



Rep. Michael J. Madigan

Filed: 10/26/2011

09700HB3851ham001

LRB097 14069 HEP 59123 a

1 AMENDMENT TO HOUSE BILL 3851

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3851 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-306.5, 11-208, 11-208.3, 11-208.6, 11-612,  
6 and 12-610.5 and by adding Sections 1-105.1 and 11-208.8 as  
7 follows:

8 (625 ILCS 5/1-105.1 new)

9 Sec. 1-105.1. Automated speed enforcement system  
10 violation. A violation described in Section 11-208.8 of this  
11 Code.

12 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

13 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
14 parking, compliance, automated speed enforcement system, or  
15 automated traffic law violations; suspension of driving

1 privileges.

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

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

14           (c) The report of the appropriate municipal or county  
15 official notifying the Secretary of State of unpaid fines or  
16 penalties pursuant to this Section shall be certified and shall  
17 contain the following:

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

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

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

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

24           (d) Any municipality or county making a certified report to  
25 the Secretary of State pursuant to this Section shall notify  
26 the Secretary of State, in a form prescribed by the Secretary,

1 whenever a person named in the certified report has paid the  
2 previously reported fine or penalty, whenever a person named in  
3 the certified report has entered into a payment plan pursuant  
4 to which the municipality or county has agreed to terminate the  
5 suspension, or whenever the municipality or county determines  
6 that the original report was in error. A certified copy of such  
7 notification shall also be given upon request and at no  
8 additional charge to the person named therein. Upon receipt of  
9 the municipality's or county's notification or presentation of  
10 a certified copy of such notification, the Secretary of State  
11 shall terminate the suspension.

12 (e) Any municipality or county making a certified report to  
13 the Secretary of State pursuant to this Section shall also by  
14 ordinance establish procedures for persons to challenge the  
15 accuracy of the certified report. The ordinance shall also  
16 state the grounds for such a challenge, which may be limited to  
17 (1) the person not having been the owner or lessee of the  
18 vehicle or vehicles receiving 10 or more standing, parking, or  
19 compliance violation notices or a combination of 5 or more  
20 automated speed enforcement system or automated traffic law  
21 violations on the date or dates such notices were issued; and  
22 (2) the person having already paid the fine or penalty for the  
23 10 or more standing, parking, or compliance violations or  
24 combination of 5 or more automated speed enforcement system or  
25 automated traffic law violations indicated on the certified  
26 report.

1 (f) Any municipality or county, other than a municipality  
2 or county establishing vehicular standing, parking, and  
3 compliance regulations pursuant to Section 11-208.3, automated  
4 speed enforcement system regulations under Section 11-208.8,  
5 or automated traffic law regulations under Section 11-208.6 or  
6 11-1201.1, may also cause a suspension of a person's drivers  
7 license pursuant to this Section. Such municipality or county  
8 may 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 10 or more violations  
11 of local standing, parking, or compliance regulations or a  
12 combination of 5 or more automated speed enforcement system or  
13 automated traffic law violations after exhaustion of judicial  
14 review procedures, but only if:

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

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

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

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

26 (h) An administrative hearing to contest an impending

1 suspension or a suspension made pursuant to this Section may be  
2 had upon filing a written request with the Secretary of State.  
3 The filing fee for this hearing shall be \$20, to be paid at the  
4 time the request is made. A municipality or county which files  
5 a certified report with the Secretary of State pursuant to this  
6 Section shall reimburse the Secretary for all reasonable costs  
7 incurred by the Secretary as a result of the filing of the  
8 report, including but not limited to the costs of providing the  
9 notice required pursuant to subsection (b) and the costs  
10 incurred by the Secretary in any hearing conducted with respect  
11 to the report pursuant to this subsection and any appeal from  
12 such a hearing.

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

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

17 (Source: P.A. 96-478, eff. 1-1-10; 96-1184, eff. 7-22-10;  
18 96-1386, eff. 7-29-10; 97-333, eff. 8-12-11.)

