



Sen. John J. Cullerton

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09700SB0965sam001

LRB097 04676 HEP 58850 a

1 AMENDMENT TO SENATE BILL 965

2 AMENDMENT NO. _____. Amend Senate Bill 965 by replacing
3 everything after the enacting clause with the following:

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

8 (625 ILCS 5/1-105.1 new)

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

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

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

1 privileges.

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

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

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

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

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

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

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

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

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

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

1 (f) Any municipality or county, other than a municipality
2 or county establishing vehicular standing, parking, and
3 compliance regulations pursuant to Section 11-208.3, automated
4 speed enforcement system regulations under Section 11-208.8,
5 or automated traffic law regulations under Section 11-208.6 or
6 11-1201.1, may also cause a suspension of a person's drivers
7 license pursuant to this Section. Such municipality or county
8 may invoke this sanction by making a certified report to the
9 Secretary of State upon a person's failure to satisfy any fine
10 or penalty imposed by final judgment for 10 or more violations
11 of local standing, parking, or compliance regulations or a
12 combination of 5 or more automated speed enforcement system or
13 automated traffic law violations after exhaustion of judicial
14 review procedures, but only if:

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

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

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

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

26 (h) An administrative hearing to contest an impending

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

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

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

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

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

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

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

25 1. Regulating the standing or parking of vehicles,

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

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

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

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

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

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

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

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

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

26 10. Altering the speed limits as authorized in Section

1 11-604;

2 11. Prohibiting U-turns;

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

5 13. Prohibiting parking during snow removal operation;

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

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

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

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

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

1 on high beam or bright.

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

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

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

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

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

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

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

17 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

18 Sec. 11-208.3. Administrative adjudication of violations
19 of traffic regulations concerning the standing, parking, or
20 condition of vehicles, ~~and~~ automated traffic law violations, ~~and~~
21 and automated speed enforcement system violations.

22 (a) Any municipality or county may provide by ordinance for
23 a system of administrative adjudication of vehicular standing
24 and parking violations and vehicle compliance violations as
25 described in this subsection, ~~and~~ automated traffic law

1 violations as defined in Section 11-208.6 or 11-1201.1, and
2 automated speed enforcement system violations as defined in
3 Section 11-208.8. The administrative system shall have as its
4 purpose the fair and efficient enforcement of municipal or
5 county regulations through the administrative adjudication of
6 automated speed enforcement system or automated traffic law
7 violations and violations of municipal or county ordinances
8 regulating the standing and parking of vehicles, the condition
9 and use of vehicle equipment, and the display of municipal or
10 county wheel tax licenses within the municipality's or county's
11 borders. The administrative system shall only have authority to
12 adjudicate civil offenses carrying fines not in excess of \$500
13 or requiring the completion of a traffic education program, or
14 both, that occur after the effective date of the ordinance
15 adopting such a system under this Section. For purposes of this
16 Section, "compliance violation" means a violation of a
17 municipal or county regulation governing the condition or use
18 of equipment on a vehicle or governing the display of a
19 municipal or county wheel tax license.

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

22 (1) A traffic compliance administrator authorized to
23 adopt, distribute and process parking, compliance, and
24 automated speed enforcement system or automated traffic
25 law violation notices and other notices required by this
26 Section, collect money paid as fines and penalties for

1 violation of parking and compliance ordinances and
2 automated speed enforcement system or automated traffic
3 law violations, and operate an administrative adjudication
4 system. The traffic compliance administrator also may make
5 a certified report to the Secretary of State under Section
6 6-306.5.

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

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

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

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

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

1 determinations by a technician that a violation occurred be
2 reviewed and approved by a law enforcement officer or
3 retired law enforcement officer of the municipality
4 issuing the violation or by an additional fully trained
5 reviewing technician who is not employed by the contractor
6 who employs the technician who made the initial
7 determination. Routine and independent calibration of the
8 speeds produced by automated speed enforcement systems and
9 equipment shall be conducted by a qualified technician.
10 Speeds produced by an automated speed enforcement system
11 shall be compared with speeds produced by lidar or other
12 independent equipment. Qualified technicians shall test
13 radar or lidar equipment no less frequently than once every
14 60 days, and shall test loop based equipment no less
15 frequently than once a year. Documentation of the
16 calibration results, including the equipment tested, test
17 date, technician performing the test, and test results,
18 shall be maintained and available for use in the
19 determination of an automated speed enforcement system
20 violation and issuance of a citation. The technician
21 performing the calibration and testing of the automated
22 speed enforcement equipment shall be trained and certified
23 in the use of equipment for speed enforcement purposes.
24 Training on the speed enforcement equipment may be
25 conducted by law enforcement, civilian, or manufacturer's
26 personnel and shall be equivalent to the equipment use and

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

1 notice issued, signed and served in accordance with this
2 Section, a copy of the notice, or the computer generated
3 record shall be prima facie correct and shall be prima
4 facie evidence of the correctness of the facts shown on the
5 notice. The notice, copy, or computer generated record
6 shall be admissible in any subsequent administrative or
7 legal proceedings.

