



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3909

Introduced 10/17/2019, by Rep. Grant Wehrli - Mark Batinick -  
Jonathan Carroll - Amy Grant and Margo McDermed

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105.2	
625 ILCS 5/3-400	from Ch. 95 1/2, par. 3-400
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/11-208	from Ch. 95 1/2, par. 11-208
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.8	
625 ILCS 5/11-208.6 rep.	
30 ILCS 805/8.43 new	

Amends the Illinois Vehicle Code. Repeals a Section providing authority to use automated traffic law enforcement systems at intersections in which cameras are used to photograph or video record a motor vehicle's failure to stop and yield as required by traffic control signals. Imposes limits on the power of local governments to use automated speed enforcement systems to provide recorded images of a motor vehicle for the purpose of recording its speed. Denies home rule powers. Amends the State Mandates Act to require implementation without reimbursement from the State. Makes conforming and other technical changes. Effective immediately.

LRB101 14636 TAE 63547 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 1-105.2, 3-400, 6-306.5, 11-208, 11-208.3, and  
6 11-208.8 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation  
9 described in Section ~~11-208.6~~, 11-208.9~~7~~, or 11-1201.1 of this  
10 Code.

11 (Source: P.A. 98-556, eff. 1-1-14.)

12 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

13 Sec. 3-400. Definitions. Notwithstanding the definitions  
14 set forth in Chapter 1 of this Act, for the purposes of this  
15 Article, the following words shall have the meaning ascribed to  
16 them as follows:

17 "Apportionable Fee" means any periodic recurring fee  
18 required for licensing or registering vehicles, such as, but  
19 not limited to, registration fees, license or weight fees.

20 "Apportionable Vehicle" means any vehicle, except  
21 recreational vehicles, vehicles displaying restricted plates,  
22 city pickup and delivery vehicles, buses used in transportation

1 of chartered parties, and government owned vehicles that are  
2 used or intended for use in 2 or more member jurisdictions that  
3 allocate or proportionally register vehicles, in a fleet which  
4 is used for the transportation of persons for hire or the  
5 transportation of property and which has a gross vehicle weight  
6 in excess of 26,000 pounds; or has three or more axles  
7 regardless of weight; or is used in combination when the weight  
8 of such combination exceeds 26,000 pounds gross vehicle weight.  
9 Vehicles, or combinations having a gross vehicle weight of  
10 26,000 pounds or less and two-axle vehicles may be  
11 proportionally registered at the option of such owner.

12 "Base Jurisdiction" means, for purposes of fleet  
13 registration, the jurisdiction where the registrant has an  
14 established place of business, where operational records of the  
15 fleet are maintained and where mileage is accrued by the fleet.  
16 In case a registrant operates more than one fleet, and  
17 maintains records for each fleet in different places, the "base  
18 jurisdiction" for a fleet shall be the jurisdiction where an  
19 established place of business is maintained, where records of  
20 the operation of that fleet are maintained and where mileage is  
21 accrued by that fleet.

22 "Operational Records" means documents supporting miles  
23 traveled in each jurisdiction and total miles traveled, such as  
24 fuel reports, trip leases, and logs.

25 "Owner" means a person who holds legal title of a motor  
26 vehicle, or in the event a motor vehicle is the subject of an

1 agreement for the conditional sale or lease thereof with the  
2 right of purchase upon performance of the conditions stated in  
3 the agreement and with an immediate right of possession vested  
4 in the conditional vendee or lessee with right of purchase, or  
5 in the event a mortgagor of such motor vehicle is entitled to  
6 possession, or in the event a lessee of such motor vehicle is  
7 entitled to possession or control, then such conditional vendee  
8 or lessee with right of purchase or mortgagor or lessee is  
9 considered to be the owner for the purpose of this Act.

10 "Registration plate or digital registration plate cover"  
11 means any tinted, colored, painted, marked, clear, or  
12 illuminated object that is designed to (i) cover any of the  
13 characters of a motor vehicle's registration plate or digital  
14 registration plate; or (ii) distort a recorded image of any of  
15 the characters of a motor vehicle's registration plate or  
16 digital registration plate recorded by an automated  
17 enforcement system as defined in Section ~~11-208.6~~, 11-208.8, or  
18 11-1201.1 of this Code or recorded by an automated traffic  
19 control system as defined in Section 15 of the Automated  
20 Traffic Control Systems in Highway Construction or Maintenance  
21 Zones Act.

22 "Rental Owner" means an owner principally engaged, with  
23 respect to one or more rental fleets, in renting to others or  
24 offering for rental the vehicles of such fleets, without  
25 drivers.

26 "Restricted Plates" shall include, but is not limited to,

1 dealer, manufacturer, transporter, farm, reposessor, and  
2 permanently mounted type plates. Vehicles displaying any of  
3 these type plates from a foreign jurisdiction that is a member  
4 of the International Registration Plan shall be granted  
5 reciprocity but shall be subject to the same limitations as  
6 similar plated Illinois registered vehicles.

7 (Source: P.A. 101-395, eff. 8-16-19.)

8 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

9 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
10 parking, compliance, automated speed enforcement system, or  
11 automated traffic law violations; suspension of driving  
12 privileges.

13 (a) Upon receipt of a certified report, as prescribed by  
14 subsection (c) of this Section, from any municipality or county  
15 stating that the owner of a registered vehicle: (1) has failed  
16 to pay any fine or penalty due and owing as a result of 10 or  
17 more violations of a municipality's or county's vehicular  
18 standing, parking, or compliance regulations established by  
19 ordinance pursuant to Section 11-208.3 of this Code, (2) has  
20 failed to pay any fine or penalty due and owing as a result of 5  
21 offenses for automated speed enforcement system violations or  
22 automated traffic violations as defined in Sections ~~11-208.6,~~  
23 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or  
24 (3) is more than 14 days in default of a payment plan pursuant  
25 to which a suspension had been terminated under subsection (c)

1 of this Section, the Secretary of State shall suspend the  
2 driving privileges of such person in accordance with the  
3 procedures set forth in this Section. The Secretary shall also  
4 suspend the driving privileges of an owner of a registered  
5 vehicle upon receipt of a certified report, as prescribed by  
6 subsection (f) of this Section, from any municipality or county  
7 stating that such person has failed to satisfy any fines or  
8 penalties imposed by final judgments for 5 or more automated  
9 speed enforcement system or automated traffic law violations,  
10 or combination thereof, or 10 or more violations of local  
11 standing, parking, or compliance regulations after exhaustion  
12 of judicial review procedures.

