



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3376

Introduced 2/14/2020, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-209.1	
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6	
625 ILCS 5/11-208.8	

Amends the Illinois Vehicle Code. Provides that the Secretary of State may not suspend the driving privileges of a person for violations of a Section of the Code relating to the automated traffic law enforcement of red light violations. Provides that the Secretary shall rescind the suspension or cancellation of a person's driver's license that has been suspended or canceled before the effective date due to the person having failed to pay any fine or penalty due and owing as a result of 5 offenses for automated speed enforcement system violations or automated traffic violations. Makes corresponding changes. Deletes language providing that the driver's license number of a lessee may be subsequently individually requested by the appropriate authority if needed for automated speed or traffic law enforcement.

LRB101 19285 HEP 68751 b

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 6-209.1, 6-306.5, 11-208.3, 11-208.6, and 11-208.8 as
6 follows:

7 (625 ILCS 5/6-209.1)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 6-209.1. Restoration of driving privileges;
11 revocation; suspension; cancellation.

12 (a) The Secretary shall rescind the suspension or
13 cancellation of a person's driver's license that has been
14 suspended or canceled before July 1, 2020 ~~the effective date of~~
15 ~~this amendatory Act of the 101st General Assembly~~ due to:

16 (1) the person being convicted of theft of motor fuel
17 under Sections 16-25 or 16K-15 of the Criminal Code of 1961
18 or the Criminal Code of 2012;

19 (2) the person, since the issuance of the driver's
20 license, being adjudged to be afflicted with or suffering
21 from any mental disability or disease;

22 (3) a violation of Section 6-16 of the Liquor Control
23 Act of 1934 or a similar provision of a local ordinance;

1 (4) the person being convicted of a violation of
2 Section 6-20 of the Liquor Control Act of 1934 or a similar
3 provision of a local ordinance, if the person presents a
4 certified copy of a court order that includes a finding
5 that the person was not an occupant of a motor vehicle at
6 the time of the violation;

7 (5) the person receiving a disposition of court
8 supervision for a violation of subsections (a), (d), or (e)
9 of Section 6-20 of the Liquor Control Act of 1934 or a
10 similar provision of a local ordinance, if the person
11 presents a certified copy of a court order that includes a
12 finding that the person was not an occupant of a motor
13 vehicle at the time of the violation;

14 (6) the person failing to pay any fine or penalty due
15 or owing as a result of 10 or more violations of a
16 municipality's or county's vehicular standing, parking, or
17 compliance regulations established by ordinance under
18 Section 11-208.3 of this Code;

19 (7) the person failing to satisfy any fine or penalty
20 resulting from a final order issued by the Authority
21 relating directly or indirectly to 5 or more toll
22 violations, toll evasions, or both;

23 (8) the person being convicted of a violation of
24 Section 4-102 of this Code, if the person presents a
25 certified copy of a court order that includes a finding
26 that the person did not exercise actual physical control of

1 the vehicle at the time of the violation; or

2 (9) the person being convicted of criminal trespass to
3 vehicles under Section 21-2 of the Criminal Code of 2012,
4 if the person presents a certified copy of a court order
5 that includes a finding that the person did not exercise
6 actual physical control of the vehicle at the time of the
7 violation.

8 (b) The Secretary shall rescind the suspension or
9 cancellation of a person's driver's license that has been
10 suspended or canceled before the effective date of this
11 amendatory Act of the 101st General Assembly due to the person
12 having failed to pay any fine or penalty due and owing as a
13 result of 5 offenses for automated traffic law enforcement
14 system violations as defined in Section 11-208.6.

15 (Source: P.A. 101-623, eff. 7-1-20.)

16 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

17 (Text of Section before amendment by P.A. 101-623)

18 Sec. 6-306.5. Failure to pay fine or penalty for standing,
19 parking, compliance, automated speed enforcement system, or
20 automated traffic law violations; suspension of driving
21 privileges.

22 (a) Upon receipt of a certified report, as prescribed by
23 subsection (c) of this Section, from any municipality or county
24 stating that the owner of a registered vehicle: (1) has failed
25 to pay any fine or penalty due and owing as a result of 10 or

1 more violations of a municipality's or county's vehicular
2 standing, parking, or compliance regulations established by
3 ordinance pursuant to Section 11-208.3 of this Code, (2) has
4 failed to pay any fine or penalty due and owing as a result of 5
5 offenses for automated speed enforcement system violations or
6 automated traffic violations as defined in Sections 11-208.6,
7 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
8 (3) is more than 14 days in default of a payment plan pursuant
9 to which a suspension had been terminated under subsection (c)
10 of this Section, the Secretary of State shall suspend the
11 driving privileges of such person in accordance with the
12 procedures set forth in this Section. The Secretary shall also
13 suspend the driving privileges of an owner of a registered
14 vehicle upon receipt of a certified report, as prescribed by
15 subsection (f) of this Section, from any municipality or county
16 stating that such person has failed to satisfy any fines or
17 penalties imposed by final judgments for 5 or more automated
18 speed enforcement system or automated traffic law violations,
19 or combination thereof, or 10 or more violations of local
20 standing, parking, or compliance regulations after exhaustion
21 of judicial review procedures.

22 (b) Following receipt of the certified report of the
23 municipality or county as specified in this Section, the
24 Secretary of State shall notify the person whose name appears
25 on the certified report that the person's drivers license will
26 be suspended at the end of a specified period of time unless

1 the Secretary of State is presented with a notice from the
2 municipality or county certifying that the fine or penalty due
3 and owing the municipality or county has been paid or that
4 inclusion of that person's name on the certified report was in
5 error. The Secretary's notice shall state in substance the
6 information contained in the municipality's or county's
7 certified report to the Secretary, and shall be effective as
8 specified by subsection (c) of Section 6-211 of this Code.

