



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4617

Introduced 2/5/2020, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Provides that a contractor that provides equipment and services for automated law enforcement, automated speed enforcement, or automated railroad grade crossing enforcement systems to municipalities or counties or any political action committee created by such a contractor may not make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official in an aggregate value over \$500 in a calendar year. Amends the Illinois Vehicle Code. Provides that a municipality's or county's automated speed enforcement system or automated traffic law ordinance shall require that the determination to issue a citation be vested solely with the municipality or county and that such authority may not be delegated to any contractor retained by the municipality or county. Provides that any contract or agreement violating such a provision in the ordinance is null and void. Provides that signage at an intersection informing drivers of an automated traffic law enforcement system shall also inform drivers whether, following a stop, a right turn at the intersection is permitted or prohibited. Requires a statistical analysis of automated traffic law and speed enforcement systems every 3 years. Provides that no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a contractor that provides automated enforcement system equipment or services to municipalities or counties until 2 years immediately after the termination of municipal or county employment. Effective January 1, 2021.

LRB101 17681 HEP 67108 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 Election Code is amended by adding Section
5 9-50 as follows:

6 (10 ILCS 5/9-50 new)

7 Sec. 9-50. Contractor providing automated traffic systems;
8 contributions. A contractor that provides equipment and
9 services for automated law enforcement, automated speed
10 enforcement, or automated railroad grade crossing enforcement
11 systems to municipalities or counties or any political action
12 committee created by such a contractor may not make a campaign
13 contribution to any political committee established to promote
14 the candidacy of a candidate or public official in an aggregate
15 value over \$500 in a calendar year. An officer or agent of such
16 a contractor may not consent to any contribution or expenditure
17 that is prohibited by this Section. A candidate, political
18 committee, or other person may not knowingly accept or receive
19 any contribution prohibited by this Section. As used in this
20 Section, "automated law enforcement system", "automated speed
21 enforcement system", and "automated railroad grade crossing
22 enforcement system" have the meaning ascribed to those terms in
23 Article II of Chapter 11 of the Illinois Vehicle Code.

1 Section 10. The Illinois Vehicle Code is amended by
2 changing Sections 11-208.3, 11-208.6, 11-208.8, and 11-208.9
3 as follows:

4 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

1 or requiring the completion of a traffic education program, or
2 both, that occur after the effective date of the ordinance
3 adopting such a system under this Section. For purposes of this
4 Section, "compliance violation" means a violation of a
5 municipal or county regulation governing the condition or use
6 of equipment on a vehicle or governing the display of a
7 municipal or county wheel tax license.

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

10 (1) A traffic compliance administrator authorized to
11 adopt, distribute and process parking, compliance, and
12 automated speed enforcement system or automated traffic
13 law violation notices and other notices required by this
14 Section, collect money paid as fines and penalties for
15 violation of parking and compliance ordinances and
16 automated speed enforcement system or automated traffic
17 law violations, and operate an administrative adjudication
18 system. The traffic compliance administrator also may make
19 a certified report to the Secretary of State under Section
20 6-306.5.

21 (2) A parking, standing, compliance, automated speed
22 enforcement system, or automated traffic law violation
23 notice that shall specify or include the date, time, and
24 place of violation of a parking, standing, compliance,
25 automated speed enforcement system, or automated traffic
26 law regulation; the particular regulation violated; any

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

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

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

1 the municipality or county issuing the violation. In
2 municipalities with a population of 1,000,000 or more
3 inhabitants and counties with a population of 3,000,000 or
4 more inhabitants, the automated traffic law ordinance
5 shall require that all determinations by a technician that
6 a motor vehicle was being operated in violation of Section
7 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
8 be reviewed and approved by a law enforcement officer or
9 retired law enforcement officer of the municipality or
10 county issuing the violation or by an additional
11 fully-trained reviewing technician who is not employed by
12 the contractor who employs the technician who made the
13 initial determination. In the case of an automated speed
14 enforcement system violation, the ordinance shall require
15 a determination by a technician employed by the
16 municipality, based upon an inspection of recorded images,
17 video or other documentation, including documentation of
18 the speed limit and automated speed enforcement signage,
19 and documentation of the inspection, calibration, and
20 certification of the speed equipment, that the vehicle was
21 being operated in violation of Article VI of Chapter 11 of
22 this Code or a similar local ordinance. If the technician
23 determines that the vehicle speed was not determined by a
24 calibrated, certified speed equipment device based upon
25 the speed equipment documentation, or if the vehicle was an
26 emergency vehicle, a citation may not be issued. The