13 (b) Following receipt of the certified report of the  
14 municipality or county as specified in this Section, the  
15 Secretary of State shall notify the person whose name appears  
16 on the certified report that the person's drivers license will  
17 be suspended at the end of a specified period of time unless  
18 the Secretary of State is presented with a notice from the  
19 municipality or county certifying that the fine or penalty due  
20 and owing the municipality or county has been paid or that  
21 inclusion of that person's name on the certified report was in  
22 error. The Secretary's notice shall state in substance the  
23 information contained in the municipality's or county's  
24 certified report to the Secretary, and shall be effective as  
25 specified by subsection (c) of Section 6-211 of this Code.

26 (c) The report of the appropriate municipal or county

1 official notifying the Secretary of State of unpaid fines or  
2 penalties pursuant to this Section shall be certified and shall  
3 contain the following:

4 (1) The name, last known address as recorded with the  
5 Secretary of State, as provided by the lessor of the cited  
6 vehicle at the time of lease, or as recorded in a United  
7 States Post Office approved database if any notice sent  
8 under Section 11-208.3 of this Code is returned as  
9 undeliverable, and drivers license number of the person who  
10 failed to pay the fine or penalty or who has defaulted in a  
11 payment plan and the registration number of any vehicle  
12 known to be registered to such person in this State.

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

15 (3) A statement that the municipality or county sent a  
16 notice of impending drivers license suspension as  
17 prescribed by ordinance enacted pursuant to Section  
18 11-208.3 of this Code or a notice of default in a payment  
19 plan, to the person named in the report at the address  
20 recorded with the Secretary of State or at the last address  
21 known to the lessor of the cited vehicle at the time of  
22 lease or, if any notice sent under Section 11-208.3 of this  
23 Code is returned as undeliverable, at the last known  
24 address recorded in a United States Post Office approved  
25 database; the date on which such notice was sent; and the  
26 address to which such notice was sent. In a municipality or

1 county with a population of 1,000,000 or more, the report  
2 shall also include a statement that the alleged violator's  
3 State vehicle registration number and vehicle make, if  
4 specified on the automated speed enforcement system  
5 violation or automated traffic law violation notice, are  
6 correct as they appear on the citations.

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

10 (d) Any municipality or county making a certified report to  
11 the Secretary of State pursuant to this Section shall notify  
12 the Secretary of State, in a form prescribed by the Secretary,  
13 whenever a person named in the certified report has paid the  
14 previously reported fine or penalty, whenever a person named in  
15 the certified report has entered into a payment plan pursuant  
16 to which the municipality or county has agreed to terminate the  
17 suspension, or whenever the municipality or county determines  
18 that the original report was in error. A certified copy of such  
19 notification shall also be given upon request and at no  
20 additional charge to the person named therein. Upon receipt of  
21 the municipality's or county's notification or presentation of  
22 a certified copy of such notification, the Secretary of State  
23 shall terminate the suspension.

24 (e) Any municipality or county making a certified report to  
25 the Secretary of State pursuant to this Section shall also by  
26 ordinance establish procedures for persons to challenge the



1 accuracy of the certified report. The ordinance shall also  
2 state the grounds for such a challenge, which may be limited to  
3 (1) the person not having been the owner or lessee of the  
4 vehicle or vehicles receiving 10 or more standing, parking, or  
5 compliance violation notices or a combination of 5 or more  
6 automated speed enforcement system or automated traffic law  
7 violations on the date or dates such notices were issued; and  
8 (2) the person having already paid the fine or penalty for the  
9 10 or more standing, parking, or compliance violations or  
10 combination of 5 or more automated speed enforcement system or  
11 automated traffic law violations indicated on the certified  
12 report.

13 (f) Any municipality or county, other than a municipality  
14 or county establishing vehicular standing, parking, and  
15 compliance regulations pursuant to Section 11-208.3, automated  
16 speed enforcement system regulations under Section 11-208.8,  
17 or automated traffic law regulations under Section ~~11-208.6,~~  
18 ~~11-208.9,~~ or 11-1201.1, may also cause a suspension of a  
19 person's drivers license pursuant to this Section. Such  
20 municipality or county may invoke this sanction by making a  
21 certified report to the Secretary of State upon a person's  
22 failure to satisfy any fine or penalty imposed by final  
23 judgment for 10 or more violations of local standing, parking,  
24 or compliance regulations or a combination of 5 or more  
25 automated speed enforcement system or automated traffic law  
26 violations after exhaustion of judicial review procedures, but

1 only if:

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

5 (2) the municipality or county has sent a notice of  
6 impending drivers license suspension as prescribed by an  
7 ordinance enacted pursuant to subsection (g) of this  
8 Section; and

9 (3) in municipalities or counties with a population of  
10 1,000,000 or more, the municipality or county has verified  
11 that the alleged violator's State vehicle registration  
12 number and vehicle make are correct as they appear on the  
13 citations.

