HB1389

LRB104 05896 LNS 15927 b

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1389

Introduced 1/28/2025, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.8

Amends the Illinois Vehicle Code. Expands the provisions regarding automated speed enforcement systems in safety zones to include municipalities in the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will (instead of just the City of Chicago). Provides that the net proceeds a municipality receives from civil penalties imposed under an automated speed enforcement system shall be expended or obligated by the municipality for, among other purposes, the remission of $5 from each civil penalty to the State Treasurer for deposit into the General Revenue Fund, which shall be remitted to the State Treasurer as determined by the State Treasurer. Provides that if an automated speed enforcement system is removed or rendered inoperable due to construction, then the Department of Transportation shall authorize the reinstallation or use of the automated speed enforcement system within 30 days after the construction is complete.

LRB104 05896 LNS 15927 b

A BILL FOR

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-208.8 as follows:

(625 ILCS 5/11-208.8)

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

(a) As used in this Section:

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

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

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

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

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

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) initiatives to improve pedestrian and traffic safety;

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

(iv) after school programs; and

(v) remission of $5 from each civil penalty to the State Treasurer for deposit into the General Revenue Fund, which shall be remitted to the State Treasurer as determined by the State Treasurer.

(e) For each violation of a provision of this Code or a local ordinance recorded by an automated speed enforcement

system, the municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

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

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

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

(3) the violation charged;

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

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

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

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

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

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

(A) paying the fine; or

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

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

(g) (Blank).

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

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

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

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control or in the possession of the owner or lessee at the

time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

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

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

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

(l) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it

determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

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

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

(n-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive

compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties.

(o) (Blank).

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

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

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

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

assess the safety impact of the system following installation of the system and every 2 years thereafter. A municipality operating an automated speed enforcement system before the effective date of this amendatory Act of the 103rd General Assembly shall conduct a statistical analysis to assess the safety impact of the system by no later than one year after the effective date of this amendatory Act of the 103rd General Assembly and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality.

(s) This Section applies only to municipalities <u>within the following counties: Cook; DuPage; Kane; Lake; Madison; McHenry; St. Clair; and Will.</u> ~~with a population of 1,000,000 or more inhabitants.~~

(t) If a county or municipality selects a new vendor for

its automated speed enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or more malfunctioning components of that system and if, at the time of the application for the permit, approval, or other authorization, the new vendor operates an automated speed enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for the permit, approval, or other authorization within 90 days after its receipt.

(u) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated speed enforcement system if any official or employee who serves that county or municipality is charged with bribery, official misconduct, or a similar crime related to the placement, installation, or operation of the automated speed enforcement system in the county or municipality.

The Department shall adopt any rules necessary to implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a

period of 1 year after the revocation.

(v) If an automated speed enforcement system is removed or rendered inoperable due to construction, then the Department shall authorize the reinstallation or use of the automated speed enforcement system within 30 days after the construction is complete.

(Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)