  
16 subsection shall be made available to the public and shall be  
17 published on the website of the township or municipality.

18 (s) (Blank). ~~This Section applies only to municipalities~~  
19 ~~with a population of 1,000,000 or more inhabitants.~~

20 (t) If a county, ~~or~~ municipality, or township selects a  
21 new vendor for its automated speed enforcement system and  
22 must, as a consequence, apply for a permit, approval, or other  
23 authorization from the Department for reinstallation of one or  
24 more malfunctioning components of that system and if, at the  
25 time of the application for the permit, approval, or other  
26 authorization, the new vendor operates an automated speed

1 enforcement system for any other county, ~~or~~ municipality, or  
2 township in the State, then the Department shall approve or  
3 deny the county, municipality, or township's ~~or municipality's~~  
4 application for the permit, approval, or other authorization  
5 within 90 days after its receipt.

6 (u) The Department may revoke any permit, approval, or  
7 other authorization granted to a county, ~~or~~ municipality, or  
8 township for the placement, installation, or operation of an  
9 automated speed enforcement system if any official or employee  
10 who serves that county, ~~or~~ municipality, or township is  
11 charged with bribery, official misconduct, or a similar crime  
12 related to the placement, installation, or operation of the  
13 automated speed enforcement system in the county, ~~or~~  
14 municipality, or township.

15 The Department shall adopt any rules necessary to  
16 implement and administer this subsection. The rules adopted by  
17 the Department shall describe the revocation process, shall  
18 ensure that notice of the revocation is provided, and shall  
19 provide an opportunity to appeal the revocation. Any county,  
20 ~~or~~ municipality, or township that has a permit, approval, or  
21 other authorization revoked under this subsection may not  
22 reapply for such a permit, approval, or other authorization  
23 for a period of one ± year after the revocation.

24 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)



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

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

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

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

- 24                 (1) 2 or more photographs;  
25                 (2) 2 or more microphotographs;  
26                 (3) 2 or more electronic images; or

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

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

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

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

23                 (1) the name and address of the registered owner of  
24                 the 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  
9 for 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;
- 13 (10) a statement that the person may elect to proceed  
14 by:
  - 15 (A) paying the fine; or
  - 16 (B) challenging the charge in court, by mail, or  
17 by administrative hearing; and
- 18 (11) a website address, accessible through the  
19 Internet, where the person may view the recorded images of  
20 the violation.
- 21 (f) (Blank).
- 22 (g) Based on inspection of recorded images produced by an  
23 automated traffic law enforcement system, a notice alleging  
24 that the violation occurred shall be evidence of the facts  
25 contained in the notice and admissible in any proceeding  
26 alleging a violation under this Section.

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

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

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

16 (1.5) that the motor vehicle was hijacked before the  
17 violation occurred and not under the control of or in the  
18 possession of the owner or lessee at the time of the  
19 violation;

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

25 (3) that the visual signals required by Sections  
26 12-803 and 12-805 of this Code were damaged, not

1 activated, not present in violation of Sections 12-803 and  
2 12-805, or inoperable; and

3 (4) any other evidence or issues provided by township,  
4 municipal, or county ordinance.

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

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

1 offense.

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

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

15 (n) A township, municipality, or county operating an  
16 automated traffic law enforcement system shall conduct a  
17 statistical analysis to assess the safety impact in each  
18 school district using school buses equipped with an automated  
19 traffic law enforcement system following installation of the  
20 system and every 2 years thereafter. A township, municipality,  
21 or county operating an automated speed enforcement system  
22 before the effective date of this amendatory Act of the 103rd  
23 General Assembly shall conduct a statistical analysis to  
24 assess the safety impact of the system by no later than one  
25 year after the effective date of this amendatory Act of the  
26 103rd General Assembly and every 2 years thereafter. Each

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

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

1 (o-1) No member of the General Assembly and no officer or  
2 employee of a township, municipality, or county shall  
3 knowingly accept employment or receive compensation or fees  
4 for services from a vendor that provides automated traffic law  
5 enforcement system equipment or services to townships,  
6 municipalities, or counties. No former member of the General  
7 Assembly shall, within a period of 2 years immediately after  
8 the termination of service as a member of the General  
9 Assembly, knowingly accept employment or receive compensation  
10 or fees for services from a vendor that provides automated  
11 traffic law enforcement system equipment or services to  
12 townships, municipalities, or counties. No former officer or  
13 employee of a township, municipality, or county shall, within  
14 a period of 2 years immediately after the termination of  
15 township, municipal, or county employment, knowingly accept  
16 employment or receive compensation or fees for services from a  
17 vendor that provides automated traffic law enforcement system  
18 equipment or services to townships, municipalities, or  
19 counties.

