



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0321

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.2	
625 ILCS 5/3-400	from Ch. 95 1/2, par. 3-400
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.8	
625 ILCS 5/11-208.6 rep.	
30 ILCS 805/8.41 new	

Amends the Illinois Vehicle Code. Repeals Section providing authority to use automated traffic law enforcement systems at intersections in which cameras are used to photograph or video record a motor vehicle's failure to stop and yield as required by traffic control signals. Denies home rule powers. Amends the State Mandates Act to require implementation without reimbursement from the State. Makes conforming and other technical changes.

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FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 1-105.2, 3-400, 6-306.5, 11-208, 11-208.3, and
6 11-208.8 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation
9 described in Section ~~11-208.6~~, 11-208.9~~7~~, or 11-1201.1 of this
10 Code.

11 (Source: P.A. 98-556, eff. 1-1-14.)

12 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

13 Sec. 3-400. Definitions. Notwithstanding the definitions
14 set forth in Chapter 1 of this Act, for the purposes of this
15 Article, the following words shall have the meaning ascribed to
16 them as follows:

17 "Apportionable Fee" means any periodic recurring fee
18 required for licensing or registering vehicles, such as, but
19 not limited to, registration fees, license or weight fees.

20 "Apportionable Vehicle" means any vehicle, except
21 recreational vehicles, vehicles displaying restricted plates,
22 city pickup and delivery vehicles, buses used in transportation

1 of chartered parties, and government owned vehicles that are
2 used or intended for use in 2 or more member jurisdictions that
3 allocate or proportionally register vehicles, in a fleet which
4 is used for the transportation of persons for hire or the
5 transportation of property and which has a gross vehicle weight
6 in excess of 26,000 pounds; or has three or more axles
7 regardless of weight; or is used in combination when the weight
8 of such combination exceeds 26,000 pounds gross vehicle weight.
9 Vehicles, or combinations having a gross vehicle weight of
10 26,000 pounds or less and two-axle vehicles may be
11 proportionally registered at the option of such owner.

12 "Base Jurisdiction" means, for purposes of fleet
13 registration, the jurisdiction where the registrant has an
14 established place of business, where operational records of the
15 fleet are maintained and where mileage is accrued by the fleet.
16 In case a registrant operates more than one fleet, and
17 maintains records for each fleet in different places, the "base
18 jurisdiction" for a fleet shall be the jurisdiction where an
19 established place of business is maintained, where records of
20 the operation of that fleet are maintained and where mileage is
21 accrued by that fleet.

22 "Operational Records" means documents supporting miles
23 traveled in each jurisdiction and total miles traveled, such as
24 fuel reports, trip leases, and logs.

25 "Owner" means a person who holds legal title of a motor
26 vehicle, or in the event a motor vehicle is the subject of an

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

10 "Registration plate cover" means any tinted, colored,
11 painted, marked, clear, or illuminated object that is designed
12 to (i) cover any of the characters of a motor vehicle's
13 registration plate; or (ii) distort a recorded image of any of
14 the characters of a motor vehicle's registration plate recorded
15 by an automated enforcement system as defined in Section
16 ~~11-208.6~~, 11-208.8~~7~~ or 11-1201.1 of this Code or recorded by an
17 automated traffic control system as defined in Section 15 of
18 the Automated Traffic Control Systems in Highway Construction
19 or Maintenance Zones Act.

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

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

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

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

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

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

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

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

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

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

1 contain the following:

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

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

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

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

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

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

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

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

11 (f) Any municipality or county, other than a municipality
12 or county establishing vehicular standing, parking, and
13 compliance regulations pursuant to Section 11-208.3, automated
14 speed enforcement system regulations under Section 11-208.8,
15 or automated traffic law regulations under Section ~~11-208.6,~~
16 ~~11-208.9,~~ or 11-1201.1, may also cause a suspension of a
17 person's drivers license pursuant to this Section. Such
18 municipality or county may invoke this sanction by making a
19 certified report to the Secretary of State upon a person's
20 failure to satisfy any fine or penalty imposed by final
21 judgment for 10 or more violations of local standing, parking,
22 or compliance regulations or a combination of 5 or more
23 automated speed enforcement system or automated traffic law
24 violations after exhaustion of judicial review procedures, but
25 only if:

26 (1) the municipality or county complies with the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 11. Prohibiting U-turns;

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

18 13. Prohibiting parking during snow removal operation;

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

1 a veteran with a disability;

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

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

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

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

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

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

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

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

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

7 (h) A municipality designated in Section 11-208.8 may enact
8 an ordinance providing for an automated speed enforcement
9 system to enforce violations of Article VI of Chapter 11 of
10 this Code or a similar provision of a local ordinance.