19 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

25 1. Regulating the standing or parking of vehicles,



1           except as limited by Sections 11-1306 and 11-1307 of this  
2           Act;

3           2. Regulating traffic by means of police officers or  
4           traffic control signals;

5           3. Regulating or prohibiting processions or  
6           assemblages on the highways;

7           4. Designating particular highways as one-way highways  
8           and requiring that all vehicles thereon be moved in one  
9           specific direction;

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

12          6. Designating any highway as a through highway, as  
13          authorized in Section 11-302, and requiring that all  
14          vehicles stop before entering or crossing the same or  
15          designating any intersection as a stop intersection or a  
16          yield right-of-way intersection and requiring all vehicles  
17          to stop or yield the right-of-way at one or more entrances  
18          to such intersections;

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

21          8. Regulating the operation of bicycles and requiring  
22          the registration and licensing of same, including the  
23          requirement of a registration fee;

24          9. Regulating or prohibiting the turning of vehicles or  
25          specified types of vehicles at intersections;

26          10. Altering the speed limits as authorized in Section

1 11-604;

2 11. Prohibiting U-turns;

3 12. Prohibiting pedestrian crossings at other than  
4 designated and marked crosswalks or at intersections;

5 13. Prohibiting parking during snow removal operation;

6 14. Imposing fines in accordance with Section  
7 11-1301.3 as penalties for use of any parking place  
8 reserved for persons with disabilities, as defined by  
9 Section 1-159.1, or disabled veterans by any person using a  
10 motor vehicle not bearing registration plates specified in  
11 Section 11-1301.1 or a special decal or device as defined  
12 in Section 11-1301.2 as evidence that the vehicle is  
13 operated by or for a person with disabilities or disabled  
14 veteran;

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

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

19 (b) No ordinance or regulation enacted under subsections 1,  
20 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective  
21 until signs giving reasonable notice of such local traffic  
22 regulations are posted.

23 (c) The provisions of this Code shall not prevent any  
24 municipality having a population of 500,000 or more inhabitants  
25 from prohibiting any person from driving or operating any motor  
26 vehicle upon the roadways of such municipality with headlamps

1 on high beam or bright.

2 (d) The provisions of this Code shall not be deemed to  
3 prevent local authorities within the reasonable exercise of  
4 their police power from prohibiting, on private property, the  
5 unauthorized use of parking spaces reserved for persons with  
6 disabilities.

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

24 (f) A municipality or county designated in Section 11-208.6  
25 may enact an ordinance providing for an automated traffic law  
26 enforcement system to enforce violations of this Code or a

1 similar provision of a local ordinance and imposing liability  
2 on a registered owner or lessee of a vehicle used in such a  
3 violation.

4 (g) A municipality or county, as provided in Section  
5 11-1201.1, may enact an ordinance providing for an automated  
6 traffic law enforcement system to enforce violations of Section  
7 11-1201 of this Code or a similar provision of a local  
8 ordinance and imposing liability on a registered owner of a  
9 vehicle used in such a violation.

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

14 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11; 97-29,  
15 eff. 1-1-12.)

16 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

17 Sec. 11-208.3. Administrative adjudication of violations  
18 of traffic regulations concerning the standing, parking, or  
19 condition of vehicles, ~~and~~ automated traffic law violations, ~~and~~  
20 and 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, ~~and~~ automated traffic law  
25 violations as defined in Section 11-208.6 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 the date, time, and place of  
9 violation of a parking, standing, compliance, automated  
10 speed enforcement system, or automated traffic law  
11 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 and state registration number; and the  
17 identification number of the person issuing the notice.  
18 With regard to automated speed enforcement system or  
19 automated traffic law violations, vehicle make shall be  
20 specified on the automated speed enforcement system or  
21 automated traffic law violation notice if the make is  
22 available and readily discernible. With regard to  
23 municipalities or counties with a population of 1 million  
24 or more, it shall be grounds for dismissal of a parking  
25 violation if the state registration number or vehicle make  
26 specified is incorrect. The violation notice shall state

