

HB5774



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5774

Introduced 11/16/2022, by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.8

Amends the Illinois Vehicle Code. Adds payment of municipal pension obligations for employees in public safety as a purpose for which net proceeds that a municipality receives from civil penalties imposed under an automated speed enforcement system, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be expended or obligated by the municipality. Effective immediately.

LRB102 28335 NLB 40206 b

A BILL FOR

1 AN ACT concerning transportation.

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

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

6 (625 ILCS 5/11-208.8)

7 (Text of Section before amendment by P.A. 102-905)

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

10 (a) As used in this Section:

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

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

1 the vehicle and the vehicle's license plate. The recorded
2 image must also display the time, date, and location of the
3 violation.

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

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

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

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

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

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

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

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

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

26 (c) Notwithstanding any penalties for any other violations

1 of this Code, the owner of a motor vehicle used in a traffic
2 violation recorded by an automated speed enforcement system
3 shall be subject to the following penalties:

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

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

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

1 sent under this Section, a speed violation warning notice
2 where the violation involves a speed of 5 miles per hour or
3 less above the legal speed limit.

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

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

16 (ii) initiatives to improve pedestrian and traffic
17 safety;

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

21 (iv) after school programs; and-

22 (v) payment of municipal pension obligations for
23 employees in public safety.

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

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

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

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

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

13 (3) the violation charged;

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

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

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

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

21 (8) a warning that failure to pay the civil penalty or
22 to contest liability in a timely manner is an admission of
23 liability;

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

26 (A) paying the fine; or

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

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

6 (g) (Blank).

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

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

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

22 (1) that the motor vehicle or registration plates or
23 digital registration plates of the motor vehicle were
24 stolen before the violation occurred and not under the
25 control or in the possession of the owner at the time of
26 the violation;

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

6 (3) any other evidence or issues provided by municipal
7 ordinance.

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

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

23 (m) A roadway where a new automated speed enforcement
24 system is installed shall be posted with signs providing 30
25 days notice of the use of a new automated speed enforcement
26 system prior to the issuance of any citations through the

1 automated speed enforcement system.

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

7 (o) (Blank).

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

18 Upon the provision of information by the lessor pursuant
19 to this subsection, the municipality may issue the violation
20 to the lessee of the vehicle in the same manner as it would
21 issue a violation to a registered owner of a vehicle pursuant
22 to this Section, and the lessee may be held liable for the
23 violation.

24 (q) A municipality using an automated speed enforcement
25 system must provide notice to drivers by publishing the
26 locations of all safety zones where system equipment is

1 installed on the website of the municipality.

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

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

20 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

21 (Text of Section after amendment by P.A. 102-905)

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

24 (a) As used in this Section:

25 "Automated speed enforcement system" means a photographic

1 device, radar device, laser device, or other electrical or
2 mechanical device or devices installed or utilized in a safety
3 zone and designed to record the speed of a vehicle and obtain a
4 clear photograph or other recorded image of the vehicle and
5 the vehicle's registration plate or digital registration plate
6 while the driver is violating Article VI of Chapter 11 of this
7 Code or a similar provision of a local ordinance.

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

16 "Owner" means the person or entity to whom the vehicle is
17 registered.

18 "Recorded image" means images recorded by an automated
19 speed enforcement system on:

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

23 (4) a video recording showing the motor vehicle and,
24 on at least one image or portion of the recording, clearly
25 identifying the registration plate or digital registration
26 plate number of the motor vehicle.

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

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

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

26 (ii) if the safety zone is based upon the property

1 line of any facility, area, or land owned by a park
2 district, no earlier than one hour prior to the time that
3 the facility, area, or land is open to the public or other
4 patrons, and no later than one hour after the facility,
5 area, or land is closed to the public or other patrons.

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

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

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

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

26 A penalty may not be imposed under this Section if the

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

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

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

- 1 safety infrastructure and equipment;
- 2 (ii) initiatives to improve pedestrian and traffic
- 3 safety;
- 4 (iii) construction and maintenance of infrastructure
- 5 within the municipality, including but not limited to
- 6 roads and bridges; ~~and~~
- 7 (iv) after school programs; ~~and~~
- 8 (v) payment of municipal pension obligations for
- 9 employees in public safety.

10 (e) For each violation of a provision of this Code or a

11 local ordinance recorded by an automated speed enforcement

12 system, the municipality having jurisdiction shall issue a

13 written notice of the violation to the registered owner of the

14 vehicle as the alleged violator. The notice shall be delivered

15 to the registered owner of the vehicle, by mail, within 30 days

16 after the Secretary of State notifies the municipality of the

17 identity of the owner of the vehicle, but in no event later

18 than 90 days after the violation.

19 (f) The notice required under subsection (e) of this

20 Section shall include:

- 21 (1) the name and address of the registered owner of
- 22 the vehicle;
- 23 (2) the registration number of the motor vehicle
- 24 involved in the violation;
- 25 (3) the violation charged;
- 26 (4) the date, time, and location where the violation

1 occurred;

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

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

5 (7) a statement that recorded images are evidence of a
6 violation of a speed restriction;

7 (8) a warning that failure to pay the civil penalty or
8 to contest liability in a timely manner is an admission of
9 liability;

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

12 (A) paying the fine; or

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

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

18 (g) (Blank).

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

24 (i) Recorded images made by an automated speed enforcement
25 system are confidential and shall be made available only to
26 the alleged violator and governmental and law enforcement

1 agencies for purposes of adjudicating a violation of this
2 Section, for statistical purposes, or for other governmental
3 purposes. Any recorded image evidencing a violation of this
4 Section, however, may be admissible in any proceeding
5 resulting from the issuance of the citation.

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

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

13 (1.5) that the motor vehicle was hijacked before the
14 violation occurred and not under the control of or in the
15 possession of the owner or lessee at the time of the
16 violation;

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

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

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

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

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

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

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

24 (o) (Blank).

25 (p) No person who is the lessor of a motor vehicle pursuant
26 to a written lease agreement shall be liable for an automated

1 speed or traffic law enforcement system violation involving
2 such motor vehicle during the period of the lease; provided
3 that upon the request of the appropriate authority received
4 within 120 days after the violation occurred, the lessor
5 provides within 60 days after such receipt the name and
6 address of the lessee. The drivers license number of a lessee
7 may be subsequently individually requested by the appropriate
8 authority if needed for enforcement of this Section.

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

15 (q) A municipality using an automated speed enforcement
16 system must provide notice to drivers by publishing the
17 locations of all safety zones where system equipment is
18 installed on the website of the municipality.

19 (r) A municipality operating an automated speed
20 enforcement system shall conduct a statistical analysis to
21 assess the safety impact of the system. The statistical
22 analysis shall be based upon the best available crash,
23 traffic, and other data, and shall cover a period of time
24 before and after installation of the system sufficient to
25 provide a statistically valid comparison of safety impact. The
26 statistical analysis shall be consistent with professional

1 judgment and acceptable industry practice. The statistical
2 analysis also shall be consistent with the data required for
3 valid comparisons of before and after conditions and shall be
4 conducted within a reasonable period following the
5 installation of the automated traffic law enforcement system.
6 The statistical analysis required by this subsection shall be
7 made available to the public and shall be published on the
8 website of the municipality.

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

11 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
12 102-905, eff. 1-1-23.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.