9 (c) The report of the appropriate municipal or county
10 official notifying the Secretary of State of unpaid fines or
11 penalties pursuant to this Section shall be certified and shall
12 contain the following:

13 (1) The name, last known address as recorded with the
14 Secretary of State, as provided by the lessor of the cited
15 vehicle at the time of lease, or as recorded in a United
16 States Post Office approved database if any notice sent
17 under Section 11-208.3 of this Code is returned as
18 undeliverable, and drivers license number of the person who
19 failed to pay the fine or penalty or who has defaulted in a
20 payment plan and the registration number of any vehicle
21 known to be registered to such person in this State.

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

24 (3) A statement that the municipality or county sent a
25 notice of impending drivers license suspension as
26 prescribed by ordinance enacted pursuant to Section

1 11-208.3 of this Code or a notice of default in a payment
2 plan, to the person named in the report at the address
3 recorded with the Secretary of State or at the last address
4 known to the lessor of the cited vehicle at the time of
5 lease or, if any notice sent under Section 11-208.3 of this
6 Code is returned as undeliverable, at the last known
7 address recorded in a United States Post Office approved
8 database; the date on which such notice was sent; and the
9 address to which such notice was sent. In a municipality or
10 county with a population of 1,000,000 or more, the report
11 shall also include a statement that the alleged violator's
12 State vehicle registration number and vehicle make, if
13 specified on the automated speed enforcement system
14 violation or automated traffic law violation notice, are
15 correct as they appear on the citations.

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

19 (d) Any municipality or county making a certified report to
20 the Secretary of State pursuant to this Section shall notify
21 the Secretary of State, in a form prescribed by the Secretary,
22 whenever a person named in the certified report has paid the
23 previously reported fine or penalty, whenever a person named in
24 the certified report has entered into a payment plan pursuant
25 to which the municipality or county has agreed to terminate the
26 suspension, or whenever the municipality or county determines

1 that the original report was in error. A certified copy of such
2 notification shall also be given upon request and at no
3 additional charge to the person named therein. Upon receipt of
4 the municipality's or county's notification or presentation of
5 a certified copy of such notification, the Secretary of State
6 shall terminate the suspension.

7 (e) Any municipality or county making a certified report to
8 the Secretary of State pursuant to this Section shall also by
9 ordinance establish procedures for persons to challenge the
10 accuracy of the certified report. The ordinance shall also
11 state the grounds for such a challenge, which may be limited to
12 (1) the person not having been the owner or lessee of the
13 vehicle or vehicles receiving 10 or more standing, parking, or
14 compliance violation notices or a combination of 5 or more
15 automated speed enforcement system or automated traffic law
16 violations on the date or dates such notices were issued; and
17 (2) the person having already paid the fine or penalty for the
18 10 or more standing, parking, or compliance violations or
19 combination of 5 or more automated speed enforcement system or
20 automated traffic law violations indicated on the certified
21 report.

22 (f) Any municipality or county, other than a municipality
23 or county establishing vehicular standing, parking, and
24 compliance regulations pursuant to Section 11-208.3, automated
25 speed enforcement system regulations under Section 11-208.8,
26 or automated traffic law regulations under Section 11-208.6,

1 11-208.9, or 11-1201.1, may also cause a suspension of a
2 person's drivers license pursuant to this Section. Such
3 municipality or county may invoke this sanction by making a
4 certified report to the Secretary of State upon a person's
5 failure to satisfy any fine or penalty imposed by final
6 judgment for 10 or more violations of local standing, parking,
7 or compliance regulations or a combination of 5 or more
8 automated speed enforcement system or automated traffic law
9 violations after exhaustion of judicial review procedures, but
10 only if:

11 (1) the municipality or county complies with the
12 provisions of this Section in all respects except in regard
13 to enacting an ordinance pursuant to Section 11-208.3;

14 (2) the municipality or county has sent a notice of
15 impending drivers license suspension as prescribed by an
16 ordinance enacted pursuant to subsection (g) of this
17 Section; and

18 (3) in municipalities or counties with a population of
19 1,000,000 or more, the municipality or county has verified
20 that the alleged violator's State vehicle registration
21 number and vehicle make are correct as they appear on the
22 citations.

23 (g) Any municipality or county, other than a municipality
24 or county establishing standing, parking, and compliance
25 regulations pursuant to Section 11-208.3, automated speed
26 enforcement system regulations under Section 11-208.8, or

1 automated traffic law regulations under Section 11-208.6,
2 11-208.9, or 11-1201.1, may provide by ordinance for the
3 sending of a notice of impending drivers license suspension to
4 the person who has failed to satisfy any fine or penalty
5 imposed by final judgment for 10 or more violations of local
6 standing, parking, or compliance regulations or a combination
7 of 5 or more automated speed enforcement system or automated
8 traffic law violations after exhaustion of judicial review
9 procedures. An ordinance so providing shall specify that the
10 notice sent to the person liable for any fine or penalty shall
11 state that failure to pay the fine or penalty owing within 45
12 days of the notice's date will result in the municipality or
13 county notifying the Secretary of State that the person's
14 drivers license is eligible for suspension pursuant to this
15 Section. The notice of impending drivers license suspension
16 shall be sent by first class United States mail, postage
17 prepaid, to the address recorded with the Secretary of State or
18 at the last address known to the lessor of the cited vehicle at
19 the time of lease or, if any notice sent under Section 11-208.3
20 of this Code is returned as undeliverable, to the last known
21 address recorded in a United States Post Office approved
22 database.

23 (h) An administrative hearing to contest an impending
24 suspension or a suspension made pursuant to this Section may be
25 had upon filing a written request with the Secretary of State.
26 The filing fee for this hearing shall be \$20, to be paid at the

1 time the request is made. A municipality or county which files
2 a certified report with the Secretary of State pursuant to this
3 Section shall reimburse the Secretary for all reasonable costs
4 incurred by the Secretary as a result of the filing of the
5 report, including but not limited to the costs of providing the
6 notice required pursuant to subsection (b) and the costs
7 incurred by the Secretary in any hearing conducted with respect
8 to the report pursuant to this subsection and any appeal from
9 such a hearing.

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

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

14 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
15 98-556, eff. 1-1-14.)

16 (Text of Section after amendment by P.A. 101-623)

17 Sec. 6-306.5. Failure to pay fine or penalty for standing,
18 parking, compliance, automated speed enforcement system, or
19 automated traffic law violations; suspension of driving
20 privileges.