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

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

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



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

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

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

1 hearing to pay any civil penalty imposed by a finding that  
2 Section 11-208.6, 11-208.8, or 11-1201.1 or a similar local  
3 ordinance has been violated. The original or a facsimile of  
4 the violation notice or, in the case of a notice produced  
5 by a computerized device, a printed record generated by the  
6 device showing the facts entered on the notice, shall be  
7 retained by the traffic compliance administrator, and  
8 shall be a record kept in the ordinary course of business.  
9 A parking, standing, compliance, automated speed  
10 enforcement system, or automated traffic law violation  
11 notice issued, signed and served in accordance with this  
12 Section, a copy of the notice, or the computer generated  
13 record shall be prima facie correct and shall be prima  
14 facie evidence of the correctness of the facts shown on the  
15 notice. The notice, copy, or computer generated record  
16 shall be admissible in any subsequent administrative or  
17 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 subsection (p) of Section 11-208.8 of this  
19 Code, to the lessee of the cited vehicle at the last  
20 address known to the lessor of the cited vehicle at the  
21 time of lease or, if any notice to that address is returned  
22 as undeliverable, to the last known address recorded in a  
23 United States Post Office approved database. The service  
24 shall be deemed complete as of the date of deposit in the  
25 United States mail. The notices shall be in the following  
26 sequence and shall include but not be limited to the

1 information specified herein:

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

1 municipality or county.

2 (ii) A notice of final determination of parking,  
3 standing, compliance, automated speed enforcement  
4 system, or automated traffic law violation liability.

5 This notice shall be sent following a final  
6 determination of parking, standing, compliance,  
7 automated speed enforcement system, or automated  
8 traffic law violation liability and the conclusion of  
9 judicial review procedures taken under this Section.

10 The notice shall state that the incomplete traffic  
11 education program or the unpaid fine or penalty, or  
12 both, is a debt due and owing the municipality or  
13 county. The notice shall contain warnings that failure  
14 to complete any required traffic education program or  
15 to pay any fine or penalty due and owing the  
16 municipality or county, or both, within the time  
17 specified may result in the municipality's or county's  
18 filing of a petition in the Circuit Court to have the  
19 incomplete traffic education program or unpaid fine or  
20 penalty, or both, rendered a judgment as provided by  
21 this Section, or may result in suspension of the  
22 person's drivers license for failure to complete a  
23 traffic education program or to pay fines or penalties,  
24 or both, for 10 or more parking violations under  
25 Section 6-306.5, or a combination of 5 or more  
26 automated traffic law violations under Section

1           11-208.6 or automated speed enforcement system  
2           violations under Section 11-208.8.

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

26          (7) Final determinations of violation liability. A



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

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

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

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

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

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

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

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

22           (2) A notice of impending vehicle immobilization and a  
23           right to a hearing to challenge the validity of the notice  
24           by disproving liability for the incomplete traffic  
25           education programs or unpaid final determinations of  
26           parking, standing, compliance, automated speed enforcement

1        system, or automated traffic law violation liability, or  
2        both, listed on the notice.

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

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

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

22           (e) Any fine, penalty, incomplete traffic education  
23        program, or part of any fine or any penalty remaining unpaid  
24        after the exhaustion of, or the failure to exhaust,  
25        administrative remedies created under this Section and the  
26        conclusion of any judicial review procedures shall be a debt

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

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

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

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

23 A low-income individual required to complete a traffic  
24 education program under this Section who provides proof of  
25 eligibility for the federal earned income tax credit under  
26 Section 32 of the Internal Revenue Code or the Illinois earned

1 income tax credit under Section 212 of the Illinois Income Tax  
2 Act shall not be required to pay any fee for participating in a  
3 required traffic education program.

4 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;  
5 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.  
6 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11.)".

7 (625 ILCS 5/11-208.6)

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

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

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

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

25 (1) 2 or more photographs;

- 1           (2) 2 or more microphotographs;
- 2           (3) 2 or more electronic images; or
- 3           (4) a video recording showing the motor vehicle and, on
- 4           at least one image or portion of the recording, clearly
- 5           identifying the registration plate number of the motor
- 6           vehicle.