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

1 checked by a qualified technician and determined to be
2 functioning properly. Documentation of the annual
3 calibration results, including the equipment tested, test
4 date, technician performing the test, and test results,
5 shall be maintained and available for use in the
6 determination of an automated speed enforcement system
7 violation and issuance of a citation. The technician
8 performing the calibration and testing of the automated
9 speed enforcement equipment shall be trained and certified
10 in the use of equipment for speed enforcement purposes.
11 Training on the speed enforcement equipment may be
12 conducted by law enforcement, civilian, or manufacturer's
13 personnel and if applicable may be equivalent to the
14 equipment use and operations training included in the Speed
15 Measuring Device Operator Program developed by the
16 National Highway Traffic Safety Administration (NHTSA).
17 The vendor or technician who performs the work shall keep
18 accurate records on each piece of equipment the technician
19 calibrates and tests. As used in this paragraph,
20 "fully-trained reviewing technician" means a person who
21 has received at least 40 hours of supervised training in
22 subjects which shall include image inspection and
23 interpretation, the elements necessary to prove a
24 violation, license plate identification, and traffic
25 safety and management. In all municipalities and counties,
26 the automated speed enforcement system or automated

1 traffic law ordinance shall require that no additional fee
2 shall be charged to the alleged violator for exercising his
3 or her right to an administrative hearing, and persons
4 shall be given at least 25 days following an administrative
5 hearing to pay any civil penalty imposed by a finding that
6 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
7 similar local ordinance has been violated. The original or
8 a facsimile of the violation notice or, in the case of a
9 notice produced by a computerized device, a printed record
10 generated by the device showing the facts entered on the
11 notice, shall be retained by the traffic compliance
12 administrator, and shall be a record kept in the ordinary
13 course of business. A parking, standing, compliance,
14 automated speed enforcement system, or automated traffic
15 law violation notice issued, signed and served in
16 accordance with this Section, a copy of the notice, or the
17 computer generated record shall be prima facie correct and
18 shall be prima facie evidence of the correctness of the
19 facts shown on the notice. The notice, copy, or computer
20 generated record shall be admissible in any subsequent
21 administrative or legal proceedings.

22 (4) An opportunity for a hearing for the registered
23 owner of the vehicle cited in the parking, standing,
24 compliance, automated speed enforcement system, or
25 automated traffic law violation notice in which the owner
26 may contest the merits of the alleged violation, and during

1 which formal or technical rules of evidence shall not
2 apply; provided, however, that under Section 11-1306 of
3 this Code the lessee of a vehicle cited in the violation
4 notice likewise shall be provided an opportunity for a
5 hearing of the same kind afforded the registered owner. The
6 hearings shall be recorded, and the person conducting the
7 hearing on behalf of the traffic compliance administrator
8 shall be empowered to administer oaths and to secure by
9 subpoena both the attendance and testimony of witnesses and
10 the production of relevant books and papers. Persons
11 appearing at a hearing under this Section may be
12 represented by counsel at their expense. The ordinance may
13 also provide for internal administrative review following
14 the decision of the hearing officer.

15 (5) Service of additional notices, sent by first class
16 United States mail, postage prepaid, to the address of the
17 registered owner of the cited vehicle as recorded with the
18 Secretary of State or, if any notice to that address is
19 returned as undeliverable, to the last known address
20 recorded in a United States Post Office approved database,
21 or, under Section 11-1306 or subsection (p) of Section
22 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
23 of this Code, to the lessee of the cited vehicle at the
24 last address known to the lessor of the cited vehicle at
25 the time of lease or, if any notice to that address is
26 returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database.
2 The service shall be deemed complete as of the date of
3 deposit in the United States mail. The notices shall be in
4 the following sequence and shall include but not be limited
5 to the information specified herein:

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

1 specified, will result in a final determination of
2 violation liability for the cited violation in the
3 amount of the fine or penalty indicated, and that, upon
4 the occurrence of a final determination of violation
5 liability for the failure, and the exhaustion of, or
6 failure to exhaust, available administrative or
7 judicial procedures for review, any incomplete traffic
8 education program or any unpaid fine or penalty, or
9 both, will constitute a debt due and owing the
10 municipality or county.