11 (i) A municipality or county designated in Section 11-208.9
12 may enact an ordinance providing for an automated traffic law
13 enforcement system to enforce violations of Section 11-1414 of
14 this Code or a similar provision of a local ordinance and
15 imposing liability on a registered owner or lessee of a vehicle
16 used in such a violation.

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

19 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

20 Sec. 11-208.3. Administrative adjudication of violations
21 of traffic regulations concerning the standing, parking, or
22 condition of vehicles, automated traffic law violations, and
23 automated speed enforcement system violations.

24 (a) Any municipality or county may provide by ordinance for
25 a system of administrative adjudication of vehicular standing

1 and parking violations and vehicle compliance violations as
2 described in this subsection, automated traffic law violations
3 as defined in Section ~~11-208.6~~, 11-208.9, or 11-1201.1, and
4 automated speed enforcement system violations as defined in
5 Section 11-208.8. The administrative system shall have as its
6 purpose the fair and efficient enforcement of municipal or
7 county regulations through the administrative adjudication of
8 automated speed enforcement system or automated traffic law
9 violations and violations of municipal or county ordinances
10 regulating the standing and parking of vehicles, the condition
11 and use of vehicle equipment, and the display of municipal or
12 county wheel tax licenses within the municipality's or county's
13 borders. The administrative system shall only have authority to
14 adjudicate civil offenses carrying fines not in excess of \$500
15 or requiring the completion of a traffic education program, or
16 both, that occur after the effective date of the ordinance
17 adopting such a system under this Section. For purposes of this
18 Section, "compliance violation" means a violation of a
19 municipal or county regulation governing the condition or use
20 of equipment on a vehicle or governing the display of a
21 municipal or county wheel tax license.

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

24 (1) A traffic compliance administrator authorized to
25 adopt, distribute and process parking, compliance, and
26 automated speed enforcement system or automated traffic

1 law violation notices and other notices required by this
2 Section, collect money paid as fines and penalties for
3 violation of parking and compliance ordinances and
4 automated speed enforcement system or automated traffic
5 law violations, and operate an administrative adjudication
6 system. The traffic compliance administrator also may make
7 a certified report to the Secretary of State under Section
8 6-306.5.

9 (2) A parking, standing, compliance, automated speed
10 enforcement system, or automated traffic law violation
11 notice that shall specify the date, time, and place of
12 violation of a parking, standing, compliance, automated
13 speed enforcement system, or automated traffic law
14 regulation; the particular regulation violated; any
15 requirement to complete a traffic education program; the
16 fine and any penalty that may be assessed for late payment
17 or failure to complete a required traffic education
18 program, or both, when so provided by ordinance; the
19 vehicle make and state registration number; and the
20 identification number of the person issuing the notice.
21 With regard to automated speed enforcement system or
22 automated traffic law violations, vehicle make shall be
23 specified on the automated speed enforcement system or
24 automated traffic law violation notice if the make is
25 available and readily discernible. With regard to
26 municipalities or counties with a population of 1 million

1 or more, it shall be grounds for dismissal of a parking
2 violation if the state registration number or vehicle make
3 specified is incorrect. The violation notice shall state
4 that the completion of any required traffic education
5 program, the payment of any indicated fine, and the payment
6 of any applicable penalty for late payment or failure to
7 complete a required traffic education program, or both,
8 shall operate as a final disposition of the violation. The
9 notice also shall contain information as to the
10 availability of a hearing in which the violation may be
11 contested on its merits. The violation notice shall specify
12 the time and manner in which a hearing may be had.