21 (a) Upon receipt of a certified report, as prescribed by
22 subsection (c) of this Section, from any municipality or county
23 stating that the owner of a registered vehicle has failed to
24 pay any fine or penalty due and owing as a result of 5 offenses
25 for automated speed enforcement system violations or automated

1 traffic violations as defined in Sections ~~11-208.6~~, 11-208.8,
2 11-208.9, or 11-1201.1, or combination thereof, or (3) is more
3 than 14 days in default of a payment plan pursuant to which a
4 suspension had been terminated under subsection (c) of this
5 Section, the Secretary of State shall suspend the driving
6 privileges of such person in accordance with the procedures set
7 forth in this Section. The Secretary shall also suspend the
8 driving privileges of an owner of a registered vehicle upon
9 receipt of a certified report, as prescribed by subsection (f)
10 of this Section, from any municipality or county stating that
11 such person has failed to satisfy any fines or penalties
12 imposed by final judgments for 5 or more automated speed
13 enforcement system or automated traffic law violations under
14 Section 11-208.8, 11-208.9, or 11-1201.1, or combination
15 thereof, after exhaustion of judicial review procedures. The
16 Secretary may not suspend the driving privileges of a person
17 for violations of Section 11-208.6 of this Code.

18 (b) Following receipt of the certified report of the
19 municipality or county as specified in this Section, the
20 Secretary of State shall notify the person whose name appears
21 on the certified report that the person's drivers license will
22 be suspended at the end of a specified period of time unless
23 the Secretary of State is presented with a notice from the
24 municipality or county certifying that the fine or penalty due
25 and owing the municipality or county has been paid or that
26 inclusion of that person's name on the certified report was in

1 error. The Secretary's notice shall state in substance the
2 information contained in the municipality's or county's
3 certified report to the Secretary, and shall be effective as
4 specified by subsection (c) of Section 6-211 of this Code.

5 (c) The report of the appropriate municipal or county
6 official notifying the Secretary of State of unpaid fines or
7 penalties pursuant to this Section shall be certified and shall
8 contain the following:

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

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

20 (3) A statement that the municipality or county sent a
21 notice of impending drivers license suspension as
22 prescribed by ordinance enacted pursuant to Section
23 11-208.3 of this Code or a notice of default in a payment
24 plan, to the person named in the report at the address
25 recorded with the Secretary of State or at the last address
26 known to the lessor of the cited vehicle at the time of

1 lease or, if any notice sent under Section 11-208.3 of this
2 Code is returned as undeliverable, at the last known
3 address recorded in a United States Post Office approved
4 database; the date on which such notice was sent; and the
5 address to which such notice was sent. In a municipality or
6 county with a population of 1,000,000 or more, the report
7 shall also include a statement that the alleged violator's
8 State vehicle registration number and vehicle make, if
9 specified on the automated speed enforcement system
10 violation or automated traffic law violation notice, are
11 correct as they appear on the citations.

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

15 (d) Any municipality or county making a certified report to
16 the Secretary of State pursuant to this Section shall notify
17 the Secretary of State, in a form prescribed by the Secretary,
18 whenever a person named in the certified report has paid the
19 previously reported fine or penalty, whenever a person named in
20 the certified report has entered into a payment plan pursuant
21 to which the municipality or county has agreed to terminate the
22 suspension, or whenever the municipality or county determines
23 that the original report was in error. A certified copy of such
24 notification shall also be given upon request and at no
25 additional charge to the person named therein. As soon as
26 practicable after the effective date of this amendatory Act of

1 the 101st General Assembly, the municipality or county shall:
2 (1) evaluate whether any certified reports submitted to the
3 Secretary of State indicated that the person named in the
4 certified report was subject to the suspension of driving
5 privileges based on a violation of Section 11-208.6 before the
6 effective date of this amendatory Act of the 101st General
7 Assembly; and (2) provide notice of eligibility for the
8 restoration of driving privileges under this amendatory Act of
9 the 101st General Assembly to the Secretary of State and to any
10 person eligible for the restoration of driving privileges. Upon
11 receipt of the municipality's or county's notification or
12 presentation of a certified copy of a notification under this
13 subsection, ~~such notification,~~ the Secretary of State shall
14 terminate the suspension.

15 (e) Any municipality or county making a certified report to
16 the Secretary of State pursuant to this Section shall also by
17 ordinance establish procedures for persons to challenge the
18 accuracy of the certified report. The ordinance shall also
19 state the grounds for such a challenge, which may be limited to
20 (1) the person not having been the owner or lessee of the
21 vehicle or vehicles receiving a combination of 5 or more
22 automated speed enforcement system or automated traffic law
23 violations on the date or dates such notices were issued; and
24 (2) the person having already paid the fine or penalty for the
25 combination of 5 or more automated speed enforcement system or
26 automated traffic law violations indicated on the certified

1 report.

2 (f) Any municipality or county, other than a municipality
3 or county establishing automated speed enforcement system
4 regulations under Section 11-208.8, or automated traffic law
5 regulations under Section ~~11-208.6~~, 11-208.9~~7~~ or 11-1201.1,
6 may also cause a suspension of a person's drivers license
7 pursuant to this Section. Such municipality or county may
8 invoke this sanction by making a certified report to the
9 Secretary of State upon a person's failure to satisfy any fine
10 or penalty imposed by final judgment for a combination of 5 or
11 more automated speed enforcement system or automated traffic
12 law violations after exhaustion of judicial review procedures,
13 but only if:

14 (1) the municipality or county complies with the
15 provisions of this Section in all respects except in regard
16 to enacting an ordinance pursuant to Section 11-208.3;

17 (2) the municipality or county has sent a notice of
18 impending drivers license suspension as prescribed by an
19 ordinance enacted pursuant to subsection (g) of this
20 Section; and

21 (3) in municipalities or counties with a population of
22 1,000,000 or more, the municipality or county has verified
23 that the alleged violator's State vehicle registration
24 number and vehicle make are correct as they appear on the
25 citations.

