



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3423

Introduced 1/18/2022, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.2	
625 ILCS 5/3-400	from Ch. 95 1/2, par. 3-400
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.8	
625 ILCS 5/11-208.6 rep.	
30 ILCS 805/8.46 new	

Amends the Illinois Vehicle Code. Repeals a Section providing authority to local governments to use automated traffic law enforcement systems at intersections in which cameras are used to photograph or video record a motor vehicle's failure to stop and yield as required by traffic control signals. Imposes limits on the power of local governments to use automated speed enforcement systems to provide recorded images of a motor vehicle for the purpose of recording its speed. Denies home rule powers. Amends the State Mandates Act to require implementation without reimbursement from the State. Makes conforming and other changes.

LRB102 23503 RAM 32683 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
5 changing Sections 1-105.2, 3-400, 11-208, 11-208.3, and
6 11-208.8 as follows:

7 (625 ILCS 5/1-105.2)

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

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

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

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

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

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

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

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

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

26 "Owner" means a person who holds legal title of a motor

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

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

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

1 "Restricted Plates" shall include, but is not limited to,
2 dealer, manufacturer, transporter, farm, reposessor, and
3 permanently mounted type plates. Vehicles displaying any of
4 these type plates from a foreign jurisdiction that is a member
5 of the International Registration Plan shall be granted
6 reciprocity but shall be subject to the same limitations as
7 similar plated Illinois registered vehicles.

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

9 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

10 Sec. 11-208. Powers of local authorities.

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

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

18 2. Regulating traffic by means of police officers or
19 traffic control signals;

20 3. Regulating or prohibiting processions or
21 assemblages on the highways; and certifying persons to
22 control traffic for processions or assemblages;

23 4. Designating particular highways as one-way highways
24 and requiring that all vehicles thereon be moved in one
25 specific direction;

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

3 6. Designating any highway as a through highway, as
4 authorized in Section 11-302, and requiring that all
5 vehicles stop before entering or crossing the same or
6 designating any intersection as a stop intersection or a
7 yield right-of-way intersection and requiring all vehicles
8 to stop or yield the right-of-way at one or more entrances
9 to such intersections;

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

12 8. Regulating the operation of mobile carrying
13 devices, bicycles, low-speed electric bicycles, and
14 low-speed gas bicycles, and requiring the registration and
15 licensing of same, including the requirement of a
16 registration fee;

17 9. Regulating or prohibiting the turning of vehicles
18 or specified types of vehicles at intersections;

19 10. Altering the speed limits as authorized in Section
20 11-604;

21 11. Prohibiting U-turns;

22 12. Prohibiting pedestrian crossings at other than
23 designated and marked crosswalks or at intersections;

24 13. Prohibiting parking during snow removal operation;

25 14. Imposing fines in accordance with Section
26 11-1301.3 as penalties for use of any parking place

1 reserved for persons with disabilities, as defined by
2 Section 1-159.1, or veterans with disabilities by any
3 person using a motor vehicle not bearing registration
4 plates specified in Section 11-1301.1 or a special decal
5 or device as defined in Section 11-1301.2 as evidence that
6 the vehicle is operated by or for a person with
7 disabilities or a veteran with a disability;

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

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

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

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

21 (d) The provisions of this Code shall not be deemed to
22 prevent local authorities within the reasonable exercise of
23 their police power from prohibiting, on private property, the
24 unauthorized use of parking spaces reserved for persons with
25 disabilities.

26 (e) No unit of local government, including a home rule

1 unit, may enact or enforce an ordinance that applies only to
2 motorcycles if the principal purpose for that ordinance is to
3 restrict the access of motorcycles to any highway or portion
4 of a highway for which federal or State funds have been used
5 for the planning, design, construction, or maintenance of that
6 highway. No unit of local government, including a home rule
7 unit, may enact an ordinance requiring motorcycle users to
8 wear protective headgear. Nothing in this subsection (e) shall
9 affect the authority of a unit of local government to regulate
10 motorcycles for traffic control purposes or in accordance with
11 Section 12-602 of this Code. No unit of local government,
12 including a home rule unit, may regulate motorcycles in a
13 manner inconsistent with this Code. This subsection (e) is a
14 limitation under subsection (i) of Section 6 of Article VII of
15 the Illinois Constitution on the concurrent exercise by home
16 rule units of powers and functions exercised by the State.

