



Sen. Mike Porfirio

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10400HB3175sam001

LRB104 09887 LNS 35936 a

1 AMENDMENT TO HOUSE BILL 3175

2 AMENDMENT NO. _____. Amend House Bill 3175 by replacing
3 everything after the enacting clause with the following:

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

1 Section 11-1414 of this Code or a similar provision of a local
2 ordinance.

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

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

13 (1) 2 or more photographs;

14 (2) 2 or more microphotographs;

15 (3) 2 or more electronic images; or

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

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

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automated traffic law
2 enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle, who shall be liable for
5 the violation unless otherwise provided in this Section ~~as the~~
6 ~~alleged violator~~. The notice shall be delivered to the
7 registered owner of the vehicle, by mail, within 30 days after
8 ~~the Secretary of State notifies~~ the municipality or county
9 confirms ~~of~~ the identity of the owner of the vehicle, but in no
10 event later than 90 days after the violation.

11 (e) The notice required under subsection (d) shall
12 include:

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

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

17 (3) the violation charged;

18 (4) the location where the violation occurred;

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

20 (6) a copy of the recorded images;

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

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

26 (9) a warning that failure to pay the civil penalty or

1 to contest liability in a timely manner is an admission of
2 liability;

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

5 (A) paying the fine; or

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

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

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

17 (1) an activated stop signal arm; and

18 (2) an electronic indicator indicating activation of
19 school bus visual signals.

20 (f) (Blank).

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

26 (h) Recorded images made by an automated traffic law

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

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

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

15 (1.5) that the motor vehicle was hijacked before the
16 violation occurred and not under the control of or in the
17 possession of the owner or lessee at the time of the
18 violation;

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

24 (3) that the visual signals required by Sections
25 12-803 and 12-805 of this Code were damaged, not
26 activated, not present in violation of Sections 12-803 and

1 12-805, or inoperable; and

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

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

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

1 (1) A school bus equipped with an automated traffic law
2 enforcement system must be posted with a sign indicating that
3 the school bus is being monitored by an automated traffic law
4 enforcement system.

5 (m) A municipality or county that has one or more school
6 buses equipped with an automated traffic law enforcement
7 system must provide notice to drivers by posting a list of
8 school districts using school buses equipped with an automated
9 traffic law enforcement system on the municipality or county
10 website. School districts that have one or more school buses
11 equipped with an automated traffic law enforcement system must
12 provide notice to drivers by posting that information on their
13 websites.

14 (n) A municipality or county operating an automated
15 traffic law enforcement system shall conduct a statistical
16 analysis to assess the safety impact in each school district
17 using school buses equipped with an automated traffic law
18 enforcement system following installation of the system and
19 every 2 years thereafter. A municipality or county operating
20 an automated speed enforcement system before the effective
21 date of this amendatory Act of the 103rd General Assembly
22 shall conduct a statistical analysis to assess the safety
23 impact of the system by no later than one year after the
24 effective date of this amendatory Act of the 103rd General
25 Assembly and every 2 years thereafter. Each statistical
26 analysis shall be based upon the best available crash,

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

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

26 (o-1) No member of the General Assembly and no officer or

1 employee of a municipality or county shall knowingly accept
2 employment or receive compensation or fees for services from a
3 vendor that provides automated traffic law enforcement system
4 equipment or services to municipalities or counties. No former
5 member of the General Assembly shall, within a period of 2
6 years immediately after the termination of service as a member
7 of the General Assembly, knowingly accept employment or
8 receive compensation or fees for services from a vendor that
9 provides automated traffic law enforcement system equipment or
10 services to municipalities or counties. No former officer or
11 employee of a municipality or county shall, within a period of
12 2 years immediately after the termination of municipal or
13 county employment, knowingly accept employment or receive
14 compensation or fees for services from a vendor that provides
15 automated traffic law enforcement system equipment or services
16 to municipalities or counties.

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

25 Upon the provision of information by the lessor pursuant
26 to this subsection, the county or municipality may issue the

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

5 (q) (Blank).

6 (r) After a municipality or county enacts an ordinance
7 providing for automated traffic law enforcement systems under
8 this Section, each school district within that municipality or
9 county's jurisdiction may implement an automated traffic law
10 enforcement system under this Section. The elected school
11 board for that district must approve the implementation of an
12 automated traffic law enforcement system. The school district
13 shall be responsible for entering into a contract, approved by
14 the elected school board of that district, with vendors for
15 the installation, maintenance, and operation of the automated
16 traffic law enforcement system. The school district must enter
17 into an intergovernmental agreement, approved by the elected
18 school board of that district, with the municipality or county
19 with jurisdiction over that school district for the
20 administration of the automated traffic law enforcement
21 system. The proceeds from a school district's automated
22 traffic law enforcement system's fines shall be divided
23 equally between the school district and the municipality or
24 county administering the automated traffic law enforcement
25 system. However, the school district and municipality or
26 county intergovernmental agreement may include cost-sharing

1 arrangements for compensating vendors for the installation,
2 maintenance, and operation of the automated traffic law
3 enforcement system, as well as alternative proceed-sharing
4 arrangements.

5 (s) If a county or municipality changes the vendor it uses
6 for its automated traffic law enforcement system and must, as
7 a consequence, apply for a permit, approval, or other
8 authorization from the Department for reinstallation of one or
9 more malfunctioning components of that system and if, at the
10 time of the application, the new vendor operates an automated
11 traffic law enforcement system for any other county or
12 municipality in the State, then the Department shall approve
13 or deny the county or municipality's application for that
14 permit, approval, or other authorization within 90 days after
15 its receipt.

16 (t) The Department may revoke any permit, approval, or
17 other authorization granted to a county or municipality for
18 the placement, installation, or operation of an automated
19 traffic law enforcement system if any official or employee who
20 serves that county or municipality is charged with bribery,
21 official misconduct, or a similar crime related to the
22 placement, installation, or operation of the automated traffic
23 law enforcement system in the county or municipality.

24 The Department shall adopt any rules necessary to
25 implement and administer this subsection. The rules adopted by
26 the Department shall describe the revocation process, shall

1 ensure that notice of the revocation is provided, and shall
2 provide an opportunity to appeal the revocation. Any county or
3 municipality that has a permit, approval, or other
4 authorization revoked under this subsection may not reapply
5 for such a permit, approval, or other authorization for a
6 period of 1 year after the revocation.

7 (u) Notwithstanding any other provision of law, a county
8 operating an automated traffic law enforcement system pursuant
9 to this Section may enforce violations occurring on any
10 roadway within its geographic boundaries, including roadways
11 under the jurisdiction of a municipality.

12 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;
13 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)".