



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3851

Introduced 10/19/2011, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.1 new	
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6	
625 ILCS 5/11-208.8 new	
625 ILCS 5/11-612	
625 ILCS 5/12-610.5	

Amends the Illinois Vehicle Code. Provides that a governmental agency in cities of over 1,000,000 inhabitants may establish automated speed enforcement (ASE) systems in designated safety zones. Defines terms. Provides that the municipality may impose liability on a registered owner of a vehicle that violates the applicable law, with exceptions. Provides that notwithstanding any other applicable consequences under the Illinois Vehicle Code, the penalty for and consequence of a traffic violation recorded by an ASE system is a civil fine not to exceed \$100 for each violation. Contains provisions governing the expenditure of funds generated by the use of ASE systems. Provides that unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer within 5 minutes of a violation recorded by an ASE system, the owner of the vehicle will be liable for the civil penalty. Provides that a violation for which a civil penalty is imposed is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. Contains provisions concerning notice and administrative hearing procedures related to implementation of the amendatory Act. Provides that recorded images are confidential, with specified exceptions. Provides defenses to ASE system violations. Provides equipment and signage requirements. Provides that a municipality operating an ASE system shall conduct a statistical analysis to assess the safety impact of the system and provides procedures for conducting the statistical analysis. Provides that if any part of the Section concerning ASE systems in school zones or around parks is held unconstitutional, the decision shall not affect the remaining parts of the Section. Makes corresponding changes in other Sections of the Vehicle Code. Effective July 1, 2012.

LRB097 14069 HEP 58719 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-306.5, 11-208, 11-208.3, 11-208.6, 11-612, and
6 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
16 privileges.

17 (a) Upon receipt of a certified report, as prescribed by
18 subsection (c) of this Section, from any municipality or county
19 stating that the owner of a registered vehicle: (1) has failed
20 to pay any fine or penalty due and owing as a result of 10 or
21 more violations of a municipality's or county's vehicular
22 standing, parking, or compliance regulations established by

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

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

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

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

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

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

22 (3) A statement that the municipality or county sent a
23 notice of impending drivers license suspension as
24 prescribed by ordinance enacted pursuant to Section
25 11-208.3 of this Code or a notice of default in a payment
26 plan, to the person named in the report at the address

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

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

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

1 additional charge to the person named therein. Upon receipt of
2 the municipality's or county's notification or presentation of
3 a certified copy of such notification, the Secretary of State
4 shall terminate the suspension.

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

20 (f) Any municipality or county, other than a municipality
21 or county establishing vehicular standing, parking, and
22 compliance regulations pursuant to Section 11-208.3, automated
23 speed enforcement system regulations under Section 11-208.8,
24 or automated traffic law regulations under Section 11-208.6 or
25 11-1201.1, may also cause a suspension of a person's drivers
26 license pursuant to this Section. Such municipality or county

1 may invoke this sanction by making a certified report to the
2 Secretary of State upon a person's failure to satisfy any fine
3 or penalty imposed by final judgment for 10 or more violations
4 of local standing, parking, or compliance regulations or a
5 combination of 5 or more automated speed enforcement system or
6 automated traffic law violations after exhaustion of judicial
7 review procedures, but only if:

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

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

15 (3) in municipalities or counties with a population of
16 1,000,000 or more, the municipality or county has verified
17 that the alleged violator's State vehicle registration
18 number and vehicle make are correct as they appear on the
19 citations.

20 (g) Any municipality or county, other than a municipality
21 or county establishing standing, parking, and compliance
22 regulations pursuant to Section 11-208.3, automated speed
23 enforcement system regulations under Section 11-208.8, or
24 automated traffic law regulations under Section 11-208.6 or
25 11-1201.1, may provide by ordinance for the sending of a notice
26 of impending drivers license suspension to the person who has

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

19 (h) An administrative hearing to contest an impending
20 suspension or a suspension made pursuant to this Section may be
21 had upon filing a written request with the Secretary of State.
22 The filing fee for this hearing shall be \$20, to be paid at the
23 time the request is made. A municipality or county which files
24 a certified report with the Secretary of State pursuant to this
25 Section shall reimburse the Secretary for all reasonable costs
26 incurred by the Secretary as a result of the filing of the

1 report, including but not limited to the costs of providing the
2 notice required pursuant to subsection (b) and the costs
3 incurred by the Secretary in any hearing conducted with respect
4 to the report pursuant to this subsection and any appeal from
5 such a hearing.