17 (e-5) The City of Chicago may enact an ordinance providing
18 for a noise monitoring system upon any portion of the roadway
19 known as Lake Shore Drive. Twelve months after the
20 installation of the noise monitoring system, and any time
21 after the first report as the City deems necessary, the City of
22 Chicago shall prepare a noise monitoring report with the data
23 collected from the system and shall, upon request, make the
24 report available to the public. For purposes of this
25 subsection (e-5), "noise monitoring system" means an automated
26 noise monitor capable of recording noise levels 24 hours per

1 day and 365 days per year with computer equipment sufficient
2 to process the data.

3 (e-10) A unit of local government, including a home rule
4 unit, may not enact an ordinance prohibiting the use of
5 Automated Driving System equipped vehicles on its roadways.
6 Nothing in this subsection (e-10) shall affect the authority
7 of a unit of local government to regulate Automated Driving
8 System equipped vehicles for traffic control purposes. No unit
9 of local government, including a home rule unit, may regulate
10 Automated Driving System equipped vehicles in a manner
11 inconsistent with this Code. For purposes of this subsection
12 (e-10), "Automated Driving System equipped vehicle" means any
13 vehicle equipped with an Automated Driving System of hardware
14 and software that are collectively capable of performing the
15 entire dynamic driving task on a sustained basis, regardless
16 of whether it is limited to a specific operational domain.
17 This subsection (e-10) is a limitation under subsection (i) of
18 Section 6 of Article VII of the Illinois Constitution on the
19 concurrent exercise by home rule units of powers and functions
20 exercised by the State.

21 (f) No unit of local government, including a home rule
22 unit, A municipality or county designated in Section 11-208.6
23 may enact or enforce an ordinance providing for an automated
24 traffic law enforcement system to enforce violations of
25 Section 11-306 of this Code or a similar provision of a local
26 ordinance and imposing liability on a registered owner or

1 lessee of a vehicle used in such a violation. For purposes of
2 this subsection (f), "automated traffic law enforcement
3 system" means a device with one or more motor vehicle sensors
4 working in conjunction with a red light signal to produce
5 recorded images of motor vehicles entering into an
6 intersection against a red signal indication in violation of
7 Section 11-306 of this Code or a similar provision of a local
8 ordinance. This subsection (f) is a denial and limitation of
9 home rule powers and functions under subsection (g) of Section
10 6 of Article VII of the Illinois Constitution.

11 (g) A municipality or county, as provided in Section
12 11-1201.1, may enact an ordinance providing for an automated
13 traffic law enforcement system to enforce violations of
14 Section 11-1201 of this Code or a similar provision of a local
15 ordinance and imposing liability on a registered owner of a
16 vehicle used in such a violation.

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

22 (i) A municipality or county designated in Section
23 11-208.9 may enact an ordinance providing for an automated
24 traffic law enforcement system to enforce violations of
25 Section 11-1414 of this Code or a similar provision of a local
26 ordinance and imposing liability on a registered owner or

1 lessee of a vehicle used in such a violation.

2 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;
3 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.
4 7-26-19.)

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

6 Sec. 11-208.3. Administrative adjudication of violations
7 of traffic regulations concerning the standing, parking, or
8 condition of vehicles, automated traffic law violations, and
9 automated speed enforcement system violations.