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



1 address of the lessee.

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

8 (q) (Blank).

9 (r) After a township, municipality, or county enacts an  
10 ordinance providing for automated traffic law enforcement  
11 systems under this Section, each school district within that  
12 township, municipality, or county's jurisdiction may implement  
13 an automated traffic law enforcement system under this  
14 Section. The elected school board for that district must  
15 approve the implementation of an automated traffic law  
16 enforcement system. The school district shall be responsible  
17 for entering into a contract, approved by the elected school  
18 board of that district, with vendors for the installation,  
19 maintenance, and operation of the automated traffic law  
20 enforcement system. The school district must enter into an  
21 intergovernmental agreement, approved by the elected school  
22 board of that district, with the township, municipality, or  
23 county with jurisdiction over that school district for the  
24 administration of the automated traffic law enforcement  
25 system. The proceeds from a school district's automated  
26 traffic law enforcement system's fines shall be divided

1 equally between the school district and the township,  
2 municipality, or county administering the automated traffic  
3 law enforcement system.

4 (s) If a county, ~~or~~ municipality, or township changes the  
5 vendor it uses for its automated traffic law enforcement  
6 system and must, as a consequence, apply for a permit,  
7 approval, or other authorization from the Department for  
8 reinstallation of one or more malfunctioning components of  
9 that system and if, at the time of the application, the new  
10 vendor operates an automated traffic law enforcement system  
11 for any other county, ~~or~~ municipality, or township in the  
12 State, then the Department shall approve or deny the county,  
13 municipality, or township's ~~or municipality's~~ application for  
14 that permit, approval, or other authorization within 90 days  
15 after its receipt.

16 (t) The Department may revoke any permit, approval, or  
17 other authorization granted to a county, ~~or~~ municipality, or  
18 township for the placement, installation, or operation of an  
19 automated traffic law enforcement system if any official or  
20 employee who serves that county, ~~or~~ municipality, or township  
21 is charged with bribery, official misconduct, or a similar  
22 crime related to the placement, installation, or operation of  
23 the automated traffic law enforcement system in the county, ~~or~~  
24 municipality, or township.

25 The Department shall adopt any rules necessary to  
26 implement and administer this subsection. The rules adopted by

1 the Department shall describe the revocation process, shall  
2 ensure that notice of the revocation is provided, and shall  
3 provide an opportunity to appeal the revocation. Any county,  
4 ~~or~~ municipality, or township that has a permit, approval, or  
5 other authorization revoked under this subsection may not  
6 reapply for such a permit, approval, or other authorization  
7 for a period of one ± year after the revocation.

8 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;  
9 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)

10 (625 ILCS 5/11-1201.1)

11 Sec. 11-1201.1. Automated railroad crossing enforcement  
12 system.

13 (a) For the purposes of this Section, an automated  
14 railroad grade crossing enforcement system is a system in a  
15 township, municipality, or county operated by a governmental  
16 agency that produces a recorded image of a motor vehicle's  
17 violation of a provision of this Code or local ordinance and is  
18 designed to obtain a clear recorded image of the vehicle and  
19 vehicle's license plate. The recorded image must also display  
20 the time, date, and location of the violation.

21 As used in this Section, "recorded images" means images  
22 recorded by an automated railroad grade crossing enforcement  
23 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,  
3 on at least one image or portion of the recording, clearly  
4 identifying the registration plate or digital registration  
5 plate number of the motor vehicle.