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

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

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

12 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

21 2. Regulating traffic by means of police officers or
22 traffic control signals;

23 3. Regulating or prohibiting processions or
24 assemblages on the highways;

25 4. Designating particular highways as one-way highways

1 and requiring that all vehicles thereon be moved in one
2 specific direction;

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

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

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

14 8. Regulating the operation of bicycles and requiring
15 the registration and licensing of same, including the
16 requirement of a registration fee;

17 9. Regulating or prohibiting the turning of vehicles or
18 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 disabled veterans by any person using a
3 motor vehicle not bearing registration plates specified in
4 Section 11-1301.1 or a special decal or device as defined
5 in Section 11-1301.2 as evidence that the vehicle is
6 operated by or for a person with disabilities or disabled
7 veteran;

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 subsections 1,
13 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
14 until signs giving reasonable notice of such local traffic
15 regulations are posted.

16 (c) The provisions of this Code shall not prevent any
17 municipality having a population of 500,000 or more inhabitants
18 from prohibiting any person from driving or operating any motor
19 vehicle upon the roadways of such municipality with headlamps
20 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 of
4 a highway for which federal or State funds have been used for
5 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 wear
8 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 (f) A municipality or county designated in Section 11-208.6
18 may enact an ordinance providing for an automated traffic law
19 enforcement system to enforce violations of this Code or a
20 similar provision of a local ordinance and imposing liability
21 on a registered owner or lessee of a vehicle used in such a
22 violation.

23 (g) A municipality or county, as provided in Section
24 11-1201.1, may enact an ordinance providing for an automated
25 traffic law enforcement system to enforce violations of Section
26 11-1201 of this Code or a similar provision of a local

1 ordinance and imposing liability on a registered owner of a
2 vehicle used in such a violation.

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

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

10 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

11 Sec. 11-208.3. Administrative adjudication of violations
12 of traffic regulations concerning the standing, parking, or
13 condition of vehicles, ~~and~~ automated traffic law violations, ~~and~~
14 and automated speed enforcement system violations.

15 (a) Any municipality or county may provide by ordinance for
16 a system of administrative adjudication of vehicular standing
17 and parking violations and vehicle compliance violations as
18 described in this subsection, ~~and~~ automated traffic law
19 violations as defined in Section 11-208.6 or 11-1201.1, ~~and~~
20 automated speed enforcement system violations as defined in
21 Section 11-208.8. The administrative system shall have as its
22 purpose the fair and efficient enforcement of municipal or
23 county regulations through the administrative adjudication of
24 automated speed enforcement system or automated traffic law
25 violations and violations of municipal or county ordinances

1 regulating the standing and parking of vehicles, the condition
2 and use of vehicle equipment, and the display of municipal or
3 county wheel tax licenses within the municipality's or county's
4 borders. The administrative system shall only have authority to
5 adjudicate civil offenses carrying fines not in excess of \$500
6 or requiring the completion of a traffic education program, or
7 both, that occur after the effective date of the ordinance
8 adopting such a system under this Section. For purposes of this
9 Section, "compliance violation" means a violation of a
10 municipal or county regulation governing the condition or use
11 of equipment on a vehicle or governing the display of a
12 municipal or county wheel tax license.

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

15 (1) A traffic compliance administrator authorized to
16 adopt, distribute and process parking, compliance, and
17 automated speed enforcement system or automated traffic
18 law violation notices and other notices required by this
19 Section, collect money paid as fines and penalties for
20 violation of parking and compliance ordinances and
21 automated speed enforcement system or automated traffic
22 law violations, and operate an administrative adjudication
23 system. The traffic compliance administrator also may make
24 a certified report to the Secretary of State under Section
25 6-306.5.

26 (2) A parking, standing, compliance, automated speed

1 enforcement system, or automated traffic law violation
2 notice that shall specify the date, time, and place of
3 violation of a parking, standing, compliance, automated
4 speed enforcement system, or automated traffic law
5 regulation; the particular regulation violated; any
6 requirement to complete a traffic education program; the
7 fine and any penalty that may be assessed for late payment
8 or failure to complete a required traffic education
9 program, or both, when so provided by ordinance; the
10 vehicle make and state registration number; and the
11 identification number of the person issuing the notice.
12 With regard to automated speed enforcement system or
13 automated traffic law violations, vehicle make shall be
14 specified on the automated speed enforcement system or
15 automated traffic law violation notice if the make is
16 available and readily discernible. With regard to
17 municipalities or counties with a population of 1 million
18 or more, it shall be grounds for dismissal of a parking
19 violation if the state registration number or vehicle make
20 specified is incorrect. The violation notice shall state
21 that the completion of any required traffic education
22 program, the payment of any indicated fine, and the payment
23 of any applicable penalty for late payment or failure to
24 complete a required traffic education program, or both,
25 shall operate as a final disposition of the violation. The
26 notice also shall contain information as to the

1 availability of a hearing in which the violation may be
2 contested on its merits. The violation notice shall specify
3 the time and manner in which a hearing may be had.