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

1 filing of a petition in the Circuit Court to have the
2 incomplete traffic education program or unpaid fine or
3 penalty, or both, rendered a judgment as provided by
4 this Section, or may result in suspension of the
5 person's drivers license for failure to complete a
6 traffic education program or to pay fines or penalties,
7 or both, for 10 or more parking violations under
8 Section 6-306.5, or a combination of 5 or more
9 automated traffic law violations under Section
10 11-208.6 or 11-208.9 or automated speed enforcement
11 system violations under Section 11-208.8.

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

1 self addressed, stamped envelope to the municipality or
2 county along with a request for the photostatic copy. The
3 notice of impending drivers license suspension shall be
4 sent by first class United States mail, postage prepaid, to
5 the address recorded with the Secretary of State or, if any
6 notice to that address is returned as undeliverable, to the
7 last known address recorded in a United States Post Office
8 approved database.

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

23 (8) A petition to set aside a determination of parking,
24 standing, compliance, automated speed enforcement system,
25 or automated traffic law violation liability that may be
26 filed by a person owing an unpaid fine or penalty. A

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

22 (9) Procedures for non-residents. Procedures by which
23 persons who are not residents of the municipality or county
24 may contest the merits of the alleged violation without
25 attending a hearing.

26 (10) A schedule of civil fines for violations of

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

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

13 (b-5) An automated speed enforcement system or automated
14 traffic law ordinance adopted under this Section by a
15 municipality or county shall require that the determination to
16 issue a citation be vested solely with the municipality or
17 county and that such authority may not be delegated to any
18 contractor retained by the municipality or county. Any contract
19 or agreement violating such a provision in the ordinance is
20 null and void.

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

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

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

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

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

1 after the hearing is a final administrative decision within
2 the meaning of Section 3-101 of the Code of Civil
3 Procedure.

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

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

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

25 (f) After the expiration of the period within which
26 judicial review may be sought for a final determination of

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

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

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

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

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

22 (625 ILCS 5/11-208.6)

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

24 (a) As used in this Section, "automated traffic law
25 enforcement system" means a device with one or more motor

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

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

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

15 (1) 2 or more photographs;

16 (2) 2 or more microphotographs;

17 (3) 2 or more electronic images; or

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

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

1 Internet.

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

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

24 (c-6) A county, or a municipality with less than 2,000,000
25 inhabitants, including a home rule county or municipality, may
26 not use an automated traffic law enforcement system to issue

1 violations in instances where a motorcyclist enters an
2 intersection against a red signal indication when the red
3 signal fails to change to a green signal within a reasonable
4 period of time not less than 120 seconds because of a signal
5 malfunction or because the signal has failed to detect the
6 arrival of the motorcycle due to the motorcycle's size or
7 weight.

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

18 The notice shall include:

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

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

23 (3) the violation charged;

24 (4) the location where the violation occurred;

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

26 (6) a copy of the recorded images;

1 (7) the amount of the civil penalty imposed and the
2 requirements of any traffic education program imposed and
3 the date by which the civil penalty should be paid and the
4 traffic education program should be completed;

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

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

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

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

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

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

21 (e) If a person charged with a traffic violation, as a
22 result of an automated traffic law enforcement system, does not
23 pay the fine or complete a required traffic education program,
24 or both, or successfully contest the civil penalty resulting
25 from that violation, the Secretary of State shall suspend the
26 driving privileges of the registered owner of the vehicle under

1 Section 6-306.5 of this Code for failing to complete a required
2 traffic education program or to pay any fine or penalty due and
3 owing, or both, as a result of a combination of 5 violations of
4 the automated traffic law enforcement system or the automated
5 speed enforcement system under Section 11-208.8 of this Code.