14 (g) Any municipality or county, other than a municipality  
15 or county establishing standing, parking, and compliance  
16 regulations pursuant to Section 11-208.3, automated speed  
17 enforcement system regulations under Section 11-208.8, or  
18 automated traffic law regulations under Section ~~11-208.6,~~  
19 ~~11-208.9~~ or 11-1201.1, may provide by ordinance for the  
20 sending of a notice of impending drivers license suspension to  
21 the person who has failed to satisfy any fine or penalty  
22 imposed by final judgment for 10 or more violations of local  
23 standing, parking, or compliance regulations or a combination  
24 of 5 or more automated speed enforcement system or automated  
25 traffic law violations after exhaustion of judicial review  
26 procedures. An ordinance so providing shall specify that the

1 notice sent to the person liable for any fine or penalty shall  
2 state that failure to pay the fine or penalty owing within 45  
3 days of the notice's date will result in the municipality or  
4 county notifying the Secretary of State that the person's  
5 drivers license is eligible for suspension pursuant to this  
6 Section. The notice of impending drivers license suspension  
7 shall be sent by first class United States mail, postage  
8 prepaid, to the address recorded with the Secretary of State or  
9 at the last address known to the lessor of the cited vehicle at  
10 the time of lease or, if any notice sent under Section 11-208.3  
11 of this Code is returned as undeliverable, to the last known  
12 address recorded in a United States Post Office approved  
13 database.

14 (h) An administrative hearing to contest an impending  
15 suspension or a suspension made pursuant to this Section may be  
16 had upon filing a written request with the Secretary of State.  
17 The filing fee for this hearing shall be \$20, to be paid at the  
18 time the request is made. A municipality or county which files  
19 a certified report with the Secretary of State pursuant to this  
20 Section shall reimburse the Secretary for all reasonable costs  
21 incurred by the Secretary as a result of the filing of the  
22 report, including but not limited to the costs of providing the  
23 notice required pursuant to subsection (b) and the costs  
24 incurred by the Secretary in any hearing conducted with respect  
25 to the report pursuant to this subsection and any appeal from  
26 such a hearing.

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

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

5 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;  
6 98-556, eff. 1-1-14.)

7 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

13 1. Regulating the standing or parking of vehicles,  
14 except as limited by Sections 11-1306 and 11-1307 of this  
15 Act;

16 2. Regulating traffic by means of police officers or  
17 traffic control signals;

18 3. Regulating or prohibiting processions or  
19 assemblages on the highways; and certifying persons to  
20 control traffic for processions or assemblages;

21 4. Designating particular highways as one-way highways  
22 and requiring that all vehicles thereon be moved in one  
23 specific direction;

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

1           6. Designating any highway as a through highway, as  
2 authorized in Section 11-302, and requiring that all  
3 vehicles stop before entering or crossing the same or  
4 designating any intersection as a stop intersection or a  
5 yield right-of-way intersection and requiring all vehicles  
6 to stop or yield the right-of-way at one or more entrances  
7 to such intersections;

8           7. Restricting the use of highways as authorized in  
9 Chapter 15;

10          8. Regulating the operation of mobile carrying  
11 devices, bicycles, low-speed electric bicycles, and  
12 low-speed gas bicycles, and requiring the registration and  
13 licensing of same, including the requirement of a  
14 registration fee;

15          9. Regulating or prohibiting the turning of vehicles or  
16 specified types of vehicles at intersections;

17          10. Altering the speed limits as authorized in Section  
18 11-604;

19          11. Prohibiting U-turns;

20          12. Prohibiting pedestrian crossings at other than  
21 designated and marked crosswalks or at intersections;

22          13. Prohibiting parking during snow removal operation;

23          14. Imposing fines in accordance with Section  
24 11-1301.3 as penalties for use of any parking place  
25 reserved for persons with disabilities, as defined by  
26 Section 1-159.1, or veterans with disabilities by any

1 person using a motor vehicle not bearing registration  
2 plates specified in Section 11-1301.1 or a special decal or  
3 device as defined in Section 11-1301.2 as evidence that the  
4 vehicle is operated by or for a person with disabilities or  
5 a veteran with a disability;

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

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

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

14 (c) The provisions of this Code shall not prevent any  
15 municipality having a population of 500,000 or more inhabitants  
16 from prohibiting any person from driving or operating any motor  
17 vehicle upon the roadways of such municipality with headlamps  
18 on high beam or bright.

19 (d) The provisions of this Code shall not be deemed to  
20 prevent local authorities within the reasonable exercise of  
21 their police power from prohibiting, on private property, the  
22 unauthorized use of parking spaces reserved for persons with  
23 disabilities.

24 (e) No unit of local government, including a home rule  
25 unit, may enact or enforce an ordinance that applies only to  
26 motorcycles if the principal purpose for that ordinance is to

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

15 (e-5) The City of Chicago may enact an ordinance providing  
16 for a noise monitoring system upon any portion of the roadway  
17 known as Lake Shore Drive. Twelve months after the installation  
18 of the noise monitoring system, and any time after the first  
19 report as the City deems necessary, the City of Chicago shall  
20 prepare a noise monitoring report with the data collected from  
21 the system and shall, upon request, make the report available  
22 to the public. For purposes of this subsection (e-5), "noise  
23 monitoring system" means an automated noise monitor capable of  
24 recording noise levels 24 hours per day and 365 days per year  
25 with computer equipment sufficient to process the data.

26 (e-10) A unit of local government, including a home rule

1 unit, may not enact an ordinance prohibiting the use of  
2 Automated Driving System equipped vehicles on its roadways.  
3 Nothing in this subsection (e-10) shall affect the authority of  
4 a unit of local government to regulate Automated Driving System  
5 equipped vehicles for traffic control purposes. No unit of  
6 local government, including a home rule unit, may regulate  
7 Automated Driving System equipped vehicles in a manner  
8 inconsistent with this Code. For purposes of this subsection  
9 (e-10), "Automated Driving System equipped vehicle" means any  
10 vehicle equipped with an Automated Driving System of hardware  
11 and software that are collectively capable of performing the  
12 entire dynamic driving task on a sustained basis, regardless of  
13 whether it is limited to a specific operational domain. This  
14 subsection (e-10) is a limitation under subsection (i) of  
15 Section 6 of Article VII of the Illinois Constitution on the  
16 concurrent exercise by home rule units of powers and functions  
17 exercised by the State.