26 (g) Any municipality or county, other than a municipality

1 or county establishing automated speed enforcement system
2 regulations under Section 11-208.8, or automated traffic law
3 regulations under Section ~~11-208.6~~, 11-208.9, or 11-1201.1,
4 may provide by ordinance for the sending of a notice of
5 impending drivers license suspension to the person who has
6 failed to satisfy any fine or penalty imposed by final judgment
7 for a combination of 5 or more automated speed enforcement
8 system or automated traffic law violations after exhaustion of
9 judicial review procedures. An ordinance so providing shall
10 specify that the notice sent to the person liable for any fine
11 or penalty shall state that failure to pay the fine or penalty
12 owing within 45 days of the notice's date will result in the
13 municipality or county notifying the Secretary of State that
14 the person's drivers license is eligible for suspension
15 pursuant to this Section. The notice of impending drivers
16 license suspension shall be sent by first class United States
17 mail, postage prepaid, to the address recorded with the
18 Secretary of State or at the last address known to the lessor
19 of the cited vehicle at the time of lease or, if any notice
20 sent under Section 11-208.3 of this Code is returned as
21 undeliverable, to the last known address recorded in a United
22 States Post Office approved database.

23 (h) An administrative hearing to contest an impending
24 suspension or a suspension made pursuant to this Section may be
25 had upon filing a written request with the Secretary of State.
26 The filing fee for this hearing shall be \$20, to be paid at the

1 time the request is made. A municipality or county which files
2 a certified report with the Secretary of State pursuant to this
3 Section shall reimburse the Secretary for all reasonable costs
4 incurred by the Secretary as a result of the filing of the
5 report, including but not limited to the costs of providing the
6 notice required pursuant to subsection (b) and the costs
7 incurred by the Secretary in any hearing conducted with respect
8 to the report pursuant to this subsection and any appeal from
9 such a hearing.

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

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

14 (Source: P.A. 101-623, eff. 7-1-20.)

15 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

16 (Text of Section before amendment by P.A. 101-623)

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

21 (a) Any municipality or county may provide by ordinance for
22 a system of administrative adjudication of vehicular standing
23 and parking violations and vehicle compliance violations as
24 described in this subsection, automated traffic law violations
25 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and

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

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

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

1 automated speed enforcement system or automated traffic
2 law violations, and operate an administrative adjudication
3 system. The traffic compliance administrator also may make
4 a certified report to the Secretary of State under Section
5 6-306.5.

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

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

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

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

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

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

1 technicians shall test loop-based ~~loop-based~~ equipment no
2 less frequently than once a year. Radar equipment shall be
3 checked for accuracy by a qualified technician when the
4 unit is serviced, when unusual or suspect readings persist,
5 or when deemed necessary by a reviewing technician. Radar
6 equipment shall be checked with the internal frequency
7 generator and the internal circuit test whenever the radar
8 is turned on. Technicians must be alert for any unusual or
9 suspect readings, and if unusual or suspect readings of a
10 radar unit persist, that unit shall immediately be removed
11 from service and not returned to service until it has been
12 checked by a qualified technician and determined to be
13 functioning properly. Documentation of the annual
14 calibration results, including the equipment tested, test
15 date, technician performing the test, and test results,
16 shall be maintained and available for use in the
17 determination of an automated speed enforcement system
18 violation and issuance of a citation. The technician
19 performing the calibration and testing of the automated
20 speed enforcement equipment shall be trained and certified
21 in the use of equipment for speed enforcement purposes.
22 Training on the speed enforcement equipment may be
23 conducted by law enforcement, civilian, or manufacturer's
24 personnel and if applicable may be equivalent to the
25 equipment use and operations training included in the Speed
26 Measuring Device Operator Program developed by the

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

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

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

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

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

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

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

1 determination of parking, standing, compliance,
2 automated speed enforcement system, or automated
3 traffic law violation liability and the conclusion of
4 judicial review procedures taken under this Section.
5 The notice shall state that the incomplete traffic
6 education program or the unpaid fine or penalty, or
7 both, is a debt due and owing the municipality or
8 county. The notice shall contain warnings that failure
9 to complete any required traffic education program or
10 to pay any fine or penalty due and owing the
11 municipality or county, or both, within the time
12 specified may result in the municipality's or county's
13 filing of a petition in the Circuit Court to have the
14 incomplete traffic education program or unpaid fine or
15 penalty, or both, rendered a judgment as provided by
16 this Section, or may result in suspension of the
17 person's driver's ~~drivers~~ license for failure to
18 complete a traffic education program or to pay fines or
19 penalties, or both, for 10 or more parking violations
20 under Section 6-306.5, or a combination of 5 or more
21 automated traffic law violations under Section
22 11-208.6 or 11-208.9 or automated speed enforcement
23 system violations under Section 11-208.8.

24 (6) A notice of impending driver's ~~drivers~~ license
25 suspension. This notice shall be sent to the person liable
26 for failure to complete a required traffic education

1 program or to pay any fine or penalty that remains due and
2 owing, or both, on 10 or more parking violations or
3 combination of 5 or more unpaid automated speed enforcement
4 system or automated traffic law violations. The notice
5 shall state that failure to complete a required traffic
6 education program or to pay the fine or penalty owing, or
7 both, within 45 days of the notice's date will result in
8 the municipality or county notifying the Secretary of State
9 that the person is eligible for initiation of suspension
10 proceedings under Section 6-306.5 of this Code. The notice
11 shall also state that the person may obtain a photostatic
12 copy of an original ticket imposing a fine or penalty by
13 sending a self-addressed ~~self-addressed~~, stamped envelope
14 to the municipality or county along with a request for the
15 photostatic copy. The notice of impending driver's ~~drivers~~
16 license suspension shall be sent by first class United
17 States mail, postage prepaid, to the address recorded with
18 the Secretary of State or, if any notice to that address is
19 returned as undeliverable, to the last known address
20 recorded in a United States Post Office approved database.