6 (f) Based on inspection of recorded images produced by an
7 automated traffic law enforcement system, a notice alleging
8 that the violation occurred shall be evidence of the facts
9 contained in the notice and admissible in any proceeding
10 alleging a violation under this Section.

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

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

21 (1) that the motor vehicle or registration plates or
22 digital registration plates of the motor vehicle were
23 stolen before the violation occurred and not under the
24 control of or in the possession of the owner at the time of
25 the violation;

26 (2) that the driver of the vehicle passed through the

1 intersection when the light was red either (i) in order to
2 yield the right-of-way to an emergency vehicle or (ii) as
3 part of a funeral procession; and

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

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

13 (j) Unless the driver of the motor vehicle received a
14 Uniform Traffic Citation from a police officer at the time of
15 the violation, the motor vehicle owner is subject to a civil
16 penalty not exceeding \$100 or the completion of a traffic
17 education program, or both, plus an additional penalty of not
18 more than \$100 for failure to pay the original penalty or to
19 complete a required traffic education program, or both, in a
20 timely manner, if the motor vehicle is recorded by an automated
21 traffic law enforcement system. A violation for which a civil
22 penalty is imposed under this Section is not a violation of a
23 traffic regulation governing the movement of vehicles and may
24 not be recorded on the driving record of the owner of the
25 vehicle.

26 (j-3) A registered owner who is a holder of a valid

1 commercial driver's license is not required to complete a
2 traffic education program.

3 (j-5) For purposes of the required traffic education
4 program only, a registered owner may submit an affidavit to the
5 court or hearing officer swearing that at the time of the
6 alleged violation, the vehicle was in the custody and control
7 of another person. The affidavit must identify the person in
8 custody and control of the vehicle, including the person's name
9 and current address. The person in custody and control of the
10 vehicle at the time of the violation is required to complete
11 the required traffic education program. If the person in
12 custody and control of the vehicle at the time of the violation
13 completes the required traffic education program, the
14 registered owner of the vehicle is not required to complete a
15 traffic education program.

16 (k) An intersection equipped with an automated traffic law
17 enforcement system must be posted with a sign visible to
18 approaching traffic indicating that the intersection is being
19 monitored by an automated traffic law enforcement system and
20 informing drivers whether, following a stop, a right turn at
21 the intersection is permitted or prohibited.

22 (k-3) A municipality or county that has one or more
23 intersections equipped with an automated traffic law
24 enforcement system must provide notice to drivers by posting
25 the locations of automated traffic law systems on the
26 municipality or county website.

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

6 (k-7) A municipality or county operating an automated
7 traffic law enforcement system shall conduct a statistical
8 analysis to assess the safety impact of each automated traffic
9 law enforcement system at an intersection following
10 installation of the system and every 3 years thereafter. Each
11 ~~The~~ statistical analysis shall be based upon the best available
12 crash, traffic, and other data, and shall cover a period of
13 time before and after installation of the system sufficient to
14 provide a statistically valid comparison of safety impact. Each
15 ~~The~~ statistical analysis shall be consistent with professional
16 judgment and acceptable industry practice. The statistical
17 analysis also shall be consistent with the data required for
18 valid comparisons of before and after conditions and shall be
19 conducted within a reasonable period following the
20 installation of the automated traffic law enforcement system.
21 Each ~~The~~ statistical analysis required by this subsection (k-7)
22 shall be made available to the public and shall be published on
23 the website of the municipality or county. If a ~~the~~ statistical
24 analysis ~~for the 36 month period following installation of the~~
25 ~~system~~ indicates that there has been an increase in the rate of
26 accidents at the approach to the intersection monitored by the

1 system, the municipality or county shall undertake additional
2 studies to determine the cause and severity of the accidents,
3 and may take any action that it determines is necessary or
4 appropriate to reduce the number or severity of the accidents
5 at that intersection.