18 (f) No unit of local government, including a home rule  
19 unit, A municipality or county designated in Section 11-208.6  
20 may enact or enforce an ordinance providing for an automated  
21 traffic law enforcement system to enforce violations of Section  
22 11-306 of this Code or a similar provision of a local ordinance  
23 and imposing liability on a registered owner or lessee of a  
24 vehicle used in such a violation. For purposes of this  
25 subsection (f), "automated traffic law enforcement system"  
26 means a device with one or more motor vehicle sensors working



1 in conjunction with a red light signal to produce recorded  
2 images of motor vehicles entering into an intersection against  
3 a red signal indication in violation of Section 11-306 of this  
4 Code or a similar provision of a local ordinance. This  
5 subsection (f) is a denial and limitation of home rule powers  
6 and functions under subsection (g) of Section 6 of Article VII  
7 of the Illinois Constitution.

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

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

18 (i) A municipality or county designated in Section 11-208.9  
19 may enact an ordinance providing for an automated traffic law  
20 enforcement system to enforce violations of Section 11-1414 of  
21 this Code or a similar provision of a local ordinance and  
22 imposing liability on a registered owner or lessee of a vehicle  
23 used in such a violation.

24 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;  
25 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.  
26 7-26-19.)

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

2 Sec. 11-208.3. Administrative adjudication of violations  
3 of traffic regulations concerning the standing, parking, or  
4 condition of vehicles, automated traffic law violations, and  
5 automated speed enforcement system violations.

6 (a) Any municipality or county may provide by ordinance for  
7 a system of administrative adjudication of vehicular standing  
8 and parking violations and vehicle compliance violations as  
9 described in this subsection, automated traffic law violations  
10 as defined in Section ~~11-208.6~~, 11-208.9~~7~~, or 11-1201.1, and  
11 automated speed enforcement system violations as defined in  
12 Section 11-208.8. The administrative system shall have as its  
13 purpose the fair and efficient enforcement of municipal or  
14 county regulations through the administrative adjudication of  
15 automated speed enforcement system or automated traffic law  
16 violations and violations of municipal or county ordinances  
17 regulating the standing and parking of vehicles, the condition  
18 and use of vehicle equipment, and the display of municipal or  
19 county wheel tax licenses within the municipality's or county's  
20 borders. The administrative system shall only have authority to  
21 adjudicate civil offenses carrying fines not in excess of \$500  
22 or requiring the completion of a traffic education program, or  
23 both, that occur after the effective date of the ordinance  
24 adopting such a system under this Section. For purposes of this  
25 Section, "compliance violation" means a violation of a

1 municipal or county regulation governing the condition or use  
2 of equipment on a vehicle or governing the display of a  
3 municipal or county wheel tax license.

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

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

17 (2) A parking, standing, compliance, automated speed  
18 enforcement system, or automated traffic law violation  
19 notice that shall specify or include the date, time, and  
20 place of violation of a parking, standing, compliance,  
21 automated speed enforcement system, or automated traffic  
22 law regulation; the particular regulation violated; any  
23 requirement to complete a traffic education program; the  
24 fine and any penalty that may be assessed for late payment  
25 or failure to complete a required traffic education  
26 program, or both, when so provided by ordinance; the

1 vehicle make or a photograph of the vehicle; the state  
2 registration number of the vehicle; and the identification  
3 number of the person issuing the notice. With regard to  
4 automated speed enforcement system or automated traffic  
5 law violations, vehicle make shall be specified on the  
6 automated speed enforcement system or automated traffic  
7 law violation notice if the notice does not include a  
8 photograph of the vehicle and the make is available and  
9 readily discernible. With regard to municipalities or  
10 counties with a population of 1 million or more, it shall  
11 be grounds for dismissal of a parking violation if the  
12 state registration number or vehicle make specified is  
13 incorrect. The violation notice shall state that the  
14 completion of any required traffic education program, the  
15 payment of any indicated fine, and the payment of any  
16 applicable penalty for late payment or failure to complete  
17 a required traffic education program, or both, shall  
18 operate as a final disposition of the violation. The notice  
19 also shall contain information as to the availability of a  
20 hearing in which the violation may be contested on its  
21 merits. The violation notice shall specify the time and  
22 manner in which a hearing may be had.

23 (3) Service of a parking, standing, or compliance  
24 violation notice by: (i) affixing the original or a  
25 facsimile of the notice to an unlawfully parked or standing  
26 vehicle; (ii) handing the notice to the operator of a

1 vehicle if he or she is present; or (iii) mailing the  
2 notice to the address of the registered owner or lessee of  
3 the cited vehicle as recorded with the Secretary of State  
4 or the lessor of the motor vehicle within 30 days after the  
5 Secretary of State or the lessor of the motor vehicle  
6 notifies the municipality or county of the identity of the  
7 owner or lessee of the vehicle, but not later than 90 days  
8 after the date of the violation, except that in the case of  
9 a lessee of a motor vehicle, service of a parking,  
10 standing, or compliance violation notice may occur no later  
11 than 210 days after the violation; and service of an  
12 automated speed enforcement system or automated traffic  
13 law violation notice by mail to the address of the  
14 registered owner or lessee of the cited vehicle as recorded  
15 with the Secretary of State or the lessor of the motor  
16 vehicle within 30 days after the Secretary of State or the  
17 lessor of the motor vehicle notifies the municipality or  
18 county of the identity of the owner or lessee of the  
19 vehicle, but not later than 90 days after the violation,  
20 except that in the case of a lessee of a motor vehicle,  
21 service of an automated traffic law violation notice may  
22 occur no later than 210 days after the violation. A person  
23 authorized by ordinance to issue and serve parking,  
24 standing, and compliance violation notices shall certify  
25 as to the correctness of the facts entered on the violation  
26 notice by signing his or her name to the notice at the time

