

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

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

9 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

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

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

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

25 (2) A parking, standing, compliance, automated speed  
26 enforcement system, or automated traffic law violation

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

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

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

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



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

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

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

1 shall be a record kept in the ordinary course of business.  
2 A parking, standing, compliance, automated speed  
3 enforcement system, or automated traffic law violation  
4 notice issued, signed and served in accordance with this  
5 Section, a copy of the notice, or the computer generated  
6 record shall be prima facie correct and shall be prima  
7 facie evidence of the correctness of the facts shown on the  
8 notice. The notice, copy, or computer generated record  
9 shall be admissible in any subsequent administrative or  
10 legal proceedings.

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

1 represented by counsel at their expense. The ordinance may  
2 also provide for internal administrative review following  
3 the decision of the hearing officer.

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

21 (i) A second notice of parking, standing, or  
22 compliance violation. This notice shall specify the  
23 date and location of the violation cited in the  
24 parking, standing, or compliance violation notice, the  
25 particular regulation violated, the vehicle make and  
26 state registration number, any requirement to complete

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

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

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

22 (6) A notice of impending drivers license suspension.

23 This notice shall be sent to the person liable for failure  
24 to complete a required traffic education program or to pay  
25 any fine or penalty that remains due and owing, or both, on  
26 10 or more parking violations or combination of 5 or more

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

19           (7) Final determinations of violation liability. A  
20      final determination of violation liability shall occur  
21      following failure to complete the required traffic  
22      education program or to pay the fine or penalty, or both,  
23      after a hearing officer's determination of violation  
24      liability and the exhaustion of or failure to exhaust any  
25      administrative review procedures provided by ordinance.  
26      Where a person fails to appear at a hearing to contest the



1       alleged violation in the time and manner specified in a  
2       prior mailed notice, the hearing officer's determination  
3       of violation liability shall become final: (A) upon denial  
4       of a timely petition to set aside that determination, or  
5       (B) upon expiration of the period for filing the petition  
6       without a filing having been made.

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

1 parking, standing, compliance, automated speed enforcement  
2 system, or automated traffic law violation liability has  
3 been set aside upon a showing of just cause, the registered  
4 owner shall be provided with a hearing on the merits for  
5 that violation.

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

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

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

23 (c) Any municipality or county establishing vehicular  
24 standing, parking, compliance, automated speed enforcement  
25 system, or automated traffic law regulations under this Section  
26 may also provide by ordinance for a program of vehicle

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

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

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

22 (3) The right to a prompt hearing after a vehicle has  
23 been immobilized or subsequently towed without the  
24 completion of the required traffic education program or  
25 payment of the outstanding fines and penalties on parking,  
26 standing, compliance, automated speed enforcement system,

1 or automated traffic law violations, or both, for which  
2 final determinations have been issued. An order issued  
3 after the hearing is a final administrative decision within  
4 the meaning of Section 3-101 of the Code of Civil  
5 Procedure.

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

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

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

1 (f) After the expiration of the period within which  
2 judicial review may be sought for a final determination of  
3 parking, standing, compliance, automated speed enforcement  
4 system, or automated traffic law violation, the municipality or  
5 county may commence a proceeding in the Circuit Court for  
6 purposes of obtaining a judgment on the final determination of  
7 violation. Nothing in this Section shall prevent a municipality  
8 or county from consolidating multiple final determinations of  
9 parking, standing, compliance, automated speed enforcement  
10 system, or automated traffic law violations against a person in  
11 a proceeding. Upon commencement of the action, the municipality  
12 or county shall file a certified copy or record of the final  
13 determination of parking, standing, compliance, automated  
14 speed enforcement system, or automated traffic law violation,  
15 which shall be accompanied by a certification that recites  
16 facts sufficient to show that the final determination of  
17 violation was issued in accordance with this Section and the  
18 applicable municipal or county ordinance. Service of the  
19 summons and a copy of the petition may be by any method  
20 provided by Section 2-203 of the Code of Civil Procedure or by  
21 certified mail, return receipt requested, provided that the  
22 total amount of fines and penalties for final determinations of  
23 parking, standing, compliance, automated speed enforcement  
24 system, or automated traffic law violations does not exceed  
25 \$2500. If the court is satisfied that the final determination  
26 of parking, standing, compliance, automated speed enforcement

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

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

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

23 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;  
24 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.  
25 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11.)

1 (625 ILCS 5/11-208.6)

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

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

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

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

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

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

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

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

6 (c) Except as provided under Section 11-208.8 of this Code,  
7 a ~~A~~ county or municipality, including a home rule county or  
8 municipality, may not use an automated traffic law enforcement  
9 system to provide recorded images of a motor vehicle for the  
10 purpose of recording its speed. Except as provided under  
11 Section 11-208.8 of this Code, the ~~The~~ regulation of the use of  
12 automated traffic law enforcement systems to record vehicle  
13 speeds is an exclusive power and function of the State. This  
14 subsection (c) is a denial and limitation of home rule powers  
15 and functions under subsection (h) of Section 6 of Article VII  
16 of the Illinois Constitution.