21 (7) Final determinations of violation liability. A
22 final determination of violation liability shall occur
23 following failure to complete the required traffic
24 education program or to pay the fine or penalty, or both,
25 after a hearing officer's determination of violation
26 liability and the exhaustion of or failure to exhaust any

1 administrative review procedures provided by ordinance.
2 Where a person fails to appear at a hearing to contest the
3 alleged violation in the time and manner specified in a
4 prior mailed notice, the hearing officer's determination
5 of violation liability shall become final: (A) upon denial
6 of a timely petition to set aside that determination, or
7 (B) upon expiration of the period for filing the petition
8 without a filing having been made.

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

1 violation if the state registration number or vehicle make,
2 only if specified in the violation notice, is incorrect.
3 After the determination of parking, standing, compliance,
4 automated speed enforcement system, or automated traffic
5 law violation liability has been set aside upon a showing
6 of just cause, the registered owner shall be provided with
7 a hearing on the merits for that violation.

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

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

22 (11) Other provisions as are necessary and proper to
23 carry into effect the powers granted and purposes stated in
24 this Section.

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

1 system, or automated traffic law regulations under this Section
2 may also provide by ordinance for a program of vehicle
3 immobilization for the purpose of facilitating enforcement of
4 those regulations. The program of vehicle immobilization shall
5 provide for immobilizing any eligible vehicle upon the public
6 way by presence of a restraint in a manner to prevent operation
7 of the vehicle. Any ordinance establishing a program of vehicle
8 immobilization under this Section shall provide:

9 (1) Criteria for the designation of vehicles eligible
10 for immobilization. A vehicle shall be eligible for
11 immobilization when the registered owner of the vehicle has
12 accumulated the number of incomplete traffic education
13 programs or unpaid final determinations of parking,
14 standing, compliance, automated speed enforcement system,
15 or automated traffic law violation liability, or both, as
16 determined by ordinance.

17 (2) A notice of impending vehicle immobilization and a
18 right to a hearing to challenge the validity of the notice
19 by disproving liability for the incomplete traffic
20 education programs or unpaid final determinations of
21 parking, standing, compliance, automated speed enforcement
22 system, or automated traffic law violation liability, or
23 both, listed on the notice.

24 (3) The right to a prompt hearing after a vehicle has
25 been immobilized or subsequently towed without the
26 completion of the required traffic education program or

1 payment of the outstanding fines and penalties on parking,
2 standing, compliance, automated speed enforcement system,
3 or automated traffic law violations, or both, for which
4 final determinations have been issued. An order issued
5 after the hearing is a final administrative decision within
6 the meaning of Section 3-101 of the Code of Civil
7 Procedure.

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

11 (d) Judicial review of final determinations of parking,
12 standing, compliance, automated speed enforcement system, or
13 automated traffic law violations and final administrative
14 decisions issued after hearings regarding vehicle
15 immobilization and impoundment made under this Section shall be
16 subject to the provisions of the Administrative Review Law.

17 (e) Any fine, penalty, incomplete traffic education
18 program, or part of any fine or any penalty remaining unpaid
19 after the exhaustion of, or the failure to exhaust,
20 administrative remedies created under this Section and the
21 conclusion of any judicial review procedures shall be a debt
22 due and owing the municipality or county and, as such, may be
23 collected in accordance with applicable law. Completion of any
24 required traffic education program and payment in full of any
25 fine or penalty resulting from a standing, parking, compliance,
26 automated speed enforcement system, or automated traffic law

1 violation shall constitute a final disposition of that
2 violation.

3 (f) After the expiration of the period within which
4 judicial review may be sought for a final determination of
5 parking, standing, compliance, automated speed enforcement
6 system, or automated traffic law violation, the municipality or
7 county may commence a proceeding in the Circuit Court for
8 purposes of obtaining a judgment on the final determination of
9 violation. Nothing in this Section shall prevent a municipality
10 or county from consolidating multiple final determinations of
11 parking, standing, compliance, automated speed enforcement
12 system, or automated traffic law violations against a person in
13 a proceeding. Upon commencement of the action, the municipality
14 or county shall file a certified copy or record of the final
15 determination of parking, standing, compliance, automated
16 speed enforcement system, or automated traffic law violation,
17 which shall be accompanied by a certification that recites
18 facts sufficient to show that the final determination of
19 violation was issued in accordance with this Section and the
20 applicable municipal or county ordinance. Service of the
21 summons and a copy of the petition may be by any method
22 provided by Section 2-203 of the Code of Civil Procedure or by
23 certified mail, return receipt requested, provided that the
24 total amount of fines and penalties for final determinations of
25 parking, standing, compliance, automated speed enforcement
26 system, or automated traffic law violations does not exceed

1 \$2500. If the court is satisfied that the final determination
2 of parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation was entered in
4 accordance with the requirements of this Section and the
5 applicable municipal or county ordinance, and that the
6 registered owner or the lessee, as the case may be, had an
7 opportunity for an administrative hearing and for judicial
8 review as provided in this Section, the court shall render
9 judgment in favor of the municipality or county and against the
10 registered owner or the lessee for the amount indicated in the
11 final determination of parking, standing, compliance,
12 automated speed enforcement system, or automated traffic law
13 violation, plus costs. The judgment shall have the same effect
14 and may be enforced in the same manner as other judgments for
15 the recovery of money.

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

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

25 (Source: P.A. 101-32, eff. 6-28-19; revised 1-21-20.)

1 (Text of Section after amendment by P.A. 101-623)

2 Sec. 11-208.3. Administrative adjudication of violations
3 of traffic regulations concerning the standing, parking, or
4 condition of vehicles, automated traffic law violations, and
5 automated speed enforcement system violations.

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

1 of equipment on a vehicle or governing the display of a
2 municipal or county wheel tax license.

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

5 (1) A traffic compliance administrator authorized to
6 adopt, distribute, and process parking, compliance, and
7 automated speed enforcement system or automated traffic
8 law violation notices and other notices required by this
9 Section, collect money paid as fines and penalties for
10 violation of parking and compliance ordinances and
11 automated speed enforcement system or automated traffic
12 law violations, and operate an administrative adjudication
13 system. The traffic compliance administrator also may make
14 a certified report to the Secretary of State under Section
15 6-306.5.