1 of service or in the case of a notice produced by a  
2 computerized device, by signing a single certificate to be  
3 kept by the traffic compliance administrator attesting to  
4 the correctness of all notices produced by the device while  
5 it was under his or her control. In the case of an  
6 automated traffic law violation, the ordinance shall  
7 require a determination by a technician employed or  
8 contracted by the municipality or county that, based on  
9 inspection of recorded images, the motor vehicle was being  
10 operated in violation of Section ~~11-208.6~~, 11-208.9, or  
11 11-1201.1 or a local ordinance. ~~If the technician~~  
12 ~~determines that the vehicle entered the intersection as~~  
13 ~~part of a funeral procession or in order to yield the~~  
14 ~~right of way to an emergency vehicle, a citation shall not~~  
15 ~~be issued.~~ In municipalities with a population of less than  
16 1,000,000 inhabitants and counties with a population of  
17 less than 3,000,000 inhabitants, the automated traffic law  
18 ordinance shall require that all determinations by a  
19 technician that a motor vehicle was being operated in  
20 violation of Section ~~11-208.6~~, 11-208.9, or 11-1201.1 or a  
21 local ordinance must be reviewed and approved by a law  
22 enforcement officer or retired law enforcement officer of  
23 the municipality or county issuing the violation. In  
24 municipalities with a population of 1,000,000 or more  
25 inhabitants and counties with a population of 3,000,000 or  
26 more inhabitants, the automated traffic law ordinance

1 shall require that all determinations by a technician that  
2 a motor vehicle was being operated in violation of Section  
3 ~~11-208.6,~~ 11-208.9, or 11-1201.1 or a local ordinance must  
4 be reviewed and approved by a law enforcement officer or  
5 retired law enforcement officer of the municipality or  
6 county issuing the violation or by an additional  
7 fully-trained reviewing technician who is not employed by  
8 the contractor who employs the technician who made the  
9 initial determination. In the case of an automated speed  
10 enforcement system violation, the ordinance shall require  
11 a determination by a technician employed by the  
12 municipality, based upon an inspection of recorded images,  
13 video or other documentation, including documentation of  
14 the speed limit and automated speed enforcement signage,  
15 and documentation of the inspection, calibration, and  
16 certification of the speed equipment, that the vehicle was  
17 being operated in violation of Article VI of Chapter 11 of  
18 this Code or a similar local ordinance. If the technician  
19 determines that the vehicle speed was not determined by a  
20 calibrated, certified speed equipment device based upon  
21 the speed equipment documentation, or if the vehicle was an  
22 emergency vehicle, a citation may not be issued. The  
23 automated speed enforcement ordinance shall require that  
24 all determinations by a technician that a violation  
25 occurred be reviewed and approved by a law enforcement  
26 officer or retired law enforcement officer of the

1 municipality issuing the violation or by an additional  
2 fully trained reviewing technician who is not employed by  
3 the contractor who employs the technician who made the  
4 initial determination. Routine and independent calibration  
5 of the speeds produced by automated speed enforcement  
6 systems and equipment shall be conducted annually by a  
7 qualified technician. Speeds produced by an automated  
8 speed enforcement system shall be compared with speeds  
9 produced by lidar or other independent equipment. Radar or  
10 lidar equipment shall undergo an internal validation test  
11 no less frequently than once each week. Qualified  
12 technicians shall test loop based equipment no less  
13 frequently than once a year. Radar equipment shall be  
14 checked for accuracy by a qualified technician when the  
15 unit is serviced, when unusual or suspect readings persist,  
16 or when deemed necessary by a reviewing technician. Radar  
17 equipment shall be checked with the internal frequency  
18 generator and the internal circuit test whenever the radar  
19 is turned on. Technicians must be alert for any unusual or  
20 suspect readings, and if unusual or suspect readings of a  
21 radar unit persist, that unit shall immediately be removed  
22 from service and not returned to service until it has been  
23 checked by a qualified technician and determined to be  
24 functioning properly. Documentation of the annual  
25 calibration results, including the equipment tested, test  
26 date, technician performing the test, and test results,



1 shall be maintained and available for use in the  
2 determination of an automated speed enforcement system  
3 violation and issuance of a citation. The technician  
4 performing the calibration and testing of the automated  
5 speed enforcement equipment shall be trained and certified  
6 in the use of equipment for speed enforcement purposes.  
7 Training on the speed enforcement equipment may be  
8 conducted by law enforcement, civilian, or manufacturer's  
9 personnel and if applicable may be equivalent to the  
10 equipment use and operations training included in the Speed  
11 Measuring Device Operator Program developed by the  
12 National Highway Traffic Safety Administration (NHTSA).  
13 The vendor or technician who performs the work shall keep  
14 accurate records on each piece of equipment the technician  
15 calibrates and tests. As used in this paragraph,  
16 "fully-trained reviewing technician" means a person who  
17 has received at least 40 hours of supervised training in  
18 subjects which shall include image inspection and  
19 interpretation, the elements necessary to prove a  
20 violation, license plate identification, and traffic  
21 safety and management. In all municipalities and counties,  
22 the automated speed enforcement system or automated  
23 traffic law ordinance shall require that no additional fee  
24 shall be charged to the alleged violator for exercising his  
25 or her right to an administrative hearing, and persons  
26 shall be given at least 25 days following an administrative

1 hearing to pay any civil penalty imposed by a finding that  
2 Section ~~11-208.6~~, 11-208.8, 11-208.9, or 11-1201.1 or a  
3 similar local ordinance has been violated. The original or  
4 a facsimile of the violation notice or, in the case of a  
5 notice produced by a computerized device, a printed record  
6 generated by the device showing the facts entered on the  
7 notice, shall be retained by the traffic compliance  
8 administrator, and shall be a record kept in the ordinary  
9 course of business. A parking, standing, compliance,  
10 automated speed enforcement system, or automated traffic  
11 law violation notice issued, signed and served in  
12 accordance with this Section, a copy of the notice, or the  
13 computer generated record shall be prima facie correct and  
14 shall be prima facie evidence of the correctness of the  
15 facts shown on the notice. The notice, copy, or computer  
16 generated record shall be admissible in any subsequent  
17 administrative or legal proceedings.