6 (b) The Illinois Commerce Commission may, in cooperation  
7 with a local law enforcement agency, establish in any county,  
8 ~~or~~ municipality, or township an automated railroad grade  
9 crossing enforcement system at any railroad grade crossing  
10 equipped with a crossing gate designated by local authorities.  
11 Local authorities desiring the establishment of an automated  
12 railroad crossing enforcement system must initiate the process  
13 by enacting a local ordinance requesting the creation of such  
14 a system. After the ordinance has been enacted, and before any  
15 additional steps toward the establishment of the system are  
16 undertaken, the local authorities and the Commission must  
17 agree to a plan for obtaining, from any combination of  
18 federal, State, and local funding sources, the moneys required  
19 for the purchase and installation of any necessary equipment.

20 (b-1) (Blank).

21 (c) For each violation of Section 11-1201 of this Code or a  
22 local ordinance recorded by an automated railroad grade  
23 crossing enforcement system, the county, ~~or~~ municipality, or  
24 township having jurisdiction shall issue a written notice of  
25 the violation to the registered owner of the vehicle as the  
26 alleged violator. The notice shall be delivered to the

1 registered owner of the vehicle, by mail, no later than 90 days  
2 after the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of  
5 the vehicle;

6 (2) the registration number of the motor vehicle  
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

10 (5) the date and time of the violation;

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the  
13 date by which the civil penalty should be paid;

14 (8) a statement that recorded images are evidence of a  
15 violation of a railroad grade crossing;

16 (9) a warning that failure to pay the civil penalty or  
17 to contest liability in a timely manner is an admission of  
18 liability; and

19 (10) a statement that the person may elect to proceed  
20 by:

21 (A) paying the fine; or

22 (B) challenging the charge in court, by mail, or  
23 by administrative hearing.

24 (d) (Blank).

25 (d-1) (Blank).

26 (d-2) (Blank).

1 (e) Based on inspection of recorded images produced by an  
2 automated railroad grade crossing enforcement system, a notice  
3 alleging that the violation occurred shall be evidence of the  
4 facts contained in the notice and admissible in any proceeding  
5 alleging a violation under this Section.

6 (e-1) Recorded images made by an automated railroad grade  
7 crossing enforcement system are confidential and shall be made  
8 available only to the alleged violator and governmental and  
9 law enforcement agencies for purposes of adjudicating a  
10 violation of this Section, for statistical purposes, or for  
11 other governmental purposes. Any recorded image evidencing a  
12 violation of this Section, however, may be admissible in any  
13 proceeding resulting from the issuance of the citation.

14 (e-2) The court or hearing officer may consider the  
15 following in the defense of a violation:

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

21 (1.5) that the motor vehicle was hijacked before the  
22 violation occurred and not under the control of or in the  
23 possession of the owner or lessee at the time of the  
24 violation;

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

1 of the violation for the same offense;

2 (3) any other evidence or issues provided by township,  
3 municipal, or county ordinance.

4 (e-3) To demonstrate that the motor vehicle was hijacked  
5 or the motor vehicle or registration plates or digital  
6 registration plates were stolen before the violation occurred  
7 and were not under the control or possession of the owner or  
8 lessee at the time of the violation, the owner or lessee must  
9 submit proof that a report concerning the motor vehicle or  
10 registration plates was filed with a law enforcement agency in  
11 a timely manner.

12 (f) Rail crossings equipped with an automatic railroad  
13 grade crossing enforcement system shall be posted with a sign  
14 visible to approaching traffic stating that the railroad grade  
15 crossing is being monitored, that citations will be issued,  
16 and the amount of the fine for violation.

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

22 (h) (Blank).

23 (i) If any part or parts of this Section are held by a  
24 court of competent jurisdiction to be unconstitutional, the  
25 unconstitutionality shall not affect the validity of the  
26 remaining parts of this Section. The General Assembly hereby

1 declares that it would have passed the remaining parts of this  
2 Section if it had known that the other part or parts of this  
3 Section would be declared unconstitutional.

4 (j) Penalty. A civil fine of \$250 shall be imposed for a  
5 first violation of this Section, and a civil fine of \$500 shall  
6 be imposed for a second or subsequent violation of this  
7 Section.

8 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
9 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)