10 (a) Any municipality or county may provide by ordinance
11 for a system of administrative adjudication of vehicular
12 standing and parking violations and vehicle compliance
13 violations as described in this subsection, automated traffic
14 law violations as defined in Section ~~11-208.6~~, 11-208.9~~7~~ or
15 11-1201.1, and automated speed enforcement system violations
16 as defined in Section 11-208.8. The administrative system
17 shall have as its purpose the fair and efficient enforcement
18 of municipal or county regulations through the administrative
19 adjudication of automated speed enforcement system or
20 automated traffic law violations and violations of municipal
21 or county ordinances regulating the standing and parking of
22 vehicles, the condition and use of vehicle equipment, and the
23 display of municipal or county wheel tax licenses within the
24 municipality's or county's borders. The administrative system
25 shall only have authority to adjudicate civil offenses

1 carrying fines not in excess of \$500 or requiring the
2 completion of a traffic education program, or both, that occur
3 after the effective date of the ordinance adopting such a
4 system under this Section. For purposes of this Section,
5 "compliance violation" means a violation of a municipal or
6 county regulation governing the condition or use of equipment
7 on a vehicle or governing the display of a municipal or county
8 wheel tax license.

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

11 (1) A traffic compliance administrator authorized to
12 adopt, distribute, and process parking, compliance, and
13 automated speed enforcement system or automated traffic
14 law violation notices and other notices required by this
15 Section, collect money paid as fines and penalties for
16 violation of parking and compliance ordinances and
17 automated speed enforcement system or automated traffic
18 law violations, and operate an administrative adjudication
19 system.

20 (2) A parking, standing, compliance, automated speed
21 enforcement system, or automated traffic law violation
22 notice that shall specify or include the date, time, and
23 place of violation of a parking, standing, compliance,
24 automated speed enforcement system, or automated traffic
25 law regulation; the particular regulation violated; any
26 requirement to complete a traffic education program; the

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

26 (3) Service of a parking, standing, or compliance

1 violation notice by: (i) affixing the original or a
2 facsimile of the notice to an unlawfully parked or
3 standing vehicle; (ii) handing the notice to the operator
4 of a vehicle if he or she is present; or (iii) mailing the
5 notice to the address of the registered owner or lessee of
6 the cited vehicle as recorded with the Secretary of State
7 or the lessor of the motor vehicle within 30 days after the
8 Secretary of State or the lessor of the motor vehicle
9 notifies the municipality or county of the identity of the
10 owner or lessee of the vehicle, but not later than 90 days
11 after the date of the violation, except that in the case of
12 a lessee of a motor vehicle, service of a parking,
13 standing, or compliance violation notice may occur no
14 later than 210 days after the violation; and service of an
15 automated speed enforcement system or automated traffic
16 law violation notice by mail to the address of the
17 registered owner or lessee of the cited vehicle as
18 recorded with the Secretary of State or the lessor of the
19 motor vehicle within 30 days after the Secretary of State
20 or the lessor of the motor vehicle notifies the
21 municipality or county of the identity of the owner or
22 lessee of the vehicle, but not later than 90 days after the
23 violation, except that in the case of a lessee of a motor
24 vehicle, service of an automated traffic law violation
25 notice may occur no later than 210 days after the
26 violation. A person authorized by ordinance to issue and

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

1 the violation. In municipalities with a population of
2 1,000,000 or more inhabitants and counties with a
3 population of 3,000,000 or more inhabitants, the automated
4 traffic law ordinance shall require that all
5 determinations by a technician that a motor vehicle was
6 being operated in violation of Section ~~11-208.6~~, 11-208.97
7 or 11-1201.1 or a local ordinance must be reviewed and
8 approved by a law enforcement officer or retired law
9 enforcement officer of the municipality or county issuing
10 the violation or by an additional fully trained reviewing
11 technician who is not employed by the contractor who
12 employs the technician who made the initial determination.
13 In the case of an automated speed enforcement system
14 violation, the ordinance shall require a determination by
15 a technician employed by the municipality, based upon an
16 inspection of recorded images, video or other
17 documentation, including documentation of the speed limit
18 and automated speed enforcement signage, and documentation
19 of the inspection, calibration, and certification of the
20 speed equipment, that the vehicle was being operated in
21 violation of Article VI of Chapter 11 of this Code or a
22 similar local ordinance. If the technician determines that
23 the vehicle speed was not determined by a calibrated,
24 certified speed equipment device based upon the speed
25 equipment documentation, or if the vehicle was an
26 emergency vehicle, a citation may not be issued. The