18 (4) An opportunity for a hearing for the registered  
19 owner of the vehicle cited in the parking, standing,  
20 compliance, automated speed enforcement system, or  
21 automated traffic law violation notice in which the owner  
22 may contest the merits of the alleged violation, and during  
23 which formal or technical rules of evidence shall not  
24 apply; provided, however, that under Section 11-1306 of  
25 this Code the lessee of a vehicle cited in the violation  
26 notice likewise shall be provided an opportunity for a

1 hearing of the same kind afforded the registered owner. The  
2 hearings shall be recorded, and the person conducting the  
3 hearing on behalf of the traffic compliance administrator  
4 shall be empowered to administer oaths and to secure by  
5 subpoena both the attendance and testimony of witnesses and  
6 the production of relevant books and papers. Persons  
7 appearing at a hearing under this Section may be  
8 represented by counsel at their expense. The ordinance may  
9 also provide for internal administrative review following  
10 the decision of the hearing officer.

11 (5) Service of additional notices, sent by first class  
12 United States mail, postage prepaid, to the address of the  
13 registered owner of the cited vehicle as recorded with the  
14 Secretary of State or, if any notice to that address is  
15 returned as undeliverable, to the last known address  
16 recorded in a United States Post Office approved database,  
17 or, under Section 11-1306 or subsection (p) of Section  
18 ~~11-208.6~~ or 11-208.9, or subsection (p) of Section 11-208.8  
19 of this Code, to the lessee of the cited vehicle at the  
20 last address known to the lessor of the cited vehicle at  
21 the time of lease or, if any notice to that address is  
22 returned as undeliverable, to the last known address  
23 recorded in a United States Post Office approved database.  
24 The service shall be deemed complete as of the date of  
25 deposit in the United States mail. The notices shall be in  
26 the following sequence and shall include but not be limited

1 to the information specified herein:

2 (i) A second notice of parking, standing, or  
3 compliance violation if the first notice of the  
4 violation was issued by affixing the original or a  
5 facsimile of the notice to the unlawfully parked  
6 vehicle or by handing the notice to the operator. This  
7 notice shall specify or include the date and location  
8 of the violation cited in the parking, standing, or  
9 compliance violation notice, the particular regulation  
10 violated, the vehicle make or a photograph of the  
11 vehicle, the state registration number of the vehicle,  
12 any requirement to complete a traffic education  
13 program, the fine and any penalty that may be assessed  
14 for late payment or failure to complete a traffic  
15 education program, or both, when so provided by  
16 ordinance, the availability of a hearing in which the  
17 violation may be contested on its merits, and the time  
18 and manner in which the hearing may be had. The notice  
19 of violation shall also state that failure to complete  
20 a required traffic education program, to pay the  
21 indicated fine and any applicable penalty, or to appear  
22 at a hearing on the merits in the time and manner  
23 specified, will result in a final determination of  
24 violation liability for the cited violation in the  
25 amount of the fine or penalty indicated, and that, upon  
26 the occurrence of a final determination of violation

1 liability for the failure, and the exhaustion of, or  
2 failure to exhaust, available administrative or  
3 judicial procedures for review, any incomplete traffic  
4 education program or any unpaid fine or penalty, or  
5 both, will constitute a debt due and owing the  
6 municipality or county.

7 (ii) A notice of final determination of parking,  
8 standing, compliance, automated speed enforcement  
9 system, or automated traffic law violation liability.  
10 This notice shall be sent following a final  
11 determination of parking, standing, compliance,  
12 automated speed enforcement system, or automated  
13 traffic law violation liability and the conclusion of  
14 judicial review procedures taken under this Section.  
15 The notice shall state that the incomplete traffic  
16 education program or the unpaid fine or penalty, or  
17 both, is a debt due and owing the municipality or  
18 county. The notice shall contain warnings that failure  
19 to complete any required traffic education program or  
20 to pay any fine or penalty due and owing the  
21 municipality or county, or both, within the time  
22 specified may result in the municipality's or county's  
23 filing of a petition in the Circuit Court to have the  
24 incomplete traffic education program or unpaid fine or  
25 penalty, or both, rendered a judgment as provided by  
26 this Section, or may result in suspension of the

1 person's drivers license for failure to complete a  
2 traffic education program or to pay fines or penalties,  
3 or both, for 10 or more parking violations under  
4 Section 6-306.5, or a combination of 5 or more  
5 automated traffic law violations under Section  
6 ~~11-208.6~~ or 11-208.9 or automated speed enforcement  
7 system violations under Section 11-208.8.

8 (6) A notice of impending drivers license suspension.  
9 This notice shall be sent to the person liable for failure  
10 to complete a required traffic education program or to pay  
11 any fine or penalty that remains due and owing, or both, on  
12 10 or more parking violations or combination of 5 or more  
13 unpaid automated speed enforcement system or automated  
14 traffic law violations. The notice shall state that failure  
15 to complete a required traffic education program or to pay  
16 the fine or penalty owing, or both, within 45 days of the  
17 notice's date will result in the municipality or county  
18 notifying the Secretary of State that the person is  
19 eligible for initiation of suspension proceedings under  
20 Section 6-306.5 of this Code. The notice shall also state  
21 that the person may obtain a photostatic copy of an  
22 original ticket imposing a fine or penalty by sending a  
23 self addressed, stamped envelope to the municipality or  
24 county along with a request for the photostatic copy. The  
25 notice of impending drivers license suspension shall be  
26 sent by first class United States mail, postage prepaid, to

1 the address recorded with the Secretary of State or, if any  
2 notice to that address is returned as undeliverable, to the  
3 last known address recorded in a United States Post Office  
4 approved database.

