

1 AN ACT concerning local government.

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

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

8 (625 ILCS 5/11-208.8)

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

11 (a) As used in this Section:

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

20 An automated speed enforcement system is a system, located
21 in a safety zone which is under the jurisdiction of a
22 municipality, that produces a recorded image of a motor
23 vehicle's violation of a provision of this Code or a local

1 ordinance and is designed to obtain a clear recorded image of
2 the vehicle and the vehicle's license plate. The recorded image
3 must also display the time, date, and location of the
4 violation.

5 "Owner" means the person or entity to whom the vehicle is
6 registered.

7 "Recorded image" means images recorded by an automated
8 speed enforcement system on:

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

12 (4) a video recording showing the motor vehicle and, on
13 at least one image or portion of the recording, clearly
14 identifying the registration plate number of the motor
15 vehicle.

16 "Safety zone" means an area that is within one-eighth of a
17 mile from the nearest property line of any public or private
18 elementary or secondary school, or from the nearest property
19 line of any facility, area, or land owned by a school district
20 that is used for educational purposes approved by the Illinois
21 State Board of Education, not including school district
22 headquarters or administrative buildings. A safety zone also
23 includes an area that is within one-eighth of a mile from the
24 nearest property line of any facility, area, or land owned by a
25 park district used for recreational purposes. However, if any
26 portion of a roadway is within either one-eighth mile radius,

1 the safety zone also shall include the roadway extended to the
2 furthest portion of the next furthest intersection. The term
3 "safety zone" does not include any portion of the roadway known
4 as Lake Shore Drive or any controlled access highway with 8 or
5 more lanes of traffic.

6 (a-5) The automated speed enforcement system shall be
7 operational and violations shall be recorded only at the
8 following times:

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

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

21 (b) A municipality that produces a recorded image of a
22 motor vehicle's violation of a provision of this Code or a
23 local ordinance must make the recorded images of a violation
24 accessible to the alleged violator by providing the alleged
25 violator with a website address, accessible through the
26 Internet.

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

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

10 (2) if the recorded speed is more than 10 miles per
11 hour over the legal speed limit, a civil penalty not
12 exceeding \$100, plus an additional penalty of not more than
13 \$100 for failure to pay the original penalty in a timely
14 manner.

15 A penalty may not be imposed under this Section if a civil
16 penalty not exceeding \$100 for each violation, plus an
17 additional penalty of not more than \$100 for failure to pay the
18 original penalty in a timely manner, unless the driver of the
19 motor vehicle received a Uniform Traffic Citation from a police
20 officer for a speeding violation occurring within one-eighth of
21 a mile and 15 minutes of the violation that was recorded by the
22 system. A violation for which a civil penalty is imposed under
23 this Section is not a violation of a traffic regulation
24 governing the movement of vehicles and may not be recorded on
25 the driving record of the owner of the vehicle. A law
26 enforcement officer is not required to be present or to witness

1 the violation. No penalty may be imposed under this Section if
2 the recorded speed of a vehicle is 5 miles per hour or less
3 over the legal speed limit. The municipality may send, in the
4 same manner that notices are sent under this Section, a speed
5 violation warning notice where the violation involves a speed
6 of 5 miles per hour or less above the legal speed limit.

7 (d) The net proceeds that a municipality receives from
8 civil penalties imposed under an automated speed enforcement
9 system, after deducting all non-personnel and personnel costs
10 associated with the operation and maintenance of such system,
11 shall be expended or obligated by the municipality for the
12 following purposes:

13 (i) public safety initiatives to ensure safe passage
14 around schools, and to provide police protection and
15 surveillance around schools and parks, including but not
16 limited to: (1) personnel costs; and (2) non-personnel
17 costs such as construction and maintenance of public safety
18 infrastructure and equipment;

19 (ii) initiatives to improve pedestrian and traffic
20 safety; and

21 (iii) construction and maintenance of infrastructure
22 within the municipality, including but not limited to roads
23 and bridges; and -

24 (iv) after school programs.

25 (e) For each violation of a provision of this Code or a
26 local ordinance recorded by an automated speed enforcement

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

8 (f) The notice required under subsection (e) of this
9 Section shall include:

10 (1) the name and address of the registered owner of the
11 vehicle;

12 (2) the registration number of the motor vehicle
13 involved in the violation;

14 (3) the violation charged;

15 (4) the date, time, and location where the violation
16 occurred;

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

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

20 (7) a statement that recorded images are evidence of a
21 violation of a speed restriction;

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

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

1 by:

2 (A) paying the fine; or

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

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

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

17 (h) Based on inspection of recorded images produced by an
18 automated speed enforcement system, a notice alleging that the
19 violation occurred shall be evidence of the facts contained in
20 the notice and admissible in any proceeding alleging a
21 violation under this Section.

22 (i) Recorded images made by an automated speed enforcement
23 system are confidential and shall be made available only to the
24 alleged violator and governmental and law enforcement agencies
25 for purposes of adjudicating a violation of this Section, for
26 statistical purposes, or for other governmental purposes. Any

1 recorded image evidencing a violation of this Section, however,
2 may be admissible in any proceeding resulting from the issuance
3 of the citation.

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

6 (1) that the motor vehicle or registration plates of
7 the motor vehicle were stolen before the violation occurred
8 and not under the control or in the possession of the owner
9 at the time of the violation;

10 (2) that the driver of the motor vehicle received a
11 Uniform Traffic Citation from a police officer for a
12 speeding violation occurring within one-eighth of a mile
13 and 15 minutes of the violation that was recorded by the
14 system; and

15 (3) any other evidence or issues provided by municipal
16 ordinance.

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

24 (l) A roadway equipped with an automated speed enforcement
25 system shall be posted with a sign conforming to the national
26 Manual on Uniform Traffic Control Devices that is visible to

1 approaching traffic stating that vehicle speeds are being
2 photo-enforced and indicating the speed limit. The
3 municipality shall install such additional signage as it
4 determines is necessary to give reasonable notice to drivers as
5 to where automated speed enforcement systems are installed.

6 (m) A roadway where a new automated speed enforcement
7 system is installed shall be posted with signs providing 30
8 days notice of the use of a new automated speed enforcement
9 system prior to the issuance of any citations through the
10 automated speed enforcement system.

11 (n) The compensation paid for an automated speed
12 enforcement system must be based on the value of the equipment
13 or the services provided and may not be based on the number of
14 traffic citations issued or the revenue generated by the
15 system.

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

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

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

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

11 (q) A municipality using an automated speed enforcement
12 system must provide notice to drivers by publishing the
13 locations of all safety zones where system equipment is
14 installed on the website of the municipality.

15 (r) A municipality operating an automated speed
16 enforcement system shall conduct a statistical analysis to
17 assess the safety impact of the system. The statistical
18 analysis shall be based upon the best available crash, traffic,
19 and other data, and shall cover a period of time before and
20 after installation of the system sufficient to provide a
21 statistically valid comparison of safety impact. The
22 statistical analysis shall be consistent with professional
23 judgment and acceptable industry practice. The statistical
24 analysis also shall be consistent with the data required for
25 valid comparisons of before and after conditions and shall be
26 conducted within a reasonable period following the

1 installation of the automated traffic law enforcement system.
2 The statistical analysis required by this subsection shall be
3 made available to the public and shall be published on the
4 website of the municipality.

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

7 (Source: 09700SB0965eng.)

8 Section 99. Effective date. This Act takes effect July 1,
9 2012.