17 (c-5) A county or municipality, including a home rule  
18 county or municipality, may not use an automated traffic law  
19 enforcement system to issue violations in instances where the  
20 motor vehicle comes to a complete stop and does not enter the  
21 intersection, as defined by Section 1-132 of this Code, during  
22 the cycle of the red signal indication unless one or more  
23 pedestrians or bicyclists are present, even if the motor  
24 vehicle stops at a point past a stop line or crosswalk where a  
25 driver is required to stop, as specified in subsection (c) of  
26 Section 11-306 of this Code or a similar provision of a local



1 ordinance.

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

12 The notice shall include:

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

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

17 (3) the violation charged;

18 (4) the location where the violation occurred;

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

20 (6) a copy of the recorded images;

21 (7) the amount of the civil penalty imposed and the  
22 requirements of any traffic education program imposed and  
23 the date by which the civil penalty should be paid and the  
24 traffic education program should be completed;

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

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

6 (10) a statement that the person may elect to proceed  
7 by:

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

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

12 (11) a website address, accessible through the  
13 Internet, where the person may view the recorded images of  
14 the violation.

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

26 (f) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging  
2 that the violation occurred shall be evidence of the facts  
3 contained in the notice and admissible in any proceeding  
4 alleging a violation under this Section.

5 (g) Recorded images made by an automatic traffic law  
6 enforcement system are confidential and shall be made available  
7 only to the alleged violator and governmental and law  
8 enforcement agencies for purposes of adjudicating a violation  
9 of this Section, for statistical purposes, or for other  
10 governmental purposes. Any recorded image evidencing a  
11 violation of this Section, however, may be admissible in any  
12 proceeding resulting from the issuance of the citation.

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

15 (1) that the motor vehicle or registration plates of  
16 the motor vehicle were stolen before the violation occurred  
17 and not under the control of or in the possession of the  
18 owner at the time of the violation;

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

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

25 (i) To demonstrate that the motor vehicle or the  
26 registration plates were stolen before the violation occurred

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

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

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

22 (j-5) For purposes of the required traffic education  
23 program only, a registered owner may submit an affidavit to the  
24 court or hearing officer swearing that at the time of the  
25 alleged violation, the vehicle was in the custody and control  
26 of another person. The affidavit must identify the person in

1 custody and control of the vehicle, including the person's name  
2 and current address. The person in custody and control of the  
3 vehicle at the time of the violation is required to complete  
4 the required traffic education program. If the person in  
5 custody and control of the vehicle at the time of the violation  
6 completes the required traffic education program, the  
7 registered owner of the vehicle is not required to complete a  
8 traffic education program.

9 (k) An intersection equipped with an automated traffic law  
10 enforcement system must be posted with a sign visible to  
11 approaching traffic indicating that the intersection is being  
12 monitored by an automated traffic law enforcement system.

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

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

23 (k-7) A municipality or county operating an automated  
24 traffic law enforcement system shall conduct a statistical  
25 analysis to assess the safety impact of each automated traffic  
26 law enforcement system at an intersection following

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

22 (1) The compensation paid for an automated traffic law  
23 enforcement system must be based on the value of the equipment  
24 or the services provided and may not be based on the number of  
25 traffic citations issued or the revenue generated by the  
26 system.

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

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

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

1 subsequently individually requested by the appropriate  
2 authority if needed for enforcement of this Section.

3 Upon the provision of information by the lessor pursuant to  
4 this subsection, the county or municipality may issue the  
5 violation to the lessee of the vehicle in the same manner as it  
6 would issue a violation to a registered owner of a vehicle  
7 pursuant to this Section, and the lessee may be held liable for  
8 the violation.

9 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;  
10 97-29, eff. 1-1-12.)

11 (625 ILCS 5/11-208.8 new)

12 Sec. 11-208.8. Automated speed enforcement systems in  
13 safety zones.

14 (a) As used in this Section:

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

23 An automated speed enforcement system is a system, located  
24 in a safety zone which is under the jurisdiction of a  
25 municipality, that produces a recorded image of a motor



1 vehicle's violation of a provision of this Code or a local  
2 ordinance and is designed to obtain a clear recorded image of  
3 the vehicle and the vehicle's license plate. The recorded image  
4 must also display the time, date, and location of the  
5 violation.

6 "Owner" means the person or entity to whom the vehicle is  
7 registered.