5 (7) Final determinations of violation liability. A  
6 final determination of violation liability shall occur  
7 following failure to complete the required traffic  
8 education program or to pay the fine or penalty, or both,  
9 after a hearing officer's determination of violation  
10 liability and the exhaustion of or failure to exhaust any  
11 administrative review procedures provided by ordinance.  
12 Where a person fails to appear at a hearing to contest the  
13 alleged violation in the time and manner specified in a  
14 prior mailed notice, the hearing officer's determination  
15 of violation liability shall become final: (A) upon denial  
16 of a timely petition to set aside that determination, or  
17 (B) upon expiration of the period for filing the petition  
18 without a filing having been made.

19 (8) A petition to set aside a determination of parking,  
20 standing, compliance, automated speed enforcement system,  
21 or automated traffic law violation liability that may be  
22 filed by a person owing an unpaid fine or penalty. A  
23 petition to set aside a determination of liability may also  
24 be filed by a person required to complete a traffic  
25 education program. The petition shall be filed with and  
26 ruled upon by the traffic compliance administrator in the

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

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

22 (10) A schedule of civil fines for violations of  
23 vehicular standing, parking, compliance, automated speed  
24 enforcement system, or automated traffic law regulations  
25 enacted by ordinance pursuant to this Section, and a  
26 schedule of penalties for late payment of the fines or



1 failure to complete required traffic education programs,  
2 provided, however, that the total amount of the fine and  
3 penalty for any one violation shall not exceed \$250, except  
4 as provided in subsection (c) of Section 11-1301.3 of this  
5 Code.

6 (11) Other provisions as are necessary and proper to  
7 carry into effect the powers granted and purposes stated in  
8 this Section.

9 (c) Any municipality or county establishing vehicular  
10 standing, parking, compliance, automated speed enforcement  
11 system, or automated traffic law regulations under this Section  
12 may also provide by ordinance for a program of vehicle  
13 immobilization for the purpose of facilitating enforcement of  
14 those regulations. The program of vehicle immobilization shall  
15 provide for immobilizing any eligible vehicle upon the public  
16 way by presence of a restraint in a manner to prevent operation  
17 of the vehicle. Any ordinance establishing a program of vehicle  
18 immobilization under this Section shall provide:

19 (1) Criteria for the designation of vehicles eligible  
20 for immobilization. A vehicle shall be eligible for  
21 immobilization when the registered owner of the vehicle has  
22 accumulated the number of incomplete traffic education  
23 programs or unpaid final determinations of parking,  
24 standing, compliance, automated speed enforcement system,  
25 or automated traffic law violation liability, or both, as  
26 determined by ordinance.

1           (2) A notice of impending vehicle immobilization and a  
2           right to a hearing to challenge the validity of the notice  
3           by disproving liability for the incomplete traffic  
4           education programs or unpaid final determinations of  
5           parking, standing, compliance, automated speed enforcement  
6           system, or automated traffic law violation liability, or  
7           both, listed on the notice.

8           (3) The right to a prompt hearing after a vehicle has  
9           been immobilized or subsequently towed without the  
10          completion of the required traffic education program or  
11          payment of the outstanding fines and penalties on parking,  
12          standing, compliance, automated speed enforcement system,  
13          or automated traffic law violations, or both, for which  
14          final determinations have been issued. An order issued  
15          after the hearing is a final administrative decision within  
16          the meaning of Section 3-101 of the Code of Civil  
17          Procedure.

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

21          (d) Judicial review of final determinations of parking,  
22          standing, compliance, automated speed enforcement system, or  
23          automated traffic law violations and final administrative  
24          decisions issued after hearings regarding vehicle  
25          immobilization and impoundment made under this Section shall be  
26          subject to the provisions of the Administrative Review Law.

1           (e) Any fine, penalty, incomplete traffic education  
2 program, or part of any fine or any penalty remaining unpaid  
3 after the exhaustion of, or the failure to exhaust,  
4 administrative remedies created under this Section and the  
5 conclusion of any judicial review procedures shall be a debt  
6 due and owing the municipality or county and, as such, may be  
7 collected in accordance with applicable law. Completion of any  
8 required traffic education program and payment in full of any  
9 fine or penalty resulting from a standing, parking, compliance,  
10 automated speed enforcement system, or automated traffic law  
11 violation shall constitute a final disposition of that  
12 violation.

13           (f) After the expiration of the period within which  
14 judicial review may be sought for a final determination of  
15 parking, standing, compliance, automated speed enforcement  
16 system, or automated traffic law violation, the municipality or  
17 county may commence a proceeding in the Circuit Court for  
18 purposes of obtaining a judgment on the final determination of  
19 violation. Nothing in this Section shall prevent a municipality  
20 or county from consolidating multiple final determinations of  
21 parking, standing, compliance, automated speed enforcement  
22 system, or automated traffic law violations against a person in  
23 a proceeding. Upon commencement of the action, the municipality  
24 or county shall file a certified copy or record of the final  
25 determination of parking, standing, compliance, automated  
26 speed enforcement system, or automated traffic law violation,

1 which shall be accompanied by a certification that recites  
2 facts sufficient to show that the final determination of  
3 violation was issued in accordance with this Section and the  
4 applicable municipal or county ordinance. Service of the  
5 summons and a copy of the petition may be by any method  
6 provided by Section 2-203 of the Code of Civil Procedure or by  
7 certified mail, return receipt requested, provided that the  
8 total amount of fines and penalties for final determinations of  
9 parking, standing, compliance, automated speed enforcement  
10 system, or automated traffic law violations does not exceed  
11 \$2500. If the court is satisfied that the final determination  
12 of parking, standing, compliance, automated speed enforcement  
13 system, or automated traffic law violation was entered in  
14 accordance with the requirements of this Section and the  
15 applicable municipal or county ordinance, and that the  
16 registered owner or the lessee, as the case may be, had an  
17 opportunity for an administrative hearing and for judicial  
18 review as provided in this Section, the court shall render  
19 judgment in favor of the municipality or county and against the  
20 registered owner or the lessee for the amount indicated in the  
21 final determination of parking, standing, compliance,  
22 automated speed enforcement system, or automated traffic law  
23 violation, plus costs. The judgment shall have the same effect  
24 and may be enforced in the same manner as other judgments for  
25 the recovery of money.