4 (3) Service of the parking, standing, or compliance
5 violation notice by affixing the original or a facsimile of
6 the notice to an unlawfully parked vehicle or by handing
7 the notice to the operator of a vehicle if he or she is
8 present and service of an automated speed enforcement
9 system or automated traffic law violation notice by mail to
10 the address of the registered owner or lessee of the cited
11 vehicle as recorded with the Secretary of State or the
12 lessor of the motor vehicle within 30 days after the
13 Secretary of State or the lessor of the motor vehicle
14 notifies the municipality or county of the identity of the
15 owner or lessee of the vehicle, but not later than 90 days
16 after the violation, except that in the case of a lessee of
17 a motor vehicle, service of an automated traffic law
18 violation notice may occur no later than 210 days after the
19 violation. A person authorized by ordinance to issue and
20 serve parking, standing, and compliance violation notices
21 shall certify as to the correctness of the facts entered on
22 the violation notice by signing his or her name to the
23 notice at the time of service or in the case of a notice
24 produced by a computerized device, by signing a single
25 certificate to be kept by the traffic compliance
26 administrator attesting to the correctness of all notices

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

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

1 speeds produced by automated speed enforcement systems and
2 equipment shall be conducted by a qualified technician.
3 Speeds produced by an automated speed enforcement system
4 shall be compared with speeds produced by lidar or other
5 independent equipment. Qualified technicians shall test
6 radar or lidar equipment no less frequently than once every
7 60 days, and shall test loop based equipment no less
8 frequently than once a year. Documentation of the
9 calibration results, including the equipment tested, test
10 date, technician performing the test, and test results,
11 shall be maintained and available for use in the
12 determination of an automated speed enforcement system
13 violation and issuance of a citation. The technician
14 performing the calibration and testing of the automated
15 speed enforcement equipment shall be trained and certified
16 in the use of equipment for speed enforcement purposes.
17 Training on the speed enforcement equipment may be
18 conducted by law enforcement, civilian, or manufacturer's
19 personnel and shall be equivalent to the equipment use and
20 operations training included in the Speed Measuring Device
21 Operator Program developed by the National Highway Traffic
22 Safety Administration (NHTSA). The technician who performs
23 the work shall keep accurate records on each piece of
24 equipment the technician calibrates and tests. As used in
25 this paragraph, "fully-trained reviewing technician" means
26 a person who has received at least 40 hours of supervised

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

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

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

1 11-208.6, or subsection (g) of Section 11-208.8 of this
2 Code, to the lessee of the cited vehicle at the last
3 address known to the lessor of the cited vehicle at the
4 time of lease or, if any notice to that address is returned
5 as undeliverable, to the last known address recorded in a
6 United States Post Office approved database. The service
7 shall be deemed complete as of the date of deposit in the
8 United States mail. The notices shall be in the following
9 sequence and shall include but not be limited to the
10 information specified herein:

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

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

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

1 filing of a petition in the Circuit Court to have the
2 incomplete traffic education program or unpaid fine or
3 penalty, or both, rendered a judgment as provided by
4 this Section, or may result in suspension of the
5 person's drivers license for failure to complete a
6 traffic education program or to pay fines or penalties,
7 or both, for 10 or more parking violations under
8 Section 6-306.5, or a combination of 5 or more
9 automated traffic law violations under Section
10 11-208.6 or automated speed enforcement system
11 violations under Section 11-208.8.

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

1 self addressed, stamped envelope to the municipality or
2 county along with a request for the photostatic copy. The
3 notice of impending drivers license suspension shall be
4 sent by first class United States mail, postage prepaid, to
5 the address recorded with the Secretary of State or, if any
6 notice to that address is returned as undeliverable, to the
7 last known address recorded in a United States Post Office
8 approved database.