7           (b-5) A municipality or county that produces a recorded

8           image of a motor vehicle's violation of a provision of this

9           Code or a local ordinance must make the recorded images of a

10          violation accessible to the alleged violator by providing the

11          alleged violator with a website address, accessible through the

12          Internet.

13          (c) Except as provided under Section 11-208.8 of this Code,

14          a ~~A~~ county or municipality, including a home rule county or

15          municipality, may not use an automated traffic law enforcement

16          system to provide recorded images of a motor vehicle for the

17          purpose of recording its speed. Except as provided under

18          Section 11-208.8 of this Code, the ~~The~~ regulation of the use of

19          automated traffic law enforcement systems to record vehicle

20          speeds is an exclusive power and function of the State. This

21          subsection (c) is a denial and limitation of home rule powers

22          and functions under subsection (h) of Section 6 of Article VII

23          of the Illinois Constitution.

24          (c-5) A county or municipality, including a home rule

25          county or municipality, may not use an automated traffic law

26          enforcement system to issue violations in instances where the



1 motor vehicle comes to a complete stop and does not enter the  
2 intersection, as defined by Section 1-132 of this Code, during  
3 the cycle of the red signal indication unless one or more  
4 pedestrians or bicyclists are present, even if the motor  
5 vehicle stops at a point past a stop line or crosswalk where a  
6 driver is required to stop, as specified in subsection (c) of  
7 Section 11-306 of this Code or a similar provision of a local  
8 ordinance.

9 (d) For each violation of a provision of this Code or a  
10 local ordinance recorded by an automatic traffic law  
11 enforcement system, the county or municipality having  
12 jurisdiction shall issue a written notice of the violation to  
13 the registered owner of the vehicle as the alleged violator.  
14 The notice shall be delivered to the registered owner of the  
15 vehicle, by mail, within 30 days after the Secretary of State  
16 notifies the municipality or county of the identity of the  
17 owner of the vehicle, but in no event later than 90 days after  
18 the violation.

19 The notice shall include:

20 (1) the name and address of the registered owner of the  
21 vehicle;

22 (2) the registration number of the motor vehicle  
23 involved in the violation;

24 (3) the violation charged;

25 (4) the location where the violation occurred;

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

1 (6) a copy of the recorded images;

2 (7) the amount of the civil penalty imposed and the  
3 requirements of any traffic education program imposed and  
4 the date by which the civil penalty should be paid and the  
5 traffic education program should be completed;

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

8 (9) a warning that failure to pay the civil penalty, to  
9 complete a required traffic education program, or to  
10 contest liability in a timely manner is an admission of  
11 liability and may result in a suspension of the driving  
12 privileges of the registered owner of the vehicle;

13 (10) a statement that the person may elect to proceed  
14 by:

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

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

19 (11) a website address, accessible through the  
20 Internet, where the person may view the recorded images of  
21 the violation.

22 (e) If a person charged with a traffic violation, as a  
23 result of an automated traffic law enforcement system, does not  
24 pay the fine or complete a required traffic education program,  
25 or both, or successfully contest the civil penalty resulting  
26 from that violation, the Secretary of State shall suspend the

1 driving privileges of the registered owner of the vehicle under  
2 Section 6-306.5 of this Code for failing to complete a required  
3 traffic education program or to pay any fine or penalty due and  
4 owing, or both, as a result of a combination of 5 violations of  
5 the automated traffic law enforcement system or the automated  
6 speed enforcement system under Section 11-208.8 of this Code.

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

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

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

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

26 (2) that the driver of the vehicle passed through the

1 intersection when the light was red either (i) in order to  
2 yield the right-of-way to an emergency vehicle or (ii) as  
3 part of a funeral procession; and

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

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

13 (j) Unless the driver of the motor vehicle received a  
14 Uniform Traffic Citation from a police officer at the time of  
15 the violation, the motor vehicle owner is subject to a civil  
16 penalty not exceeding \$100 or the completion of a traffic  
17 education program, or both, plus an additional penalty of not  
18 more than \$100 for failure to pay the original penalty or to  
19 complete a required traffic education program, or both, in a  
20 timely manner, if the motor vehicle is recorded by an automated  
21 traffic law enforcement system. A violation for which a civil  
22 penalty is imposed under this Section is not a violation of a  
23 traffic regulation governing the movement of vehicles and may  
24 not be recorded on the driving record of the owner of the  
25 vehicle.