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

1 service until it has been checked by a qualified
2 technician and determined to be functioning properly.
3 Documentation of the annual calibration results, including
4 the equipment tested, test date, technician performing the
5 test, and test results, shall be maintained and available
6 for use in the determination of an automated speed
7 enforcement system violation and issuance of a citation.
8 The technician performing the calibration and testing of
9 the automated speed enforcement equipment shall be trained
10 and certified in the use of equipment for speed
11 enforcement purposes. Training on the speed enforcement
12 equipment may be conducted by law enforcement, civilian,
13 or manufacturer's personnel and if applicable may be
14 equivalent to the equipment use and operations training
15 included in the Speed Measuring Device Operator Program
16 developed by the National Highway Traffic Safety
17 Administration (NHTSA). The vendor or technician who
18 performs the work shall keep accurate records on each
19 piece of equipment the technician calibrates and tests. As
20 used in this paragraph, "fully trained reviewing
21 technician" means a person who has received at least 40
22 hours of supervised training in subjects which shall
23 include image inspection and interpretation, the elements
24 necessary to prove a violation, license plate
25 identification, and traffic safety and management. In all
26 municipalities and counties, the automated speed

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

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

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

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

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

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

1 appear at a hearing on the merits in the time and
2 manner specified, will result in a final determination
3 of violation liability for the cited violation in the
4 amount of the fine or penalty indicated, and that,
5 upon the occurrence of a final determination of
6 violation liability for the failure, and the
7 exhaustion of, or failure to exhaust, available
8 administrative or judicial procedures for review, any
9 incomplete traffic education program or any unpaid
10 fine or penalty, or both, will constitute a debt due
11 and owing the municipality or county.

12 (ii) A notice of final determination of parking,
13 standing, compliance, automated speed enforcement
14 system, or automated traffic law violation liability.
15 This notice shall be sent following a final
16 determination of parking, standing, compliance,
17 automated speed enforcement system, or automated
18 traffic law violation liability and the conclusion of
19 judicial review procedures taken under this Section.
20 The notice shall state that the incomplete traffic
21 education program or the unpaid fine or penalty, or
22 both, is a debt due and owing the municipality or
23 county. The notice shall contain warnings that failure
24 to complete any required traffic education program or
25 to pay any fine or penalty due and owing the
26 municipality or county, or both, within the time

1 specified may result in the municipality's or county's
2 filing of a petition in the Circuit Court to have the
3 incomplete traffic education program or unpaid fine or
4 penalty, or both, rendered a judgment as provided by
5 this Section, or, where applicable, may result in
6 suspension of the person's driver's license for
7 failure to complete a traffic education program.

8 (6) A notice of impending driver's license suspension.

9 This notice shall be sent to the person liable for failure
10 to complete a required traffic education program. The
11 notice shall state that failure to complete a required
12 traffic education program within 45 days of the notice's
13 date will result in the municipality or county notifying
14 the Secretary of State that the person is eligible for
15 initiation of suspension proceedings under Section 6-306.5
16 of this Code. The notice shall also state that the person
17 may obtain a photostatic copy of an original ticket
18 imposing a fine or penalty by sending a self-addressed,
19 stamped envelope to the municipality or county along with
20 a request for the photostatic copy. The notice of
21 impending driver's license suspension shall be sent by
22 first class United States mail, postage prepaid, to the
23 address recorded with the Secretary of State or, if any
24 notice to that address is returned as undeliverable, to
25 the last known address recorded in a United States Post
26 Office approved database.