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

23 (8) A petition to set aside a determination of parking,
24 standing, compliance, automated speed enforcement system,
25 or automated traffic law violation liability that may be
26 filed by a person owing an unpaid fine or penalty. A

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

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

26 (10) A schedule of civil fines for violations of

1 vehicular standing, parking, compliance, automated speed
2 enforcement system, or automated traffic law regulations
3 enacted by ordinance pursuant to this Section, and a
4 schedule of penalties for late payment of the fines or
5 failure to complete required traffic education programs,
6 provided, however, that the total amount of the fine and
7 penalty for any one violation shall not exceed \$250, except
8 as provided in subsection (c) of Section 11-1301.3 of this
9 Code.

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

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

23 (1) Criteria for the designation of vehicles eligible
24 for immobilization. A vehicle shall be eligible for
25 immobilization when the registered owner of the vehicle has
26 accumulated the number of incomplete traffic education

1 programs or unpaid final determinations of parking,
2 standing, compliance, automated speed enforcement system,
3 or automated traffic law violation liability, or both, as
4 determined by ordinance.

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

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

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

25 (d) Judicial review of final determinations of parking,
26 standing, compliance, automated speed enforcement system, or

1 automated traffic law violations and final administrative
2 decisions issued after hearings regarding vehicle
3 immobilization and impoundment made under this Section shall be
4 subject to the provisions of the Administrative Review Law.

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

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

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

1 violation, plus costs. The judgment shall have the same effect
2 and may be enforced in the same manner as other judgments for
3 the recovery of money.

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

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

13 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
14 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
15 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11.)".

16 (625 ILCS 5/11-208.6)

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

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

25 An automated traffic law enforcement system is a system, in

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

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

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

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

16 (b-5) A municipality or county that produces a recorded
17 image of a motor vehicle's violation of a provision of this
18 Code or a local ordinance must make the recorded images of a
19 violation accessible to the alleged violator by providing the
20 alleged violator with a website address, accessible through the
21 Internet.

22 (c) Except as provided under Section 11-208.8 of this Code,
23 a ~~A~~ county or municipality, including a home rule county or
24 municipality, may not use an automated traffic law enforcement
25 system to provide recorded images of a motor vehicle for the
26 purpose of recording its speed. Except as provided under

1 Section 11-208.8 of this Code, the ~~The~~ regulation of the use of
2 automated traffic law enforcement systems to record vehicle
3 speeds is an exclusive power and function of the State. This
4 subsection (c) is a denial and limitation of home rule powers
5 and functions under subsection (h) of Section 6 of Article VII
6 of the Illinois Constitution.

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

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

1 the violation.

2 The notice shall include:

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

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

7 (3) the violation charged;

8 (4) the location where the violation occurred;

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

10 (6) a copy of the recorded images;

11 (7) the amount of the civil penalty imposed and the
12 requirements of any traffic education program imposed and
13 the date by which the civil penalty should be paid and the
14 traffic education program should be completed;

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

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

22 (10) a statement that the person may elect to proceed
23 by:

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

26 (B) challenging the charge in court, by mail, or by

1 administrative hearing; and

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

5 (e) If a person charged with a traffic violation, as a
6 result of an automated traffic law enforcement system, does not
7 pay the fine or complete a required traffic education program,
8 or both, or successfully contest the civil penalty resulting
9 from that violation, the Secretary of State shall suspend the
10 driving privileges of the registered owner of the vehicle under
11 Section 6-306.5 of this Code for failing to complete a required
12 traffic education program or to pay any fine or penalty due and
13 owing, or both, as a result of a combination of 5 violations of
14 the automated traffic law enforcement system or the automated
15 speed enforcement system under Section 11-208.8 of this Code.

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

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

1 violation of this Section, however, may be admissible in any
2 proceeding resulting from the issuance of the citation.

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

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

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

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

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

22 (j) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding \$100 or the completion of a traffic
26 education program, or both, plus an additional penalty of not

1 more than \$100 for failure to pay the original penalty or to
2 complete a required traffic education program, or both, in a
3 timely manner, if the motor vehicle is recorded by an automated
4 traffic law enforcement system. A violation for which a civil
5 penalty is imposed under this Section is not a violation of a
6 traffic regulation governing the movement of vehicles and may
7 not be recorded on the driving record of the owner of the
8 vehicle.

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

12 (j-5) For purposes of the required traffic education
13 program only, a registered owner may submit an affidavit to the
14 court or hearing officer swearing that at the time of the
15 alleged violation, the vehicle was in the custody and control
16 of another person. The affidavit must identify the person in
17 custody and control of the vehicle, including the person's name
18 and current address. The person in custody and control of the
19 vehicle at the time of the violation is required to complete
20 the required traffic education program. If the person in
21 custody and control of the vehicle at the time of the violation
22 completes the required traffic education program, the
23 registered owner of the vehicle is not required to complete a
24 traffic education program.