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

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

18 (i) A second notice of parking, standing, or
19 compliance violation. This notice shall specify the
20 date and location of the violation cited in the
21 parking, standing, or compliance violation notice, the
22 particular regulation violated, the vehicle make and
23 state registration number, any requirement to complete
24 a traffic education program, the fine and any penalty
25 that may be assessed for late payment or failure to
26 complete a traffic education program, or both, when so

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

18 (ii) A notice of final determination of parking,
19 standing, compliance, automated speed enforcement
20 system, or automated traffic law violation liability.
21 This notice shall be sent following a final
22 determination of parking, standing, compliance,
23 automated speed enforcement system, or automated
24 traffic law violation liability and the conclusion of
25 judicial review procedures taken under this Section.
26 The notice shall state that the incomplete traffic

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

19 (6) A notice of impending drivers license suspension.
20 This notice shall be sent to the person liable for failure
21 to complete a required traffic education program or to pay
22 any fine or penalty that remains due and owing, or both, on
23 10 or more parking violations or combination of 5 or more
24 unpaid automated speed enforcement system or automated
25 traffic law violations. The notice shall state that failure
26 to complete a required traffic education program or to pay

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

16 (7) Final determinations of violation liability. A
17 final determination of violation liability shall occur
18 following failure to complete the required traffic
19 education program or to pay the fine or penalty, or both,
20 after a hearing officer's determination of violation
21 liability and the exhaustion of or failure to exhaust any
22 administrative review procedures provided by ordinance.
23 Where a person fails to appear at a hearing to contest the
24 alleged violation in the time and manner specified in a
25 prior mailed notice, the hearing officer's determination
26 of violation liability shall become final: (A) upon denial

1 of a timely petition to set aside that determination, or
2 (B) upon expiration of the period for filing the petition
3 without a filing having been made.

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

1 owner shall be provided with a hearing on the merits for
2 that violation.

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

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

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

20 (c) Any municipality or county establishing vehicular
21 standing, parking, compliance, automated speed enforcement
22 system, or automated traffic law regulations under this Section
23 may also provide by ordinance for a program of vehicle
24 immobilization for the purpose of facilitating enforcement of
25 those regulations. The program of vehicle immobilization shall
26 provide for immobilizing any eligible vehicle upon the public

1 way by presence of a restraint in a manner to prevent operation
2 of the vehicle. Any ordinance establishing a program of vehicle
3 immobilization under this Section shall provide:

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

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

19 (3) The right to a prompt hearing after a vehicle has
20 been immobilized or subsequently towed without the
21 completion of the required traffic education program or
22 payment of the outstanding fines and penalties on parking,
23 standing, compliance, automated speed enforcement system,
24 or automated traffic law violations, or both, for which
25 final determinations have been issued. An order issued
26 after the hearing is a final administrative decision within

1 the meaning of Section 3-101 of the Code of Civil
2 Procedure.

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

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

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

24 (f) After the expiration of the period within which
25 judicial review may be sought for a final determination of
26 parking, standing, compliance, automated speed enforcement

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

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

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

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

20 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
21 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
22 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11.)".

23 (625 ILCS 5/11-208.6)

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

25 (a) As used in this Section, "automated traffic law

1 enforcement system" means a device with one or more motor
2 vehicle sensors working in conjunction with a red light signal
3 to produce recorded images of motor vehicles entering an
4 intersection against a red signal indication in violation of
5 Section 11-306 of this Code or a similar provision of a local
6 ordinance.

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

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

16 (1) 2 or more photographs;

17 (2) 2 or more microphotographs;

18 (3) 2 or more electronic images; or

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

23 (b-5) A municipality or county that produces a recorded
24 image of a motor vehicle's violation of a provision of this
25 Code or a local ordinance must make the recorded images of a
26 violation accessible to the alleged violator by providing the

1 alleged violator with a website address, accessible through the
2 Internet.

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

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

25 (d) For each violation of a provision of this Code or a
26 local ordinance recorded by an automatic traffic law

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

9 The notice shall include:

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

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

14 (3) the violation charged;

15 (4) the location where the violation occurred;

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

17 (6) a copy of the recorded images;

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

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

24 (9) a warning that failure to pay the civil penalty, to
25 complete a required traffic education program, or to
26 contest liability in a timely manner is an admission of

1 liability and may result in a suspension of the driving
2 privileges of the registered owner of the vehicle;

3 (10) a statement that the person may elect to proceed
4 by:

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

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

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

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

23 (f) Based on inspection of recorded images produced by an
24 automated traffic law enforcement system, a notice alleging
25 that the violation occurred shall be evidence of the facts
26 contained in the notice and admissible in any proceeding

1 alleging a violation under this Section.