6 (k-8) Any municipality or county operating an automated
7 traffic law enforcement system before the effective date of
8 this amendatory Act of the 101st General Assembly shall conduct
9 a statistical analysis to assess the safety impact of each
10 automated traffic law enforcement system at an intersection by
11 no later than one year after the effective date of this
12 amendatory Act of the 101st General Assembly and every 3 years
13 thereafter. The statistical analyses shall be based upon the
14 best available crash, traffic, and other data, and shall cover
15 a period of time before and after installation of the system
16 sufficient to provide a statistically valid comparison of
17 safety impact. The statistical analyses shall be consistent
18 with professional judgment and acceptable industry practice.
19 The statistical analyses also shall be consistent with the data
20 required for valid comparisons of before and after conditions.
21 The statistical analyses required by this subsection shall be
22 made available to the public and shall be published on the
23 website of the municipality or county. If the statistical
24 analysis for any period following installation of the system
25 indicates that there has been an increase in the rate of
26 accidents at the approach to the intersection monitored by the

1 system, the municipality or county shall undertake additional
2 studies to determine the cause and severity of the accidents,
3 and may take any action that it determines is necessary or
4 appropriate to reduce the number or severity of the accidents
5 at that intersection.

6 (l) The compensation paid for an automated traffic law
7 enforcement system must be based on the value of the equipment
8 or the services provided and may not be based on the number of
9 traffic citations issued or the revenue generated by the
10 system.

11 (l-1) No officer or employee of a municipality or county
12 shall knowingly accept employment or receive compensation or
13 fees for services from a contractor that provides automated law
14 enforcement system equipment or services to municipalities or
15 counties. No former officer or employee of a municipality or
16 county shall, within a period of 2 years immediately after the
17 termination of municipal or county employment, knowingly
18 accept employment or receive compensation or fees for services
19 from a contractor that provides automated law enforcement
20 system equipment or services to municipalities or counties.

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

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

26 A low-income individual required to complete a traffic

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

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

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

23 Upon the provision of information by the lessor pursuant to
24 this subsection, the county or municipality may issue the
25 violation to the lessee of the vehicle in the same manner as it
26 would issue a violation to a registered owner of a vehicle

1 pursuant to this Section, and the lessee may be held liable for
2 the violation.

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

4 (625 ILCS 5/11-208.8)

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

7 (a) As used in this Section:

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

16 An automated speed enforcement system is a system, located
17 in a safety zone which is under the jurisdiction of a
18 municipality, that produces a recorded image of a motor
19 vehicle's violation of a provision of this Code or a local
20 ordinance and is designed to obtain a clear recorded image of
21 the vehicle and the vehicle's license plate. The recorded image
22 must also display the time, date, and location of the
23 violation.

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

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

3 (1) 2 or more photographs;

4 (2) 2 or more microphotographs;

5 (3) 2 or more electronic images; or

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

10 "Safety zone" means an area that is within one-eighth of a
11 mile from the nearest property line of any public or private
12 elementary or secondary school, or from the nearest property
13 line of any facility, area, or land owned by a school district
14 that is used for educational purposes approved by the Illinois
15 State Board of Education, not including school district
16 headquarters or administrative buildings. A safety zone also
17 includes an area that is within one-eighth of a mile from the
18 nearest property line of any facility, area, or land owned by a
19 park district used for recreational purposes. However, if any
20 portion of a roadway is within either one-eighth mile radius,
21 the safety zone also shall include the roadway extended to the
22 furthest portion of the next furthest intersection. The term
23 "safety zone" does not include any portion of the roadway known
24 as Lake Shore Drive or any controlled access highway with 8 or
25 more lanes of traffic.

26 (a-5) The automated speed enforcement system shall be

1 operational and violations shall be recorded only at the
2 following times:

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

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

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

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

25 (1) if the recorded speed is no less than 6 miles per
26 hour and no more than 10 miles per hour over the legal

1 speed limit, a civil penalty not exceeding \$50, plus an
2 additional penalty of not more than \$50 for failure to pay
3 the original penalty in a timely manner; or

4 (2) if the recorded speed is more than 10 miles per
5 hour over the legal speed limit, a civil penalty not
6 exceeding \$100, plus an additional penalty of not more than
7 \$100 for failure to pay the original penalty in a timely
8 manner.