13 (3) Service of the parking, standing, or compliance
14 violation notice by affixing the original or a facsimile of
15 the notice to an unlawfully parked vehicle or by handing
16 the notice to the operator of a vehicle if he or she is
17 present and service of an automated speed enforcement
18 system or automated traffic law violation notice by mail to
19 the address of the registered owner or lessee of the cited
20 vehicle as recorded with the Secretary of State or the
21 lessor of the motor vehicle within 30 days after the
22 Secretary of State or the lessor of the motor vehicle
23 notifies the municipality or county of the identity of the
24 owner or lessee of the vehicle, but not later than 90 days
25 after the violation, except that in the case of a lessee of
26 a motor vehicle, service of an automated traffic law

1 violation notice may occur no later than 210 days after the
2 violation. A person authorized by ordinance to issue and
3 serve parking, standing, and compliance violation notices
4 shall certify as to the correctness of the facts entered on
5 the violation notice by signing his or her name to the
6 notice at the time of service or in the case of a notice
7 produced by a computerized device, by signing a single
8 certificate to be kept by the traffic compliance
9 administrator attesting to the correctness of all notices
10 produced by the device while it was under his or her
11 control. In the case of an automated traffic law violation,
12 the ordinance shall require a determination by a technician
13 employed or contracted by the municipality or county that,
14 based on inspection of recorded images, the motor vehicle
15 was being operated in violation of Section ~~11-208.6,~~
16 ~~11-208.9,~~ or 11-1201.1 or a local ordinance. ~~If the~~
17 ~~technician determines that the vehicle entered the~~
18 ~~intersection as part of a funeral procession or in order to~~
19 ~~yield the right of way to an emergency vehicle, a citation~~
20 ~~shall not be issued.~~ In municipalities with a population of
21 less than 1,000,000 inhabitants and counties with a
22 population of less than 3,000,000 inhabitants, the
23 automated traffic law ordinance shall require that all
24 determinations by a technician that a motor vehicle was
25 being operated in violation of Section ~~11-208.6,~~ 11-208.9,
26 or 11-1201.1 or a local ordinance must be reviewed and

1 approved by a law enforcement officer or retired law
2 enforcement officer of the municipality or county issuing
3 the violation. In municipalities with a population of
4 1,000,000 or more inhabitants and counties with a
5 population of 3,000,000 or more inhabitants, the automated
6 traffic law ordinance shall require that all
7 determinations by a technician that a motor vehicle was
8 being operated in violation of Section ~~11-208.6~~, 11-208.9~~7~~
9 or 11-1201.1 or a local ordinance must be reviewed and
10 approved by a law enforcement officer or retired law
11 enforcement officer of the municipality or county issuing
12 the violation or by an additional fully-trained reviewing
13 technician who is not employed by the contractor who
14 employs the technician who made the initial determination.
15 In the case of an automated speed enforcement system
16 violation, the ordinance shall require a determination by a
17 technician employed by the municipality, based upon an
18 inspection of recorded images, video or other
19 documentation, including documentation of the speed limit
20 and automated speed enforcement signage, and documentation
21 of the inspection, calibration, and certification of the
22 speed equipment, that the vehicle was being operated in
23 violation of Article VI of Chapter 11 of this Code or a
24 similar local ordinance. If the technician determines that
25 the vehicle speed was not determined by a calibrated,
26 certified speed equipment device based upon the speed

1 equipment documentation, or if the vehicle was an emergency
2 vehicle, a citation may not be issued. The automated speed
3 enforcement ordinance shall require that all
4 determinations by a technician that a violation occurred be
5 reviewed and approved by a law enforcement officer or
6 retired law enforcement officer of the municipality
7 issuing the violation or by an additional fully trained
8 reviewing technician who is not employed by the contractor
9 who employs the technician who made the initial
10 determination. Routine and independent calibration of the
11 speeds produced by automated speed enforcement systems and
12 equipment shall be conducted annually by a qualified
13 technician. Speeds produced by an automated speed
14 enforcement system shall be compared with speeds produced
15 by lidar or other independent equipment. Radar or lidar
16 equipment shall undergo an internal validation test no less
17 frequently than once each week. Qualified technicians
18 shall test loop based equipment no less frequently than
19 once a year. Radar equipment shall be checked for accuracy
20 by a qualified technician when the unit is serviced, when
21 unusual or suspect readings persist, or when deemed
22 necessary by a reviewing technician. Radar equipment shall
23 be checked with the internal frequency generator and the
24 internal circuit test whenever the radar is turned on.
25 Technicians must be alert for any unusual or suspect
26 readings, and if unusual or suspect readings of a radar

