



Rep. Barbara Flynn Currie

Filed: 11/9/2011

09700SB1865ham004

LRB097 05382 HEP 59769 a

1 AMENDMENT TO SENATE BILL 1865

2 AMENDMENT NO. _____. Amend Senate Bill 1865, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. If and only if Senate Bill 965 of the 97th
6 General Assembly becomes law in the form in which it passed the
7 Senate, the Illinois Vehicle Code is amended by changing
8 Section 11-208.8 as follows:

9 (625 ILCS 5/11-208.8)

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

12 (a) As used in this Section:

13 "Automated speed enforcement system" means a photographic
14 device, radar device, laser device, or other electrical or
15 mechanical device or devices installed or utilized in a safety
16 zone and designed to record the speed of a vehicle and obtain a

1 clear photograph or other recorded image of the vehicle and the
2 vehicle's registration plate while the driver is violating
3 Article VI of Chapter 11 of this Code or a similar provision of
4 a local ordinance.

5 An automated speed enforcement system is a system, located
6 in a safety zone which is under the jurisdiction of a
7 municipality, that produces a recorded image of a motor
8 vehicle's violation of a provision of this Code or a local
9 ordinance and is designed to obtain a clear recorded image of
10 the vehicle and the vehicle's license plate. The recorded image
11 must also display the time, date, and location of the
12 violation.

13 "Owner" means the person or entity to whom the vehicle is
14 registered.

15 "Recorded image" means images recorded by an automated
16 speed enforcement system on:

- 17 (1) 2 or more photographs;
18 (2) 2 or more microphotographs;
19 (3) 2 or more electronic images; or
20 (4) a video recording showing the motor vehicle and, on
21 at least one image or portion of the recording, clearly
22 identifying the registration plate number of the motor
23 vehicle.

24 "Safety zone" means an area that is within one-eighth of a
25 mile from the nearest property line of any public or private
26 elementary or secondary school, or from the nearest property

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

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

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

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

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

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

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

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

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

23 A penalty may not be imposed under this Section if a civil
24 penalty not exceeding \$100 for each violation, plus an
25 additional penalty of not more than \$100 for failure to pay the
26 original penalty in a timely manner, unless the driver of the

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

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

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

1 (ii) initiatives to improve pedestrian and traffic
2 safety; and

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

6 (iv) after school programs.

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

16 (f) The notice required under subsection (e) of this
17 Section shall include:

18 (1) the name and address of the registered owner of the
19 vehicle;

20 (2) the registration number of the motor vehicle
21 involved in the violation;

22 (3) the violation charged;

23 (4) the date, time, and location where the violation
24 occurred;

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

26 (6) the amount of the civil penalty imposed and the

1 date by which the civil penalty should be paid;

2 (7) a statement that recorded images are evidence of a
3 violation of a speed restriction;

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

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

10 (A) paying the fine; or

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

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

16 (g) If a person charged with a traffic violation, as a
17 result of an automated speed enforcement system, does not pay
18 the fine or successfully contest the civil penalty resulting
19 from that violation, the Secretary of State shall suspend the
20 driving privileges of the registered owner of the vehicle under
21 Section 6-306.5 of this Code for failing to pay any fine or
22 penalty due and owing, or both, as a result of a combination of
23 5 violations of the automated speed enforcement system or the
24 automated traffic law under Section 11-208.6 of this Code.

25 (h) Based on inspection of recorded images produced by an
26 automated speed enforcement system, a notice alleging that the

1 violation occurred shall be evidence of the facts contained in
2 the notice and admissible in any proceeding alleging a
3 violation under this Section.

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

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

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

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

23 (3) any other evidence or issues provided by municipal
24 ordinance.

25 (k) To demonstrate that the motor vehicle or the
26 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner at
2 the time of the violation, the owner must submit proof that a
3 report concerning the stolen motor vehicle or registration
4 plates was filed with a law enforcement agency in a timely
5 manner.

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

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

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

24 (o) A municipality shall make a certified report to the
25 Secretary of State pursuant to Section 6-306.5 of this Code
26 whenever a registered owner of a vehicle has failed to pay any

1 fine or penalty due and owing as a result of a combination of 5
2 offenses for automated speed or traffic law enforcement system
3 violations.

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

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

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

23 (r) A municipality operating an automated speed
24 enforcement system shall conduct a statistical analysis to
25 assess the safety impact of the system. The statistical
26 analysis shall be based upon the best available crash, traffic,

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

13 (s) This Section applies only to municipalities with a
14 population of 1,000,000 or more inhabitants.

15 (Source: 09700SB0965eng.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2012.".