

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
5 changing Section 11-208.9 as follows:

6 (625 ILCS 5/11-208.9)

7 Sec. 11-208.9. Automated traffic law enforcement system;
8 approaching, overtaking, and passing a school bus.

9 (a) As used in this Section, "automated traffic law
10 enforcement system" means a device with one or more motor
11 vehicle sensors working in conjunction with the visual signals
12 on a school bus, as specified in Sections 12-803 and 12-805 of
13 this Code, to produce recorded images of motor vehicles that
14 fail to stop before meeting or overtaking, from either
15 direction, any school bus stopped at any location for the
16 purpose of receiving or discharging pupils in violation of
17 Section 11-1414 of this Code or a similar provision of a local
18 ordinance.

19 An automated traffic law enforcement system is a system,
20 in a municipality or county operated by a governmental agency,
21 that produces a recorded image of a motor vehicle's violation
22 of a provision of this Code or a local ordinance and is
23 designed to obtain a clear recorded image of the vehicle and

1 the vehicle's license plate. The recorded image must also
2 display the time, date, and location of the violation.

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

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

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

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

19 (d) For each violation of a provision of this Code or a
20 local ordinance recorded by an automated traffic law
21 enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle, who shall be liable for
24 the violation unless otherwise provided in this Section ~~as the~~
25 ~~alleged violator~~. The notice shall be delivered to the
26 registered owner of the vehicle, by mail, within 30 days after

1 ~~the Secretary of State notifies~~ the municipality or county
2 confirms ~~of~~ the identity of the owner of the vehicle, but in no
3 event later than 90 days after the violation.

4 (e) The notice required under subsection (d) shall
5 include:

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

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

10 (3) the violation charged;

11 (4) the location where the violation occurred;

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

13 (6) a copy of the recorded images;

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

16 (8) a statement that recorded images are evidence of a
17 violation of overtaking or passing a school bus stopped
18 for the purpose of receiving or discharging pupils;

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

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

24 (A) paying the fine; or

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

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

4 (e-5) There shall be a rebuttable presumption that a
5 school bus was stopped for the purpose of receiving or
6 discharging pupils and that the visual signals as specified in
7 Sections 12-803 and 12-805 were in operation on the school bus
8 when recorded images produced by an automated traffic law
9 enforcement system show:

10 (1) an activated stop signal arm; and

11 (2) an electronic indicator indicating activation of
12 school bus visual signals.

13 (f) (Blank).

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

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

1 (i) The court or hearing officer may consider in defense
2 of a violation:

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

8 (1.5) that the motor vehicle was hijacked before the
9 violation occurred and not under the control of or in the
10 possession of the owner or lessee at the time of the
11 violation;

12 (2) that the driver of the motor vehicle received a
13 Uniform Traffic Citation from a police officer for a
14 violation of Section 11-1414 of this Code within
15 one-eighth of a mile and 15 minutes of the violation that
16 was recorded by the system;

17 (3) that the visual signals required by Sections
18 12-803 and 12-805 of this Code were damaged, not
19 activated, not present in violation of Sections 12-803 and
20 12-805, or inoperable; and

21 (4) any other evidence or issues provided by municipal
22 or county ordinance.

23 (j) To demonstrate that the motor vehicle was hijacked or
24 the motor vehicle or registration plates or digital
25 registration plates were stolen before the violation occurred
26 and were not under the control or possession of the owner or

1 lessee at the time of the violation, the owner or lessee must
2 submit proof that a report concerning the motor vehicle or
3 registration plates was filed with a law enforcement agency in
4 a timely manner.

5 (k) Unless the driver of the motor vehicle received a
6 Uniform Traffic Citation from a police officer at the time of
7 the violation, the motor vehicle owner is subject to a
8 mandatory civil penalty of \$300 ~~not exceeding \$150~~ for a first
9 time violation or \$1,000 ~~\$500~~ for a second or subsequent
10 violation, plus an additional penalty of not more than \$100
11 for failure to pay the original penalty in a timely manner, if
12 the motor vehicle is recorded by an automated traffic law
13 enforcement system. A violation for which a civil penalty is
14 imposed under this Section is not a violation of a traffic
15 regulation governing the movement of vehicles and may not be
16 recorded on the driving record of the owner of the vehicle, but
17 may be recorded by the municipality or county for the purpose
18 of determining if a person is subject to the higher fine for a
19 second or subsequent offense.

20 (l) A school bus equipped with an automated traffic law
21 enforcement system must be posted with a sign indicating that
22 the school bus is being monitored by an automated traffic law
23 enforcement system.

24 (m) A municipality or county that has one or more school
25 buses equipped with an automated traffic law enforcement
26 system must provide notice to drivers by posting a list of

1 school districts using school buses equipped with an automated
2 traffic law enforcement system on the municipality or county
3 website. School districts that have one or more school buses
4 equipped with an automated traffic law enforcement system must
5 provide notice to drivers by posting that information on their
6 websites.