1 unit persist, that unit shall immediately be removed from
2 service and not returned to service until it has been
3 checked by a qualified technician and determined to be
4 functioning properly. Documentation of the annual
5 calibration results, including the equipment tested, test
6 date, technician performing the test, and test results,
7 shall be maintained and available for use in the
8 determination of an automated speed enforcement system
9 violation and issuance of a citation. The technician
10 performing the calibration and testing of the automated
11 speed enforcement equipment shall be trained and certified
12 in the use of equipment for speed enforcement purposes.
13 Training on the speed enforcement equipment may be
14 conducted by law enforcement, civilian, or manufacturer's
15 personnel and if applicable may be equivalent to the
16 equipment use and operations training included in the Speed
17 Measuring Device Operator Program developed by the
18 National Highway Traffic Safety Administration (NHTSA).
19 The vendor or technician who performs the work shall keep
20 accurate records on each piece of equipment the technician
21 calibrates and tests. As used in this paragraph,
22 "fully-trained reviewing technician" means a person who
23 has received at least 40 hours of supervised training in
24 subjects which shall include image inspection and
25 interpretation, the elements necessary to prove a
26 violation, license plate identification, and traffic

1 safety and management. In all municipalities and counties,
2 the automated speed enforcement system or automated
3 traffic law ordinance shall require that no additional fee
4 shall be charged to the alleged violator for exercising his
5 or her right to an administrative hearing, and persons
6 shall be given at least 25 days following an administrative
7 hearing to pay any civil penalty imposed by a finding that
8 Section ~~11-208.6~~, 11-208.8, 11-208.9, or 11-1201.1 or a
9 similar local ordinance has been violated. The original or
10 a facsimile of the violation notice or, in the case of a
11 notice produced by a computerized device, a printed record
12 generated by the device showing the facts entered on the
13 notice, shall be retained by the traffic compliance
14 administrator, and shall be a record kept in the ordinary
15 course of business. A parking, standing, compliance,
16 automated speed enforcement system, or automated traffic
17 law violation notice issued, signed and served in
18 accordance with this Section, a copy of the notice, or the
19 computer generated record shall be prima facie correct and
20 shall be prima facie evidence of the correctness of the
21 facts shown on the notice. The notice, copy, or computer
22 generated record shall be admissible in any subsequent
23 administrative or legal proceedings.

24 (4) An opportunity for a hearing for the registered
25 owner of the vehicle cited in the parking, standing,
26 compliance, automated speed enforcement system, or

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

17 (5) Service of additional notices, sent by first class
18 United States mail, postage prepaid, to the address of the
19 registered owner of the cited vehicle as recorded with the
20 Secretary of State or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database,
23 or, under Section 11-1306 or subsection (p) of Section
24 ~~11-208.6 or~~ 11-208.9, or subsection (p) of Section 11-208.8
25 of this Code, to the lessee of the cited vehicle at the
26 last address known to the lessor of the cited vehicle at

1 the time of lease or, if any notice to that address is
2 returned as undeliverable, to the last known address
3 recorded in a United States Post Office approved database.
4 The service shall be deemed complete as of the date of
5 deposit in the United States mail. The notices shall be in
6 the following sequence and shall include but not be limited
7 to the information specified herein:

8 (i) A second notice of parking, standing, or
9 compliance violation. This notice shall specify the
10 date and location of the violation cited in the
11 parking, standing, or compliance violation notice, the
12 particular regulation violated, the vehicle make and
13 state registration number, any requirement to complete
14 a traffic education program, the fine and any penalty
15 that may be assessed for late payment or failure to
16 complete a traffic education program, or both, when so
17 provided by ordinance, the availability of a hearing in
18 which the violation may be contested on its merits, and
19 the time and manner in which the hearing may be had.
20 The notice of violation shall also state that failure
21 to complete a required traffic education program, to
22 pay the indicated fine and any applicable penalty, or
23 to appear at a hearing on the merits in the time and
24 manner specified, will result in a final determination
25 of violation liability for the cited violation in the
26 amount of the fine or penalty indicated, and that, upon

1 the occurrence of a final determination of violation
2 liability for the failure, and the exhaustion of, or
3 failure to exhaust, available administrative or
4 judicial procedures for review, any incomplete traffic
5 education program or any unpaid fine or penalty, or
6 both, will constitute a debt due and owing the
7 municipality or county.