16 (2) A parking, standing, compliance, automated speed
17 enforcement system, or automated traffic law violation
18 notice that shall specify or include the date, time, and
19 place of violation of a parking, standing, compliance,
20 automated speed enforcement system, or automated traffic
21 law regulation; the particular regulation violated; any
22 requirement to complete a traffic education program; the
23 fine and any penalty that may be assessed for late payment
24 or failure to complete a required traffic education
25 program, or both, when so provided by ordinance; the
26 vehicle make or a photograph of the vehicle; the state

1 registration number of the vehicle; and the identification
2 number of the person issuing the notice. With regard to
3 automated speed enforcement system or automated traffic
4 law violations, vehicle make shall be specified on the
5 automated speed enforcement system or automated traffic
6 law violation notice if the notice does not include a
7 photograph of the vehicle and the make is available and
8 readily discernible. With regard to municipalities or
9 counties with a population of 1 million or more, it shall
10 be grounds for dismissal of a parking violation if the
11 state registration number or vehicle make specified is
12 incorrect. The violation notice shall state that the
13 completion of any required traffic education program, the
14 payment of any indicated fine, and the payment of any
15 applicable penalty for late payment or failure to complete
16 a required traffic education program, or both, shall
17 operate as a final disposition of the violation. The notice
18 also shall contain information as to the availability of a
19 hearing in which the violation may be contested on its
20 merits. The violation notice shall specify the time and
21 manner in which a hearing may be had.

22 (3) Service of a parking, standing, or compliance
23 violation notice by: (i) affixing the original or a
24 facsimile of the notice to an unlawfully parked or standing
25 vehicle; (ii) handing the notice to the operator of a
26 vehicle if he or she is present; or (iii) mailing the

1 notice to the address of the registered owner or lessee of
2 the cited vehicle as recorded with the Secretary of State
3 or the lessor of the motor vehicle within 30 days after the
4 Secretary of State or the lessor of the motor vehicle
5 notifies the municipality or county of the identity of the
6 owner or lessee of the vehicle, but not later than 90 days
7 after the date of the violation, except that in the case of
8 a lessee of a motor vehicle, service of a parking,
9 standing, or compliance violation notice may occur no later
10 than 210 days after the violation; and service of an
11 automated speed enforcement system or automated traffic
12 law violation notice by mail to the address of the
13 registered owner or lessee of the cited vehicle as recorded
14 with the Secretary of State or the lessor of the motor
15 vehicle within 30 days after the Secretary of State or the
16 lessor of the motor vehicle notifies the municipality or
17 county of the identity of the owner or lessee of the
18 vehicle, but not later than 90 days after the violation,
19 except that in the case of a lessee of a motor vehicle,
20 service of an automated traffic law violation notice may
21 occur no later than 210 days after the violation. A person
22 authorized by ordinance to issue and serve parking,
23 standing, and compliance violation notices shall certify
24 as to the correctness of the facts entered on the violation
25 notice by signing his or her name to the notice at the time
26 of service or, in the case of a notice produced by a

1 computerized device, by signing a single certificate to be
2 kept by the traffic compliance administrator attesting to
3 the correctness of all notices produced by the device while
4 it was under his or her control. In the case of an
5 automated traffic law violation, the ordinance shall
6 require a determination by a technician employed or
7 contracted by the municipality or county that, based on
8 inspection of recorded images, the motor vehicle was being
9 operated in violation of Section 11-208.6, 11-208.9, or
10 11-1201.1 or a local ordinance. If the technician
11 determines that the vehicle entered the intersection as
12 part of a funeral procession or in order to yield the
13 right-of-way to an emergency vehicle, a citation shall not
14 be issued. In municipalities with a population of less than
15 1,000,000 inhabitants and counties with a population of
16 less than 3,000,000 inhabitants, the automated traffic law
17 ordinance shall require that all determinations by a
18 technician that a motor vehicle was being operated in
19 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a
20 local ordinance must be reviewed and approved by a law
21 enforcement officer or retired law enforcement officer of
22 the municipality or county issuing the violation. In
23 municipalities with a population of 1,000,000 or more
24 inhabitants and counties with a population of 3,000,000 or
25 more inhabitants, the automated traffic law ordinance
26 shall require that all determinations by a technician that

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

1 fully trained reviewing technician who is not employed by
2 the contractor who employs the technician who made the
3 initial determination. Routine and independent calibration
4 of the speeds produced by automated speed enforcement
5 systems and equipment shall be conducted annually by a
6 qualified technician. Speeds produced by an automated
7 speed enforcement system shall be compared with speeds
8 produced by lidar or other independent equipment. Radar or
9 lidar equipment shall undergo an internal validation test
10 no less frequently than once each week. Qualified
11 technicians shall test loop-based ~~loop-based~~ equipment no
12 less frequently than once a year. Radar equipment shall be
13 checked for accuracy by a qualified technician when the
14 unit is serviced, when unusual or suspect readings persist,
15 or when deemed necessary by a reviewing technician. Radar
16 equipment shall be checked with the internal frequency
17 generator and the internal circuit test whenever the radar
18 is turned on. Technicians must be alert for any unusual or
19 suspect readings, and if unusual or suspect readings of a
20 radar unit persist, that unit shall immediately be removed
21 from service and not returned to service until it has been
22 checked by a qualified technician and determined to be
23 functioning properly. Documentation of the annual
24 calibration results, including the equipment tested, test
25 date, technician performing the test, and test results,
26 shall be maintained and available for use in the