26 (g) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

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

9 (Source: P.A. 101-32, eff. 6-28-19; revised 8-15-19.)

10 (625 ILCS 5/11-208.8)

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

13 (a) As used in this Section:

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

22 An automated speed enforcement system is a system, located  
23 in a safety zone which is under the jurisdiction of a  
24 municipality, that produces a recorded image of a motor  
25 vehicle's violation of a provision of this Code or a local

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

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

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

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

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

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

1 the safety zone also shall include the roadway extended to the  
2 furthest portion of the next furthest intersection. The term  
3 "safety zone" does not include any portion of the roadway known  
4 as Lake Shore Drive or any controlled access highway with 8 or  
5 more lanes of traffic.

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

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

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

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

1 (c) Notwithstanding any penalties for any other violations  
2 of this Code, the owner of a motor vehicle used in a traffic  
3 violation recorded by an automated speed enforcement system  
4 shall be subject to the following penalties:

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

10 (2) if the recorded speed is more than 10 miles per  
11 hour over the legal speed limit, a civil penalty not  
12 exceeding \$100, plus an additional penalty of not more than  
13 \$100 for failure to pay the original penalty in a timely  
14 manner.

15 A penalty may not be imposed under this Section if the  
16 driver of the motor vehicle received a Uniform Traffic Citation  
17 from a police officer for a speeding violation occurring within  
18 one-eighth of a mile and 15 minutes of the violation that was  
19 recorded by the system. A violation for which a civil penalty  
20 is imposed under this Section is not a violation of a traffic  
21 regulation governing the movement of vehicles and may not be  
22 recorded on the driving record of the owner of the vehicle. A  
23 law enforcement officer is not required to be present or to  
24 witness the violation. No penalty may be imposed under this  
25 Section if the recorded speed of a vehicle is 5 miles per hour  
26 or less over the legal speed limit. The municipality may send,



1 in the same manner that notices are sent under this Section, a  
2 speed violation warning notice where the violation involves a  
3 speed of 5 miles per hour or less above the legal speed limit.

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

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

16 (ii) initiatives to improve pedestrian and traffic  
17 safety;

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

21 (iv) after school programs.

22 (e) For each violation of a provision of this Code or a  
23 local ordinance recorded by an automated speed enforcement  
24 system, the municipality having jurisdiction shall issue a  
25 written notice of the violation to the registered owner of the  
26 vehicle as the alleged violator. The notice shall be delivered

1 to the registered owner of the vehicle, by mail, within 30 days  
2 after the Secretary of State notifies the municipality of the  
3 identity of the owner of the vehicle, but in no event later  
4 than 90 days after the violation.

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

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

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

11 (3) the violation charged;

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

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

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

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

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

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

25 (A) paying the fine; or

26 (B) challenging the charge in court, by mail, or by

1 administrative hearing; and

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

5 (g) If a person charged with a traffic violation, as a  
6 result of an automated speed enforcement system, does not pay  
7 the fine or successfully contest the civil penalty resulting  
8 from that violation, the Secretary of State shall suspend the  
9 driving privileges of the registered owner of the vehicle under  
10 Section 6-306.5 of this Code for failing to pay any fine or  
11 penalty due and owing, or both, as a result of ~~a combination of~~  
12 ~~5 violations of the automated speed enforcement system or the~~  
13 ~~automated traffic law under Section 11-208.6 of this Code.~~

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

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

1           (j) The court or hearing officer may consider in defense of  
2 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 or in the possession of the owner at the time of  
7 the violation;

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

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

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

22           (l) A roadway equipped with an automated speed enforcement  
23 system shall be posted with a sign conforming to the national  
24 Manual on Uniform Traffic Control Devices that is visible to  
25 approaching traffic stating that vehicle speeds are being  
26 photo-enforced and indicating the speed limit. The

1 municipality shall install such additional signage as it  
2 determines is necessary to give reasonable notice to drivers as  
3 to where automated speed enforcement systems are installed.

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

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

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

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

1 of the lessee. The drivers license number of a lessee may be  
2 subsequently individually requested by the appropriate  
3 authority if needed for enforcement of this Section.

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

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

13 (r) A municipality operating an automated speed  
14 enforcement system shall conduct a statistical analysis to  
15 assess the safety impact of the system. The statistical  
16 analysis shall be based upon the best available crash, traffic,  
17 and other data, and shall cover a period of time before and  
18 after installation of the system sufficient to provide a  
19 statistically valid comparison of safety impact. The  
20 statistical analysis shall be consistent with professional  
21 judgment and acceptable industry practice. The statistical  
22 analysis also shall be consistent with the data required for  
23 valid comparisons of before and after conditions and shall be  
24 conducted within a reasonable period following the  
25 installation of the automated traffic law enforcement system.  
26 The statistical analysis required by this subsection shall be

1 made available to the public and shall be published on the  
2 website of the municipality.

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

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

15 (Source: P.A. 101-395, eff. 8-16-19.)

16 (625 ILCS 5/11-208.6 rep.)

17 Section 10. The Illinois Vehicle Code is amended by  
18 repealing Section 11-208.6.

19 Section 90. The State Mandates Act is amended by adding  
20 Section 8.43 as follows:

21 (30 ILCS 805/8.43 new)

22 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
23 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of  
2 the 101st General Assembly.

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.