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

15 (8) A petition to set aside a determination of
16 parking, standing, compliance, automated speed enforcement
17 system, or automated traffic law violation liability that
18 may be filed by a person owing an unpaid fine or penalty. A
19 petition to set aside a determination of liability may
20 also be filed by a person required to complete a traffic
21 education program. The petition shall be filed with and
22 ruled upon by the traffic compliance administrator in the
23 manner and within the time specified by ordinance. The
24 grounds for the petition may be limited to: (A) the person
25 not having been the owner or lessee of the cited vehicle on
26 the date the violation notice was issued, (B) the person

1 having already completed the required traffic education
2 program or paid the fine or penalty, or both, for the
3 violation in question, and (C) excusable failure to appear
4 at or request a new date for a hearing. With regard to
5 municipalities or counties with a population of 1 million
6 or more, it shall be grounds for dismissal of a parking
7 violation if the state registration number or vehicle
8 make, only if specified in the violation notice, is
9 incorrect. After the determination of parking, standing,
10 compliance, automated speed enforcement system, or
11 automated traffic law violation liability has been set
12 aside upon a showing of just cause, the registered owner
13 shall be provided with a hearing on the merits for that
14 violation.

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

19 (10) A schedule of civil fines for violations of
20 vehicular standing, parking, compliance, automated speed
21 enforcement system, or automated traffic law regulations
22 enacted by ordinance pursuant to this Section, and a
23 schedule of penalties for late payment of the fines or
24 failure to complete required traffic education programs,
25 provided, however, that the total amount of the fine and
26 penalty for any one violation shall not exceed \$250,

1 except as provided in subsection (c) of Section 11-1301.3
2 of this Code.

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

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

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

24 (2) A notice of impending vehicle immobilization and a
25 right to a hearing to challenge the validity of the notice
26 by disproving liability for the incomplete traffic

1 education programs or unpaid final determinations of
2 parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability, or
4 both, listed on the notice.

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

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

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

24 (e) Any fine, penalty, incomplete traffic education
25 program, or part of any fine or any penalty remaining unpaid
26 after the exhaustion of, or the failure to exhaust,

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

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

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

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

25 A low-income individual required to complete a traffic
26 education program under this Section who provides proof of

1 eligibility for the federal earned income tax credit under
2 Section 32 of the Internal Revenue Code or the Illinois earned
3 income tax credit under Section 212 of the Illinois Income Tax
4 Act shall not be required to pay any fee for participating in a
5 required traffic education program.

6 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
7 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

8 (625 ILCS 5/11-208.8)

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

11 (a) As used in this Section:

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

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

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

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

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

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

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

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

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

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

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

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

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

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

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

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

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

1 where the violation involves a speed of 5 miles per hour or
2 less above the legal speed limit.

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

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

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

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

20 (iv) after school programs.

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

1 after the Secretary of State notifies the municipality of the
2 identity of the owner of the vehicle, but in no event later
3 than 90 days after the violation.

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

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

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

10 (3) the violation charged;

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

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

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

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

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

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

23 (A) paying the fine; or

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

26 (10) a website address, accessible through the

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

3 (g) (Blank).

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

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

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

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

24 (2) that the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer for a
26 speeding violation occurring within one-eighth of a mile

1 and 15 minutes of the violation that was recorded by the
2 system; and

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

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

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

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

25 (n) The compensation paid for an automated speed
26 enforcement system must be based on the value of the equipment

1 or the services provided and may not be based on the number of
2 traffic citations issued or the revenue generated by the
3 system.

4 (o) (Blank).

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

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

21 (q) A municipality using an automated speed enforcement
22 system must provide notice to drivers by publishing the
23 locations of all safety zones where system equipment is
24 installed on the website of the municipality.

25 (r) A municipality operating an automated speed
26 enforcement system shall conduct a statistical analysis to

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

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

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

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

2 (625 ILCS 5/11-208.6 rep.)

3 Section 10. The Illinois Vehicle Code is amended by
4 repealing Section 11-208.6.

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.46 as follows:

7 (30 ILCS 805/8.46 new)

8 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and
9 8 of this Act, no reimbursement by the State is required for
10 the implementation of any mandate created by this amendatory
11 Act of the 102nd General Assembly.