25 (k) An intersection equipped with an automated traffic law
26 enforcement system must be posted with a sign visible to

1 approaching traffic indicating that the intersection is being
2 monitored by an automated traffic law enforcement system.

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

8 (k-5) An intersection equipped with an automated traffic
9 law enforcement system must have a yellow change interval that
10 conforms with the Illinois Manual on Uniform Traffic Control
11 Devices (IMUTCD) published by the Illinois Department of
12 Transportation.

13 (k-7) A municipality or county operating an automated
14 traffic law enforcement system shall conduct a statistical
15 analysis to assess the safety impact of each automated traffic
16 law enforcement system at an intersection following
17 installation of the system. The statistical analysis shall be
18 based upon the best available crash, traffic, and other data,
19 and shall cover a period of time before and after installation
20 of the system sufficient to provide a statistically valid
21 comparison of safety impact. The statistical analysis shall be
22 consistent with professional judgment and acceptable industry
23 practice. The statistical analysis also shall be consistent
24 with the data required for valid comparisons of before and
25 after conditions and shall be conducted within a reasonable
26 period following the installation of the automated traffic law

1 enforcement system. The statistical analysis required by this
2 subsection (k-7) shall be made available to the public and
3 shall be published on the website of the municipality or
4 county. If the statistical analysis for the 36 month period
5 following installation of the system indicates that there has
6 been an increase in the rate of accidents at the approach to
7 the intersection monitored by the system, the municipality or
8 county shall undertake additional studies to determine the
9 cause and severity of the accidents, and may take any action
10 that it determines is necessary or appropriate to reduce the
11 number or severity of the accidents at that intersection.

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

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

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

22 A low-income individual required to complete a traffic
23 education program under this Section who provides proof of
24 eligibility for the federal earned income tax credit under
25 Section 32 of the Internal Revenue Code or the Illinois earned
26 income tax credit under Section 212 of the Illinois Income Tax

1 Act shall not be required to pay any fee for participating in a
2 required traffic education program.

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

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

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

25 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;
26 97-29, eff. 1-1-12.)

1 (625 ILCS 5/11-208.8 new)

2 Sec. 11-208.8. Automated speed enforcement systems in
3 safety zones.

4 (a) As used in this Section:

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

13 An automated speed enforcement system is a system, in a
14 safety zone under the jurisdiction of a municipality operated
15 by a governmental agency, that produces a recorded image of a
16 motor vehicle's violation of a provision of this Code or a
17 local ordinance and is designed to obtain a clear recorded
18 image of the vehicle and the vehicle's license plate. The
19 recorded image must also display the time, date, and location
20 of the violation.

21 "Owner" means the person or entity to whom the vehicle is
22 registered.

23 "Recorded image" means images recorded by an automated
24 speed 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 "Safety zone" means an area that is within one-fourth of a
8 mile from the nearest property line of any facility, area, or
9 land owned by a park district, school district, community
10 college district, or public or private college or university
11 that is used for recreational or educational purposes; provided
12 that if any portion a roadway is within that radius, the safety
13 zone also shall include the roadway extended to the furthest
14 portion of the next furthest intersection.

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

21 (c) Notwithstanding any penalties for any other violations
22 of this Code, the owner of a motor vehicle used in a traffic
23 violation recorded by an automated speed enforcement system
24 shall be subject to a civil penalty not exceeding \$100 for each
25 violation, plus an additional penalty of not more than \$100 for
26 failure to pay the original penalty in a timely manner, unless

1 the driver of the motor vehicle received a Uniform Traffic
2 Citation from a police officer for a speeding violation
3 occurring within 5 minutes of the violation that was recorded
4 by the system. A violation for which a civil penalty is imposed
5 under this Section is not a violation of a traffic regulation
6 governing the movement of vehicles and may not be recorded on
7 the driving record of the owner of the vehicle. A law
8 enforcement officer is not required to be present or to witness
9 the violation.

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

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

22 (ii) initiatives to improve pedestrian and traffic
23 safety; and

24 (iii) construction and maintenance of infrastructure
25 within the municipality, including but not limited to roads
26 and bridges.

1 (e) For each violation of a provision of this Code or a
2 local ordinance recorded by an automated speed enforcement
3 system, the municipality having jurisdiction shall issue a
4 written notice of the violation to the registered owner of the
5 vehicle as the alleged violator. The notice shall be delivered
6 to the registered owner of the vehicle, by mail, within 30 days
7 after the Secretary of State notifies the municipality of the
8 identity of the owner of the vehicle, but in no event later
9 than 90 days after the violation.