7 (n) A municipality or county operating an automated
8 traffic law enforcement system shall conduct a statistical
9 analysis to assess the safety impact in each school district
10 using school buses equipped with an automated traffic law
11 enforcement system following installation of the system and
12 every 2 years thereafter. A municipality or county operating
13 an automated speed enforcement system before the effective
14 date of this amendatory Act of the 103rd General Assembly
15 shall conduct a statistical analysis to assess the safety
16 impact of the system by no later than one year after the
17 effective date of this amendatory Act of the 103rd General
18 Assembly and every 2 years thereafter. Each statistical
19 analysis shall be based upon the best available crash,
20 traffic, and other data, and shall cover a period of time
21 before and after installation of the system sufficient to
22 provide a statistically valid comparison of safety impact.
23 Each statistical analysis shall be consistent with
24 professional judgment and acceptable industry practice. Each
25 statistical analysis also shall be consistent with the data
26 required for valid comparisons of before and after conditions

1 and shall be conducted within a reasonable period following
2 the installation of the automated traffic law enforcement
3 system. Each statistical analysis required by this subsection
4 shall be made available to the public and shall be published on
5 the website of the municipality or county. If a statistical
6 analysis indicates that there has been an increase in the rate
7 of crashes at the approach to school buses monitored by the
8 system, the municipality or county shall undertake additional
9 studies to determine the cause and severity of the crashes,
10 and may take any action that it determines is necessary or
11 appropriate to reduce the number or severity of the crashes
12 involving school buses equipped with an automated traffic law
13 enforcement system.

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

19 (o-1) No member of the General Assembly and no officer or
20 employee of a municipality or county shall knowingly accept
21 employment or receive compensation or fees for services from a
22 vendor that provides automated traffic law enforcement system
23 equipment or services to municipalities or counties. No former
24 member of the General Assembly shall, within a period of 2
25 years immediately after the termination of service as a member
26 of the General Assembly, knowingly accept employment or

1 receive compensation or fees for services from a vendor that
2 provides automated traffic law enforcement system equipment or
3 services to municipalities or counties. No former officer or
4 employee of a municipality or county shall, within a period of
5 2 years immediately after the termination of municipal or
6 county employment, knowingly accept employment or receive
7 compensation or fees for services from a vendor that provides
8 automated traffic law enforcement system equipment or services
9 to municipalities or counties.

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

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

24 (q) (Blank).

25 (r) After a municipality or county enacts an ordinance
26 providing for automated traffic law enforcement systems under

1 this Section, each school district within that municipality or
2 county's jurisdiction may implement an automated traffic law
3 enforcement system under this Section. The elected school
4 board for that district must approve the implementation of an
5 automated traffic law enforcement system. The school district
6 shall be responsible for entering into a contract, approved by
7 the elected school board of that district, with vendors for
8 the installation, maintenance, and operation of the automated
9 traffic law enforcement system. The school district must enter
10 into an intergovernmental agreement, approved by the elected
11 school board of that district, with the municipality or county
12 with jurisdiction over that school district for the
13 administration of the automated traffic law enforcement
14 system. The proceeds from a school district's automated
15 traffic law enforcement system's fines shall be divided
16 equally between the school district and the municipality or
17 county administering the automated traffic law enforcement
18 system.

19 (s) If a county or municipality changes the vendor it uses
20 for its automated traffic law enforcement system and must, as
21 a consequence, apply for a permit, approval, or other
22 authorization from the Department for reinstallation of one or
23 more malfunctioning components of that system and if, at the
24 time of the application, the new vendor operates an automated
25 traffic law enforcement system for any other county or
26 municipality in the State, then the Department shall approve

1 or deny the county or municipality's application for that
2 permit, approval, or other authorization within 90 days after
3 its receipt.

4 (t) The Department may revoke any permit, approval, or
5 other authorization granted to a county or municipality for
6 the placement, installation, or operation of an automated
7 traffic law enforcement system if any official or employee who
8 serves that county or municipality is charged with bribery,
9 official misconduct, or a similar crime related to the
10 placement, installation, or operation of the automated traffic
11 law enforcement system in the county or municipality.

12 The Department shall adopt any rules necessary to
13 implement and administer this subsection. The rules adopted by
14 the Department shall describe the revocation process, shall
15 ensure that notice of the revocation is provided, and shall
16 provide an opportunity to appeal the revocation. Any county or
17 municipality that has a permit, approval, or other
18 authorization revoked under this subsection may not reapply
19 for such a permit, approval, or other authorization for a
20 period of 1 year after the revocation.

21 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;
22 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)