8 (ii) A notice of final determination of parking,
9 standing, compliance, automated speed enforcement
10 system, or automated traffic law violation liability.
11 This notice shall be sent following a final
12 determination of parking, standing, compliance,
13 automated speed enforcement system, or automated
14 traffic law violation liability and the conclusion of
15 judicial review procedures taken under this Section.
16 The notice shall state that the incomplete traffic
17 education program or the unpaid fine or penalty, or
18 both, is a debt due and owing the municipality or
19 county. The notice shall contain warnings that failure
20 to complete any required traffic education program or
21 to pay any fine or penalty due and owing the
22 municipality or county, or both, within the time
23 specified may result in the municipality's or county's
24 filing of a petition in the Circuit Court to have the
25 incomplete traffic education program or unpaid fine or
26 penalty, or both, rendered a judgment as provided by

1 this Section, or may result in suspension of the
2 person's drivers license for failure to complete a
3 traffic education program or to pay fines or penalties,
4 or both, for 10 or more parking violations under
5 Section 6-306.5, or a combination of 5 or more
6 automated traffic law violations under Section
7 ~~11-208.6~~ or 11-208.9 or automated speed enforcement
8 system violations under Section 11-208.8.

9 (6) A notice of impending drivers license suspension.
10 This notice shall be sent to the person liable for failure
11 to complete a required traffic education program or to pay
12 any fine or penalty that remains due and owing, or both, on
13 10 or more parking violations or combination of 5 or more
14 unpaid automated speed enforcement system or automated
15 traffic law violations. The notice shall state that failure
16 to complete a required traffic education program or to pay
17 the fine or penalty owing, or both, within 45 days of the
18 notice's date will result in the municipality or county
19 notifying the Secretary of State that the person is
20 eligible for initiation of suspension proceedings under
21 Section 6-306.5 of this Code. The notice shall also state
22 that the person may obtain a photostatic copy of an
23 original ticket imposing a fine or penalty by sending a
24 self addressed, stamped envelope to the municipality or
25 county along with a request for the photostatic copy. The
26 notice of impending drivers license suspension shall be

1 sent by first class United States mail, postage prepaid, to
2 the address recorded with the Secretary of State or, if any
3 notice to that address is returned as undeliverable, to the
4 last known address recorded in a United States Post Office
5 approved database.

6 (7) Final determinations of violation liability. A
7 final determination of violation liability shall occur
8 following failure to complete the required traffic
9 education program or to pay the fine or penalty, or both,
10 after a hearing officer's determination of violation
11 liability and the exhaustion of or failure to exhaust any
12 administrative review procedures provided by ordinance.
13 Where a person fails to appear at a hearing to contest the
14 alleged violation in the time and manner specified in a
15 prior mailed notice, the hearing officer's determination
16 of violation liability shall become final: (A) upon denial
17 of a timely petition to set aside that determination, or
18 (B) upon expiration of the period for filing the petition
19 without a filing having been made.

20 (8) A petition to set aside a determination of parking,
21 standing, compliance, automated speed enforcement system,
22 or automated traffic law violation liability that may be
23 filed by a person owing an unpaid fine or penalty. A
24 petition to set aside a determination of liability may also
25 be filed by a person required to complete a traffic
26 education program. The petition shall be filed with and

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

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

23 (10) A schedule of civil fines for violations of
24 vehicular standing, parking, compliance, automated speed
25 enforcement system, or automated traffic law regulations
26 enacted by ordinance pursuant to this Section, and a

1 schedule of penalties for late payment of the fines or
2 failure to complete required traffic education programs,
3 provided, however, that the total amount of the fine and
4 penalty for any one violation shall not exceed \$250, except
5 as provided in subsection (c) of Section 11-1301.3 of this
6 Code.

7 (11) Other provisions as are necessary and proper to
8 carry into effect the powers granted and purposes stated in
9 this Section.