10 (f) The notice required under subsection (e) of this
11 Section shall include:

12 (1) the name and address of the registered owner of the
13 vehicle;

14 (2) the registration number of the motor vehicle
15 involved in the violation;

16 (3) the violation charged;

17 (4) the date, time, and location where the violation
18 occurred;

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

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

22 (7) a statement that recorded images are evidence of a
23 violation of a speed restriction;

24 (8) a warning that failure to pay the civil penalty or
25 to contest liability in a timely manner is an admission of
26 liability and may result in a suspension of the driving

1 privileges of the registered owner of the vehicle;

2 (9) a statement that the person may elect to proceed

3 by:

4 (A) paying the fine; or

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

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

10 (g) If a person charged with a traffic violation, as a
11 result of an automated speed enforcement system, does not pay
12 the fine or successfully contest the civil penalty resulting
13 from that violation, the Secretary of State shall suspend the
14 driving privileges of the registered owner of the vehicle under
15 Section 6-306.5 of this Code for failing to pay any fine or
16 penalty due and owing, or both, as a result of a combination of
17 5 violations of the automated speed enforcement system or the
18 automated traffic law under Section 11-208.6 of this Code.

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

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

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

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

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

12 (2) that the driver of the motor vehicle received a
13 Uniform Traffic Citation from a police officer for a
14 speeding violation occurring within 5 minutes of the
15 violation that was recorded by the system; and

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

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

25 (l) A roadway equipped with an automated speed enforcement
26 system shall be posted with a sign conforming to the national

1 Manual on Uniform Traffic Control Devices that is visible to
2 approaching traffic stating that vehicle speeds are being
3 photo-enforced and indicating the speed limit. The
4 municipality shall install such additional signage as it
5 determines is necessary to give reasonable notice to drivers as
6 to where automated speed enforcement systems are installed.

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

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

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

23 (p) If any part of this Section is for any reason held to
24 be unconstitutional, such decision shall not affect the
25 remaining parts of this Section. The General Assembly hereby
26 declares that it would have passed the remaining parts of this

1 Section irrespective of the fact that one or more parts might
2 be declared unconstitutional.

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

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

18 (r) A municipality using an automated speed enforcement
19 system must provide notice to drivers by publishing the
20 locations of all safety zones where system equipment is
21 installed on the website of the municipality.

22 (s) A municipality operating an automated speed
23 enforcement system shall conduct a statistical analysis to
24 assess the safety impact of the system. The statistical
25 analysis shall be based upon the best available crash, traffic,
26 and other data, and shall cover a period of time before and

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

12 (t) This Section applies only to municipalities with a
13 population of 1,000,000 or more inhabitants.

14 (625 ILCS 5/11-612)

15 Sec. 11-612. Certain systems to record vehicle speeds
16 prohibited. Except as authorized in the Automated Traffic
17 Control Systems in Highway Construction or Maintenance Zones
18 Act and Section 11-208.8 of this Code, no photographic, video,
19 or other imaging system may be used in this State to record
20 vehicle speeds for the purpose of enforcing any law or
21 ordinance regarding a maximum or minimum speed limit unless a
22 law enforcement officer is present at the scene and witnesses
23 the event. No State or local governmental entity, including a
24 home rule county or municipality, may use such a system in a
25 way that is prohibited by this Section. The regulation of the

1 use of such systems is an exclusive power and function of the
2 State. This Section is a denial and limitation of home rule
3 powers and functions under subsection (h) of Section 6 of
4 Article VII of the Illinois Constitution.

5 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
6 94-814, eff. 1-1-07.)

7 (625 ILCS 5/12-610.5)

8 Sec. 12-610.5. Registration plate covers.

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

12 (1) cover any of the characters of a motor vehicle's
13 registration plate; or

14 (2) distort a recorded image of any of the characters
15 of a motor vehicle's registration plate recorded by an
16 automated traffic law enforcement system as defined in
17 Section 11-208.6 of this Code or an automated speed
18 enforcement system as defined in Section 11-208.8 of this
19 Code, or recorded by an automated traffic control system as
20 defined in Section 15 of the Automated Traffic Control
21 Systems in Highway Construction or Maintenance Zones Act.

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

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

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

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

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

7 Section 99. Effective date. This Act takes effect July 1,
8 2012.