

# HB3259



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3259

by Rep. Luis Arroyo

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.8  
625 ILCS 7/25

Amends the Illinois Vehicle Code and the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act. Provides that automated speed enforcement systems may not be located within 3 miles of each other except in areas that are within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings.

LRB099 07783 RJF 27917 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-208.8 as follows:

6 (625 ILCS 5/11-208.8)

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

9 (a) As used in this Section:

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

18 An automated speed enforcement system is a system, located  
19 in a safety zone which is under the jurisdiction of a  
20 municipality, 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 image

1 must also display the time, date, and location of the  
2 violation.

3 "Owner" means the person or entity to whom the vehicle is  
4 registered.

5 "Recorded image" means images recorded by an automated  
6 speed enforcement system on:

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

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

1 "safety zone" does not include any portion of the roadway known  
2 as Lake Shore Drive or any controlled access highway with 8 or  
3 more lanes of traffic.

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

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

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

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

25 (c) Notwithstanding any penalties for any other violations  
26 of this Code, the owner of a motor vehicle used in a traffic

1 violation recorded by an automated speed enforcement system  
2 shall be subject to the following penalties:

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

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

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

1 speed of 5 miles per hour or less above the legal speed limit.

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

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

14 (ii) initiatives to improve pedestrian and traffic  
15 safety;

16 (iii) construction and maintenance of infrastructure  
17 within the municipality, including but not limited to roads  
18 and bridges; and

19 (iv) after school programs.

20 (e) For each violation of a provision of this Code or a  
21 local ordinance recorded by an automated speed enforcement  
22 system, the municipality having jurisdiction shall issue a  
23 written notice of the violation to the registered owner of the  
24 vehicle as the alleged violator. The notice shall be delivered  
25 to the registered owner of the vehicle, by mail, within 30 days  
26 after the Secretary of State notifies the municipality of the

1 identity of the owner of the vehicle, but in no event later  
2 than 90 days after the violation.

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

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

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

9 (3) the violation charged;

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

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

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

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

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

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

23 (A) paying the fine; or

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

26 (10) a website address, accessible through the

1 Internet, where the person may view the recorded images of  
2 the violation.

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

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

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

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



1           (1) that the motor vehicle or registration plates of  
2           the motor vehicle were stolen before the violation occurred  
3           and not under the control or in the possession of the owner  
4           at the time of the violation;

5           (2) that the driver of the motor vehicle received a  
6           Uniform Traffic Citation from a police officer for a  
7           speeding violation occurring within one-eighth of a mile  
8           and 15 minutes of the violation that was recorded by the  
9           system; and

10          (3) any other evidence or issues provided by municipal  
11          ordinance.

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

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

1 (m) A roadway where a new automated speed enforcement  
2 system is installed shall be posted with signs providing 30  
3 days notice of the use of a new automated speed enforcement  
4 system prior to the issuance of any citations through the  
5 automated speed enforcement system.

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

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

17 (p) No person who is the lessor of a motor vehicle pursuant  
18 to a written lease agreement shall be liable for an automated  
19 speed or traffic law enforcement system violation involving  
20 such motor vehicle during the period of the lease; provided  
21 that upon the request of the appropriate authority received  
22 within 120 days after the violation occurred, the lessor  
23 provides within 60 days after such receipt the name and address  
24 of the lessee. The drivers license number of a lessee may be  
25 subsequently individually requested by the appropriate  
26 authority if needed for enforcement of this Section.

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

6           (q) A municipality using an automated speed enforcement  
7 system must provide notice to drivers by publishing the  
8 locations of all safety zones where system equipment is  
9 installed on the website of the municipality.

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

26          (s) This Section applies only to municipalities with a

1 population of 1,000,000 or more inhabitants.

2 (t) No automated speed enforcement system may be located  
3 within 3 miles of another automated speed enforcement system.  
4 This subsection does not apply to a safety zone that is within  
5 one-eighth of a mile from the nearest property line of any  
6 public or private elementary or secondary school, or from the  
7 nearest property line of any facility, area, or land owned by a  
8 school district that is used for educational purposes approved  
9 by the Illinois State Board of Education, not including school  
10 district headquarters or administrative buildings.

11 (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12; 98-463,  
12 eff. 8-16-13.)

13 Section 10. The Automated Traffic Control Systems in  
14 Highway Construction or Maintenance Zones Act is amended by  
15 changing Section 25 as follows:

16 (625 ILCS 7/25)

17 Sec. 25. Limitations on the use of automated traffic  
18 enforcement systems.

19 (a) The Department of State Police must conduct a public  
20 information campaign to inform drivers about the use of  
21 automated traffic control systems in highway construction or  
22 maintenance zones before establishing any of those systems. The  
23 Department of State Police shall adopt rules for implementing  
24 this subsection (a).

1           (b) Signs indicating that speeds are enforced by automated  
2 traffic control systems must be clearly posted in the areas  
3 where the systems are in use.

4           (c) Operation of automated traffic control systems is  
5 limited to areas where road construction or maintenance is  
6 occurring.

7           (d) Photographs obtained in this manner may only be used as  
8 evidence in relation to a violation of Section 11-605.1 of the  
9 Illinois Vehicle Code for which the photograph is taken. The  
10 photographs are available only to the owner of the vehicle, the  
11 offender and the offender's attorney, the judiciary, the local  
12 State's Attorney, and law enforcement officials.

13           (e) If the driver of the vehicle cannot be identified  
14 through the photograph, the owner is not liable for the fine,  
15 and the citation may not be counted against the driving record  
16 of the owner. If the driver can be identified, the driver is  
17 liable for the fine, and the violation is counted against his  
18 or her driving record.

19           (f) No automated traffic control system may be located  
20 within 3 miles of another automated traffic control system.

21           (Source: P.A. 93-947, eff. 8-19-04.)