26 (j-3) A registered owner who is a holder of a valid

1 commercial driver's license is not required to complete a  
2 traffic education program.

3 (j-5) For purposes of the required traffic education  
4 program only, a registered owner may submit an affidavit to the  
5 court or hearing officer swearing that at the time of the  
6 alleged violation, the vehicle was in the custody and control  
7 of another person. The affidavit must identify the person in  
8 custody and control of the vehicle, including the person's name  
9 and current address. The person in custody and control of the  
10 vehicle at the time of the violation is required to complete  
11 the required traffic education program. If the person in  
12 custody and control of the vehicle at the time of the violation  
13 completes the required traffic education program, the  
14 registered owner of the vehicle is not required to complete a  
15 traffic education program.

16 (k) An intersection equipped with an automated traffic law  
17 enforcement system must be posted with a sign visible to  
18 approaching traffic indicating that the intersection is being  
19 monitored by an automated traffic law enforcement system.

20 (k-3) A municipality or county that has one or more  
21 intersections equipped with an automated traffic law  
22 enforcement system must provide notice to drivers by posting  
23 the locations of automated traffic law systems on the  
24 municipality or county website.

25 (k-5) An intersection equipped with an automated traffic  
26 law enforcement system must have a yellow change interval that

1 conforms with the Illinois Manual on Uniform Traffic Control  
2 Devices (IMUTCD) published by the Illinois Department of  
3 Transportation.

4 (k-7) A municipality or county operating an automated  
5 traffic law enforcement system shall conduct a statistical  
6 analysis to assess the safety impact of each automated traffic  
7 law enforcement system at an intersection following  
8 installation of the system. The statistical analysis shall be  
9 based upon the best available crash, traffic, and other data,  
10 and shall cover a period of time before and after installation  
11 of the system sufficient to provide a statistically valid  
12 comparison of safety impact. The statistical analysis shall be  
13 consistent with professional judgment and acceptable industry  
14 practice. The statistical analysis also shall be consistent  
15 with the data required for valid comparisons of before and  
16 after conditions and shall be conducted within a reasonable  
17 period following the installation of the automated traffic law  
18 enforcement system. The statistical analysis required by this  
19 subsection (k-7) shall be made available to the public and  
20 shall be published on the website of the municipality or  
21 county. If the statistical analysis for the 36 month period  
22 following installation of the system indicates that there has  
23 been an increase in the rate of accidents at the approach to  
24 the intersection monitored by the system, the municipality or  
25 county shall undertake additional studies to determine the  
26 cause and severity of the accidents, and may take any action

1 that it determines is necessary or appropriate to reduce the  
2 number or severity of the accidents at that intersection.

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

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

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

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

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

26 (p) No person who is the lessor of a motor vehicle pursuant

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

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

16 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;  
17 97-29, eff. 1-1-12.)

18 (625 ILCS 5/11-208.8 new)

19 Sec. 11-208.8. Automated speed enforcement systems in  
20 safety zones.

21 (a) As used in this Section:

22 "Automated speed enforcement system" means a photographic  
23 device, radar device, laser device, or other electrical or  
24 mechanical device or devices installed or utilized in a safety  
25 zone and designed to record the speed of a vehicle and obtain a



1 clear photograph or other recorded image of the vehicle and the  
2 vehicle's registration plate while the driver is violating  
3 Article VI of Chapter 11 of this Code or a similar provision of  
4 a local ordinance.

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

13 "Owner" means the person or entity to whom the vehicle is  
14 registered.

15 "Recorded image" means images recorded by an automated  
16 speed enforcement system on:

17 (1) 2 or more photographs;

18 (2) 2 or more microphotographs;

19 (3) 2 or more electronic images; or

20 (4) a video recording showing the motor vehicle and, on  
21 at least one image or portion of the recording, clearly  
22 identifying the registration plate number of the motor  
23 vehicle.