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

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

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

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

20 (3) any other evidence or issues provided by municipal
21 or county ordinance.

22 (i) To demonstrate that the motor vehicle or the
23 registration plates were stolen before the violation occurred
24 and were not under the control or possession of the owner at
25 the time of the violation, the owner must submit proof that a
26 report concerning the stolen motor vehicle or registration

1 plates was filed with a law enforcement agency in a timely
2 manner.

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

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

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

1 the required traffic education program. If the person in
2 custody and control of the vehicle at the time of the violation
3 completes the required traffic education program, the
4 registered owner of the vehicle is not required to complete a
5 traffic education program.

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

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

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

20 (k-7) A municipality or county operating an automated
21 traffic law enforcement system shall conduct a statistical
22 analysis to assess the safety impact of each automated traffic
23 law enforcement system at an intersection following
24 installation of the system. The statistical analysis shall be
25 based upon the best available crash, traffic, and other data,
26 and shall cover a period of time before and after installation

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

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

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

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

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

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

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

26 Upon the provision of information by the lessor pursuant to

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

6 (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11;
7 97-29, eff. 1-1-12.)

8 (625 ILCS 5/11-208.8 new)

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

11 (a) As used in this Section:

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

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

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

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

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

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

14 "Safety zone" means an area that is within one-eighth of a
15 mile from the nearest property line of any facility, area, or
16 land owned by a park district, school district, community
17 college district, or public or private college or university
18 that is used for recreational or educational purposes; provided
19 that if any portion a roadway is within that radius, the safety
20 zone also shall include the roadway extended to the furthest
21 portion of the next furthest intersection. The term "safety
22 zone" does not include any portion of the roadway known as Lake
23 Shore Drive or any controlled access highway with 8 or more
24 lanes of traffic.

25 (b) A municipality that produces a recorded image of a
26 motor vehicle's violation of a provision of this Code or a

1 local ordinance must make the recorded images of a violation
2 accessible to the alleged violator by providing the alleged
3 violator with a website address, accessible through the
4 Internet.

5 (c) Notwithstanding any penalties for any other violations
6 of this Code, the owner of a motor vehicle used in a traffic
7 violation recorded by an automated speed enforcement system
8 shall be subject to a civil penalty not exceeding \$100 for each
9 violation, plus an additional penalty of not more than \$100 for
10 failure to pay the original penalty in a timely manner, unless
11 the driver of the motor vehicle received a Uniform Traffic
12 Citation from a police officer for a speeding violation
13 occurring within one-eighth of a mile and 15 minutes of the
14 violation that was recorded by the system. A violation for
15 which a civil penalty is imposed under this Section is not a
16 violation of a traffic regulation governing the movement of
17 vehicles and may not be recorded on the driving record of the
18 owner of the vehicle. A law enforcement officer is not required
19 to be present or to witness the violation.

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

26 (i) public safety initiatives to ensure safe passage

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

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

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

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

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

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

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

26 (3) the violation charged;

1 (4) the date, time, and location where the violation
2 occurred;

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

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

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

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

12 (9) a statement that the person may elect to proceed
13 by:

14 (A) paying the fine; or

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

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

20 (g) If a person charged with a traffic violation, as a
21 result of an automated speed enforcement system, does not pay
22 the fine or successfully contest the civil penalty resulting
23 from that violation, the Secretary of State shall suspend the
24 driving privileges of the registered owner of the vehicle under
25 Section 6-306.5 of this Code for failing to pay any fine or
26 penalty due and owing, or both, as a result of a combination of

1 5 violations of the automated speed enforcement system or the
2 automated traffic law under Section 11-208.6 of this Code.

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

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

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

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

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

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

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

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

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

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

1 system.

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

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

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

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

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

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

19 (625 ILCS 5/11-612)

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

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

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

12 (625 ILCS 5/12-610.5)

13 Sec. 12-610.5. Registration plate covers.

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

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

19 (2) distort a recorded image of any of the characters
20 of a motor vehicle's registration plate recorded by an
21 automated traffic law enforcement system as defined in
22 Section 11-208.6 of this Code or an automated speed
23 enforcement system as defined in Section 11-208.8 of this
24 Code, or recorded by an automated traffic control system as
25 defined in Section 15 of the Automated Traffic Control

1 Systems in Highway Construction or Maintenance Zones Act.

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

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

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

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

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

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

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