1 determination of an automated speed enforcement system
2 violation and issuance of a citation. The technician
3 performing the calibration and testing of the automated
4 speed enforcement equipment shall be trained and certified
5 in the use of equipment for speed enforcement purposes.
6 Training on the speed enforcement equipment may be
7 conducted by law enforcement, civilian, or manufacturer's
8 personnel and if applicable may be equivalent to the
9 equipment use and operations training included in the Speed
10 Measuring Device Operator Program developed by the
11 National Highway Traffic Safety Administration (NHTSA).
12 The vendor or technician who performs the work shall keep
13 accurate records on each piece of equipment the technician
14 calibrates and tests. As used in this paragraph, "fully
15 trained ~~fully-trained~~ reviewing technician" means a person
16 who has received at least 40 hours of supervised training
17 in subjects which shall include image inspection and
18 interpretation, the elements necessary to prove a
19 violation, license plate identification, and traffic
20 safety and management. In all municipalities and counties,
21 the automated speed enforcement system or automated
22 traffic law ordinance shall require that no additional fee
23 shall be charged to the alleged violator for exercising his
24 or her right to an administrative hearing, and persons
25 shall be given at least 25 days following an administrative
26 hearing to pay any civil penalty imposed by a finding that

1 Section ~~11-208.6,~~ 11-208.8, 11-208.9, or 11-1201.1 or a
2 similar local ordinance has been violated. The original or
3 a facsimile of the violation notice or, in the case of a
4 notice produced by a computerized device, a printed record
5 generated by the device showing the facts entered on the
6 notice, shall be retained by the traffic compliance
7 administrator, and shall be a record kept in the ordinary
8 course of business. A parking, standing, compliance,
9 automated speed enforcement system, or automated traffic
10 law violation notice issued, signed, and served in
11 accordance with this Section, a copy of the notice, or the
12 computer-generated ~~computer-generated~~ record shall be
13 prima facie correct and shall be prima facie evidence of
14 the correctness of the facts shown on the notice. The
15 notice, copy, or computer-generated ~~computer-generated~~
16 record shall be admissible in any subsequent
17 administrative or legal proceedings.

18 (4) An opportunity for a hearing for the registered
19 owner of the vehicle cited in the parking, standing,
20 compliance, automated speed enforcement system, or
21 automated traffic law violation notice in which the owner
22 may contest the merits of the alleged violation, and during
23 which formal or technical rules of evidence shall not
24 apply; provided, however, that under Section 11-1306 of
25 this Code the lessee of a vehicle cited in the violation
26 notice likewise shall be provided an opportunity for a

1 hearing of the same kind afforded the registered owner. The
2 hearings shall be recorded, and the person conducting the
3 hearing on behalf of the traffic compliance administrator
4 shall be empowered to administer oaths and to secure by
5 subpoena both the attendance and testimony of witnesses and
6 the production of relevant books and papers. Persons
7 appearing at a hearing under this Section may be
8 represented by counsel at their expense. The ordinance may
9 also provide for internal administrative review following
10 the decision of the hearing officer.

11 (5) Service of additional notices, sent by first class
12 United States mail, postage prepaid, to the address of the
13 registered owner of the cited vehicle as recorded with the
14 Secretary of State or, if any notice to that address is
15 returned as undeliverable, to the last known address
16 recorded in a United States Post Office approved database,
17 or, under Section 11-1306 or subsection (p) of Section
18 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
19 of this Code, to the lessee of the cited vehicle at the
20 last address known to the lessor of the cited vehicle at
21 the time of lease or, if any notice to that address is
22 returned as undeliverable, to the last known address
23 recorded in a United States Post Office approved database.
24 The service shall be deemed complete as of the date of
25 deposit in the United States mail. The notices shall be in
26 the following sequence and shall include, but not be

1 limited to the information specified herein:

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

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

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

1 suspension of the person's driver's ~~drivers~~ license
2 for failure to complete a traffic education program or
3 to pay fines or penalties, or both, for 5 or more
4 automated traffic law violations under Section
5 ~~11-208.6 or~~ 11-208.9 or 11-1201.1 or automated speed
6 enforcement system violations under Section 11-208.8.

7 (6) A notice of impending driver's ~~drivers~~ license
8 suspension. This notice shall be sent to the person liable
9 for failure to complete a required traffic education
10 program or to pay any fine or penalty that remains due and
11 owing, or both, on 5 or more unpaid automated speed
12 enforcement system or automated traffic law violations
13 under Section 11-208.8, 11-208.9, or 11-1201.1. The notice
14 shall state that failure to complete a required traffic
15 education program or to pay the fine or penalty owing, or
16 both, within 45 days of the notice's date will result in
17 the municipality or county notifying the Secretary of State
18 that the person is eligible for initiation of suspension
19 proceedings under Section 6-306.5 of this Code. The notice
20 shall also state that the person may obtain a photostatic
21 copy of an original ticket imposing a fine or penalty by
22 sending a self-addressed ~~self-addressed~~, stamped envelope
23 to the municipality or county along with a request for the
24 photostatic copy. The notice of impending driver's ~~drivers~~
25 license suspension shall be sent by first class United
26 States mail, postage prepaid, to the address recorded with

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

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

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

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

21 (10) A schedule of civil fines for violations of
22 vehicular standing, parking, compliance, automated speed
23 enforcement system, or automated traffic law regulations
24 enacted by ordinance pursuant to this Section, and a
25 schedule of penalties for late payment of the fines or
26 failure to complete required traffic education programs,

1 provided, however, that the total amount of the fine and
2 penalty for any one violation shall not exceed \$250, except
3 as provided in subsection (c) of Section 11-1301.3 of this
4 Code.

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

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

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

26 (2) A notice of impending vehicle immobilization and a

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

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

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

20 (d) Judicial review of final determinations of parking,
21 standing, compliance, automated speed enforcement system, or
22 automated traffic law violations and final administrative
23 decisions issued after hearings regarding vehicle
24 immobilization and impoundment made under this Section shall be
25 subject to the provisions of the Administrative Review Law.

26 (e) Any fine, penalty, incomplete traffic education

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

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

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

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

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

8 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
9 revised 1-21-20.)

10 (625 ILCS 5/11-208.6)

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

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

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

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

3 (1) 2 or more photographs;

4 (2) 2 or more microphotographs;

5 (3) 2 or more electronic images; or

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

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

16 (c) Except as provided under Section 11-208.8 of this Code,
17 a county or municipality, including a home rule county or
18 municipality, may not use an automated traffic law enforcement
19 system to provide recorded images of a motor vehicle for the
20 purpose of recording its speed. Except as provided under
21 Section 11-208.8 of this Code, the regulation of the use of
22 automated traffic law enforcement systems to record vehicle
23 speeds is an exclusive power and function of the State. This
24 subsection (c) is a denial and limitation of home rule powers
25 and functions under subsection (h) of Section 6 of Article VII
26 of the Illinois Constitution.