24 "Safety zone" means an area that is within one-eighth of a  
25 mile from the nearest property line of any public or private  
26 elementary or secondary school, or from the nearest property

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

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

17 (i) if the safety zone is based upon the property line  
18 of any facility, area, or land owned by a school district,  
19 on school days no earlier than 6 a.m. and no later than 10  
20 p.m.; and

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

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

7       (c) Notwithstanding any penalties for any other violations  
8 of this Code, the owner of a motor vehicle used in a traffic  
9 violation recorded by an automated speed enforcement system  
10 shall be subject to a civil penalty not exceeding \$100 for each  
11 violation, plus an additional penalty of not more than \$100 for  
12 failure to pay the original penalty in a timely manner, unless  
13 the driver of the motor vehicle received a Uniform Traffic  
14 Citation from a police officer for a speeding violation  
15 occurring within one-eighth of a mile and 15 minutes of the  
16 violation that was recorded by the system. A violation for  
17 which a civil penalty is imposed under this Section is not a  
18 violation of a traffic regulation governing the movement of  
19 vehicles and may not be recorded on the driving record of the  
20 owner of the vehicle. A law enforcement officer is not required  
21 to be present or to witness the violation. No penalty may be  
22 imposed under this Section if the recorded speed of a vehicle  
23 is 5 miles per hour or less over the legal speed limit. The  
24 municipality may send, in the same manner that notices are sent  
25 under this Section, a speed violation warning notice where the  
26 violation involves a speed of 5 miles per hour or less above

1 the legal speed limit.

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

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

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

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

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

1 than 90 days after the violation.

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

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

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

8 (3) the violation charged;

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

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

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

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

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

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

22 (A) paying the fine; or

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

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

1       the violation.

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

1 the motor vehicle were stolen before the violation occurred  
2 and not under the control or in the possession of the owner  
3 at the time of the violation;

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

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

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

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

26 (m) A roadway where a new automated speed enforcement

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

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

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

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

26 Upon the provision of information by the lessor pursuant to



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

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

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

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

1 (625 ILCS 5/11-612)

2 Sec. 11-612. Certain systems to record vehicle speeds  
3 prohibited. Except as authorized in the Automated Traffic  
4 Control Systems in Highway Construction or Maintenance Zones  
5 Act and Section 11-208.8 of this Code, no photographic, video,  
6 or other imaging system may be used in this State to record  
7 vehicle speeds for the purpose of enforcing any law or  
8 ordinance regarding a maximum or minimum speed limit unless a  
9 law enforcement officer is present at the scene and witnesses  
10 the event. No State or local governmental entity, including a  
11 home rule county or municipality, may use such a system in a  
12 way that is prohibited by this Section. The regulation of the  
13 use of such systems is an exclusive power and function of the  
14 State. This Section is a denial and limitation of home rule  
15 powers and functions under subsection (h) of Section 6 of  
16 Article VII of the Illinois Constitution.

17 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;  
18 94-814, eff. 1-1-07.)

19 (625 ILCS 5/12-610.5)

20 Sec. 12-610.5. Registration plate covers.

21 (a) In this Section, "registration plate cover" means any  
22 tinted, colored, painted, marked, clear, or illuminated object  
23 that is designed to:

24 (1) cover any of the characters of a motor vehicle's

1 registration plate; or

2 (2) distort a recorded image of any of the characters  
3 of a motor vehicle's registration plate recorded by an  
4 automated traffic law enforcement system as defined in  
5 Section 11-208.6 of this Code or an automated speed  
6 enforcement system as defined in Section 11-208.8 of this  
7 Code, or recorded by an automated traffic control system as  
8 defined in Section 15 of the Automated Traffic Control  
9 Systems in Highway Construction or Maintenance Zones Act.

10 (b) It shall be unlawful to operate any motor vehicle that  
11 is equipped with registration plate covers.

12 (c) A person may not sell or offer for sale a registration  
13 plate cover.

14 (d) A person may not advertise for the purpose of promoting  
15 the sale of registration plate covers.

16 (e) A violation of this Section or a similar provision of a  
17 local ordinance shall be an offense against laws and ordinances  
18 regulating the movement of traffic.

19 (Source: P.A. 96-328, eff. 8-11-09.)

20 Section 97. Severability. The provisions of this Act are  
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 99. Effective date. This Act takes effect July 1,  
23 2012."