10 (c) Any municipality or county establishing vehicular
11 standing, parking, compliance, automated speed enforcement
12 system, or automated traffic law regulations under this Section
13 may also provide by ordinance for a program of vehicle
14 immobilization for the purpose of facilitating enforcement of
15 those regulations. The program of vehicle immobilization shall
16 provide for immobilizing any eligible vehicle upon the public
17 way by presence of a restraint in a manner to prevent operation
18 of the vehicle. Any ordinance establishing a program of vehicle
19 immobilization under this Section shall provide:

20 (1) Criteria for the designation of vehicles eligible
21 for immobilization. A vehicle shall be eligible for
22 immobilization when the registered owner of the vehicle has
23 accumulated the number of incomplete traffic education
24 programs or unpaid final determinations of parking,
25 standing, compliance, automated speed enforcement system,
26 or automated traffic law violation liability, or both, as

1 determined by ordinance.

2 (2) A notice of impending vehicle immobilization and a
3 right to a hearing to challenge the validity of the notice
4 by disproving liability for the incomplete traffic
5 education programs or unpaid final determinations of
6 parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violation liability, or
8 both, listed on the notice.

9 (3) The right to a prompt hearing after a vehicle has
10 been immobilized or subsequently towed without the
11 completion of the required traffic education program or
12 payment of the outstanding fines and penalties on parking,
13 standing, compliance, automated speed enforcement system,
14 or automated traffic law violations, or both, for which
15 final determinations have been issued. An order issued
16 after the hearing is a final administrative decision within
17 the meaning of Section 3-101 of the Code of Civil
18 Procedure.

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

22 (d) Judicial review of final determinations of parking,
23 standing, compliance, automated speed enforcement system, or
24 automated traffic law violations and final administrative
25 decisions issued after hearings regarding vehicle
26 immobilization and impoundment made under this Section shall be

1 subject to the provisions of the Administrative Review Law.

2 (e) Any fine, penalty, incomplete traffic education
3 program, or part of any fine or any penalty remaining unpaid
4 after the exhaustion of, or the failure to exhaust,
5 administrative remedies created under this Section and the
6 conclusion of any judicial review procedures shall be a debt
7 due and owing the municipality or county and, as such, may be
8 collected in accordance with applicable law. Completion of any
9 required traffic education program and payment in full of any
10 fine or penalty resulting from a standing, parking, compliance,
11 automated speed enforcement system, or automated traffic law
12 violation shall constitute a final disposition of that
13 violation.

14 (f) After the expiration of the period within which
15 judicial review may be sought for a final determination of
16 parking, standing, compliance, automated speed enforcement
17 system, or automated traffic law violation, the municipality or
18 county may commence a proceeding in the Circuit Court for
19 purposes of obtaining a judgment on the final determination of
20 violation. Nothing in this Section shall prevent a municipality
21 or county from consolidating multiple final determinations of
22 parking, standing, compliance, automated speed enforcement
23 system, or automated traffic law violations against a person in
24 a proceeding. Upon commencement of the action, the municipality
25 or county shall file a certified copy or record of the final
26 determination of parking, standing, compliance, automated

1 speed enforcement system, or automated traffic law violation,
2 which shall be accompanied by a certification that recites
3 facts sufficient to show that the final determination of
4 violation was issued in accordance with this Section and the
5 applicable municipal or county ordinance. Service of the
6 summons and a copy of the petition may be by any method
7 provided by Section 2-203 of the Code of Civil Procedure or by
8 certified mail, return receipt requested, provided that the
9 total amount of fines and penalties for final determinations of
10 parking, standing, compliance, automated speed enforcement
11 system, or automated traffic law violations does not exceed
12 \$2500. If the court is satisfied that the final determination
13 of parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violation was entered in
15 accordance with the requirements of this Section and the
16 applicable municipal or county ordinance, and that the
17 registered owner or the lessee, as the case may be, had an
18 opportunity for an administrative hearing and for judicial
19 review as provided in this Section, the court shall render
20 judgment in favor of the municipality or county and against the
21 registered owner or the lessee for the amount indicated in the
22 final determination of parking, standing, compliance,
23 automated speed enforcement system, or automated traffic law
24 violation, plus costs. The judgment shall have the same effect
25 and may be enforced in the same manner as other judgments for
26 the recovery of money.