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

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

22 (d) For each violation of a provision of this Code or a
23 local ordinance recorded by an automatic traffic law
24 enforcement system, the county or municipality having
25 jurisdiction shall issue a written notice of the violation to
26 the registered owner of the vehicle as the alleged violator.

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

6 The notice shall include:

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

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

11 (3) the violation charged;

12 (4) the location where the violation occurred;

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

14 (6) a copy of the recorded images;

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

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

21 (9) a warning that failure to pay the civil penalty, to
22 complete a required traffic education program, or to
23 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 (10) a statement that the person may elect to proceed

1 by:

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

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

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

9 (e) (Blank). ~~If a person charged with a traffic violation,~~
10 ~~as a result of an automated traffic law enforcement system,~~
11 ~~does not pay the fine or complete a required traffic education~~
12 ~~program, or both, or successfully contest the civil penalty~~
13 ~~resulting from that violation, the Secretary of State shall~~
14 ~~suspend the driving privileges of the registered owner of the~~
15 ~~vehicle under Section 6-306.5 of this Code for failing to~~
16 ~~complete a required traffic education program or to pay any~~
17 ~~fine or penalty due and owing, or both, as a result of a~~
18 ~~combination of 5 violations of the automated traffic law~~
19 ~~enforcement system or the automated speed enforcement system~~
20 ~~under Section 11-209.8 of this Code.~~

21 (f) Based on inspection of recorded images produced by an
22 automated traffic law enforcement system, a notice alleging
23 that the violation occurred shall be evidence of the facts
24 contained in the notice and admissible in any proceeding
25 alleging a violation under this Section.

26 (g) Recorded images made by an automatic traffic law

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

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

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

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

19 (3) any other evidence or issues provided by municipal
20 or county ordinance.

21 (i) To demonstrate that the motor vehicle or the
22 registration plates or digital registration plates were stolen
23 before the violation occurred and were not under the control or
24 possession of the owner at the time of the violation, the owner
25 must submit proof that a report concerning the stolen motor
26 vehicle or registration plates was filed with a law enforcement

1 agency in a timely manner.

2 (j) Unless the driver of the motor vehicle received a
3 Uniform Traffic Citation from a police officer at the time of
4 the violation, the motor vehicle owner is subject to a civil
5 penalty not exceeding \$100 or the completion of a traffic
6 education program, or both, plus an additional penalty of not
7 more than \$100 for failure to pay the original penalty or to
8 complete a required traffic education program, or both, in a
9 timely manner, if the motor vehicle is recorded by an automated
10 traffic law enforcement system. A violation for which a civil
11 penalty is imposed under this Section is not a violation of a
12 traffic regulation governing the movement of vehicles and may
13 not be recorded on the driving record of the owner of the
14 vehicle.

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

18 (j-5) For purposes of the required traffic education
19 program only, a registered owner may submit an affidavit to the
20 court or hearing officer swearing that at the time of the
21 alleged violation, the vehicle was in the custody and control
22 of another person. The affidavit must identify the person in
23 custody and control of the vehicle, including the person's name
24 and current address. The person in custody and control of the
25 vehicle at the time of the violation is required to complete
26 the required traffic education program. If the person in

1 custody and control of the vehicle at the time of the violation
2 completes the required traffic education program, the
3 registered owner of the vehicle is not required to complete a
4 traffic education program.

5 (k) An intersection equipped with an automated traffic law
6 enforcement system must be posted with a sign visible to
7 approaching traffic indicating that the intersection is being
8 monitored by an automated traffic law enforcement system.

9 (k-3) A municipality or county that has one or more
10 intersections equipped with an automated traffic law
11 enforcement system must provide notice to drivers by posting
12 the locations of automated traffic law systems on the
13 municipality or county website.

14 (k-5) An intersection equipped with an automated traffic
15 law enforcement system must have a yellow change interval that
16 conforms with the Illinois Manual on Uniform Traffic Control
17 Devices (IMUTCD) published by the Illinois Department of
18 Transportation.

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

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

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

23 (m) This Section applies only to the counties of Cook,
24 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
25 to municipalities located within those counties.

26 (n) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

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

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

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

25 Upon the provision of information by the lessor pursuant to
26 this subsection, the county or municipality may issue the

1 violation to the lessee of the vehicle in the same manner as it
2 would issue a violation to a registered owner of a vehicle
3 pursuant to this Section, and the lessee may be held liable for
4 the violation.

5 (Source: P.A. 101-395, eff. 8-16-19.)

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 or digital registration plate
16 while the driver is violating Article VI of Chapter 11 of this
17 Code or a similar provision of 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
24 must also display the time, date, and location of the
25 violation.

1 "Owner" means the person or entity to whom the vehicle is
2 registered.

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

5 (1) 2 or more photographs;

6 (2) 2 or more microphotographs;

7 (3) 2 or more electronic images; or

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

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

1 more lanes of traffic.

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

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

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

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

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

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

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

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

26 (d) The net proceeds that a municipality receives from

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

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

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

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

17 (iv) after school programs.

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

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

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

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

7 (3) the violation charged;

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

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

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

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

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

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

21 (A) paying the fine; or

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

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

1 (g) If a person charged with a traffic violation, as a
2 result of an automated speed enforcement system, does not pay
3 the fine or successfully contest the civil penalty resulting
4 from that violation, the Secretary of State shall suspend the
5 driving privileges of the registered owner of the vehicle under
6 Section 6-306.5 of this Code for failing to pay any fine or
7 penalty due and owing, or both, as a result of a combination of
8 5 violations of the automated speed enforcement system or the
9 automated traffic law under Section 11-208.9 or 11-1201.1
10 ~~11-208.6~~ of this Code.

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

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

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

26 (1) that the motor vehicle or registration plates or

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

19 (l) 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 (Source: P.A. 101-395, eff. 8-16-19.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.