8 "Recorded image" means images recorded by an automated  
9 speed enforcement system on:

10 (1) 2 or more photographs;

11 (2) 2 or more microphotographs;

12 (3) 2 or more electronic images; or

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

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

1 portion of a roadway is within either one-eighth mile radius,  
2 the safety zone also shall include the roadway extended to the  
3 furthest portion of the next furthest intersection. The term  
4 "safety zone" does not include any portion of the roadway known  
5 as Lake Shore Drive or any controlled access highway with 8 or  
6 more lanes of traffic.

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

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

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

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

26 (c) Notwithstanding any penalties for any other violations

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

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

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

7           (ii) initiatives to improve pedestrian and traffic  
8           safety; and

9           (iii) construction and maintenance of infrastructure  
10           within the municipality, including but not limited to roads  
11           and bridges.

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

21           (f) The notice required under subsection (e) of this  
22           Section shall include:

23           (1) the name and address of the registered owner of the  
24           vehicle;

25           (2) the registration number of the motor vehicle  
26           involved in the violation;

- 1           (3) the violation charged;
- 2           (4) the date, time, and location where the violation  
3 occurred;
- 4           (5) a copy of the recorded image or images;
- 5           (6) the amount of the civil penalty imposed and the  
6 date by which the civil penalty should be paid;
- 7           (7) a statement that recorded images are evidence of a  
8 violation of a speed restriction;
- 9           (8) a warning that failure to pay the civil penalty or  
10 to 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           (9) a statement that the person may elect to proceed  
14 by:
- 15                 (A) paying the fine; or
- 16                 (B) challenging the charge in court, by mail, or by  
17 administrative hearing; and
- 18           (10) a website address, accessible through the  
19 Internet, where the person may view the recorded images of  
20 the violation.
- 21           (g) If a person charged with a traffic violation, as a  
22 result of an automated speed enforcement system, does not pay  
23 the fine or successfully contest the civil penalty resulting  
24 from that violation, the Secretary of State shall suspend the  
25 driving privileges of the registered owner of the vehicle under  
26 Section 6-306.5 of this Code for failing to pay any fine or

1 penalty due and owing, or both, as a result of a combination of  
2 5 violations of the automated speed enforcement system or the  
3 automated traffic law under Section 11-208.6 of this Code.

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

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

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

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

23 (2) that the driver of the motor vehicle received a  
24 Uniform Traffic Citation from a police officer for a  
25 speeding violation occurring within one-eighth of a mile  
26 and 15 minutes of the violation that was recorded by the

1 system; and

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

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

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

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

24 (n) The compensation paid for an automated speed  
25 enforcement system must be based on the value of the equipment  
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the  
2 system.

3 (o) A municipality shall make a certified report to the  
4 Secretary of State pursuant to Section 6-306.5 of this Code  
5 whenever a registered owner of a vehicle has failed to pay any  
6 fine or penalty due and owing as a result of a combination of 5  
7 offenses for automated speed or traffic law enforcement system  
8 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 municipality may issue the violation to  
21 the lessee of the vehicle in the same manner as it would issue  
22 a violation to a registered owner of a vehicle pursuant to this  
23 Section, and the lessee may be held liable for the violation.

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



1 installed on the website of the municipality.

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

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

20 (625 ILCS 5/11-612)

21 Sec. 11-612. Certain systems to record vehicle speeds  
22 prohibited. Except as authorized in the Automated Traffic  
23 Control Systems in Highway Construction or Maintenance Zones  
24 Act and Section 11-208.8 of this Code, no photographic, video,  
25 or other imaging system may be used in this State to record

1 vehicle speeds for the purpose of enforcing any law or  
2 ordinance regarding a maximum or minimum speed limit unless a  
3 law enforcement officer is present at the scene and witnesses  
4 the event. No State or local governmental entity, including a  
5 home rule county or municipality, may use such a system in a  
6 way that is prohibited by this Section. The regulation of the  
7 use of such systems is an exclusive power and function of the  
8 State. This Section is a denial and limitation of home rule  
9 powers and functions under subsection (h) of Section 6 of  
10 Article VII of the Illinois Constitution.

11 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;  
12 94-814, eff. 1-1-07.)

13 (625 ILCS 5/12-610.5)

14 Sec. 12-610.5. Registration plate covers.

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

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

20 (2) distort a recorded image of any of the characters  
21 of a motor vehicle's registration plate recorded by an  
22 automated traffic law enforcement system as defined in  
23 Section 11-208.6 of this Code or an automated speed  
24 enforcement system as defined in Section 11-208.8 of this  
25 Code, or recorded by an automated traffic control system as

1 defined in Section 15 of the Automated Traffic Control  
2 Systems in Highway Construction or Maintenance Zones Act.

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

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

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

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

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

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

15 Section 99. Effective date. This Act takes effect July 1,  
16 2012.