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

3 A low-income individual required to complete a traffic
4 education program under this Section who provides proof of
5 eligibility for the federal earned income tax credit under
6 Section 32 of the Internal Revenue Code or the Illinois earned
7 income tax credit under Section 212 of the Illinois Income Tax
8 Act shall not be required to pay any fee for participating in a
9 required traffic education program.

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

12 (625 ILCS 5/11-208.8)

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

15 (a) As used in this Section:

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

24 An automated speed enforcement system is a system, located
25 in a safety zone which is under the jurisdiction of a

1 municipality, that produces a recorded image of a motor
2 vehicle's violation of a provision of this Code or a local
3 ordinance and is designed to obtain a clear recorded image of
4 the vehicle and the vehicle's license plate. The recorded image
5 must also display the time, date, and location of the
6 violation.

7 "Owner" means the person or entity to whom the vehicle is
8 registered.

9 "Recorded image" means images recorded by an automated
10 speed enforcement system on:

- 11 (1) 2 or more photographs;
- 12 (2) 2 or more microphotographs;
- 13 (3) 2 or more electronic images; or
- 14 (4) a video recording showing the motor vehicle and, on
15 at least one image or portion of the recording, clearly
16 identifying the registration plate number of the motor
17 vehicle.

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

1 park district used for recreational purposes. However, if any
2 portion of a roadway is within either one-eighth mile radius,
3 the safety zone also shall include the roadway extended to the
4 furthest portion of the next furthest intersection. The term
5 "safety zone" does not include any portion of the roadway known
6 as Lake Shore Drive or any controlled access highway with 8 or
7 more lanes of traffic.

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

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

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

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

1 violator with a website address, accessible through the
2 Internet.

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

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

12 (2) if the recorded speed is more than 10 miles per
13 hour over the legal speed limit, a civil penalty not
14 exceeding \$100, plus an additional penalty of not more than
15 \$100 for failure to pay the original penalty in a timely
16 manner.

17 A penalty may not be imposed under this Section if the
18 driver of the motor vehicle received a Uniform Traffic Citation
19 from a police officer for a speeding violation occurring within
20 one-eighth of a mile and 15 minutes of the violation that was
21 recorded by the system. A violation for which a civil penalty
22 is imposed under this Section is not a violation of a traffic
23 regulation governing the movement of vehicles and may not be
24 recorded on the driving record of the owner of the vehicle. A
25 law enforcement officer is not required to be present or to
26 witness the violation. No penalty may be imposed under this

1 Section if the recorded speed of a vehicle is 5 miles per hour
2 or less over the legal speed limit. The municipality may send,
3 in the same manner that notices are sent under this Section, a
4 speed violation warning notice where the violation involves a
5 speed of 5 miles per hour or less above the legal speed limit.

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

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

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

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

23 (iv) after school programs.

24 (e) For each violation of a provision of this Code or a
25 local ordinance recorded by an automated speed enforcement
26 system, the municipality having jurisdiction shall issue a

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

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

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

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

13 (3) the violation charged;

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

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

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

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

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

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

1 (A) paying the fine; or

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

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

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

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

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

1 may be admissible in any proceeding resulting from the issuance
2 of the citation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 The statistical analysis required by this subsection shall be
2 made available to the public and shall be published on the
3 website of the municipality.

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

6 (t) Except as provided in this Section, a county or
7 municipality, including a home rule county or municipality, may
8 not use an automated speed enforcement system to provide
9 recorded images of a motor vehicle for the purpose of recording
10 its speed. Except as provided under this Section, the
11 regulation of the use of automated speed enforcement systems to
12 record vehicle speeds is an exclusive power and function of the
13 State. This subsection (c) is a denial and limitation of home
14 rule powers and functions under subsection (h) of Section 6 of
15 Article VII of the Illinois Constitution.

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

18 (625 ILCS 5/11-208.6 rep.)

19 Section 10. The Illinois Vehicle Code is amended by
20 repealing Section 11-208.6.

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.41 as follows:

23 (30 ILCS 805/8.41 new)

1 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 100th General Assembly.