9 A penalty may not be imposed under this Section if the
10 driver of the motor vehicle received a Uniform Traffic Citation
11 from a police officer for a speeding violation occurring within
12 one-eighth of a mile and 15 minutes of the violation that was
13 recorded by the system. A violation for which a civil penalty
14 is 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. A
17 law enforcement officer is not required to be present or to
18 witness the violation. No penalty may be imposed under this
19 Section if the recorded speed of a vehicle is 5 miles per hour
20 or less over the legal speed limit. The municipality may send,
21 in the same manner that notices are sent under this Section, a
22 speed violation warning notice where the violation involves a
23 speed of 5 miles per hour or less above the legal speed limit.

24 (d) The net proceeds that a municipality receives from
25 civil penalties imposed under an automated speed enforcement
26 system, after deducting all non-personnel and personnel costs

1 associated with the operation and maintenance of such system,
2 shall be expended or obligated by the municipality for the
3 following purposes:

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

10 (ii) initiatives to improve pedestrian and traffic
11 safety;

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

15 (iv) after school programs.

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

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

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

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

5 (3) the violation charged;

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

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

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

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

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

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

19 (A) paying the fine; or

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

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

25 (g) If a person charged with a traffic violation, as a
26 result of an automated speed enforcement system, does not pay

1 the fine or successfully contest the civil penalty resulting
2 from that violation, the Secretary of State shall suspend the
3 driving privileges of the registered owner of the vehicle under
4 Section 6-306.5 of this Code for failing to pay any fine or
5 penalty due and owing, or both, as a result of a combination of
6 5 violations of the automated speed enforcement system or the
7 automated traffic law under Section 11-208.6 of this Code.

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

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

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

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

1 the violation;

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

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

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

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

24 (m) A roadway where a new automated speed enforcement
25 system is installed shall be posted with signs providing 30
26 days notice of the use of a new automated speed enforcement

1 system prior to the issuance of any citations through the
2 automated speed enforcement system.

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

8 (n-1) No officer or employee of a municipality or county
9 shall knowingly accept employment or receive compensation or
10 fees for services from a contractor that provides automated
11 speed enforcement system equipment or services to
12 municipalities. No former officer or employee of a municipality
13 or county shall, within a period of 2 years immediately after
14 termination of municipal or county employment, knowingly
15 accept employment or receive compensation or fees for services
16 from a contractor that provides automated speed enforcement
17 system equipment or services to municipalities.

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

24 (p) No person who is the lessor of a motor vehicle pursuant
25 to a written lease agreement shall be liable for an automated
26 speed or traffic law enforcement system violation involving

1 such motor vehicle during the period of the lease; provided
2 that upon the request of the appropriate authority received
3 within 120 days after the violation occurred, the lessor
4 provides within 60 days after such receipt the name and address
5 of the lessee. The drivers license number of a lessee may be
6 subsequently individually requested by the appropriate
7 authority if needed for enforcement of this Section.

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

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

17 (r) A municipality operating an automated speed
18 enforcement system shall conduct a statistical analysis to
19 assess the safety impact of the system following installation
20 of the system and every 3 years thereafter. A municipality
21 operating an automated speed enforcement system before the
22 effective date of this amendatory Act of the 101st General
23 Assembly shall conduct a statistical analysis to assess the
24 safety impact of the system by no later than one year after the
25 effective date of this amendatory Act of the 101st General
26 Assembly and every 3 years thereafter. Each ~~The~~ statistical

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

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

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

17 (625 ILCS 5/11-208.9)

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

20 (a) As used in this Section, "automated traffic law
21 enforcement system" means a device with one or more motor
22 vehicle sensors working in conjunction with the visual signals
23 on a school bus, as specified in Sections 12-803 and 12-805 of
24 this Code, to produce recorded images of motor vehicles that
25 fail to stop before meeting or overtaking, from either

1 direction, any school bus stopped at any location for the
2 purpose of receiving or discharging pupils in violation of
3 Section 11-1414 of this Code or a similar provision of a local
4 ordinance.

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

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

- 14 (1) 2 or more photographs;
15 (2) 2 or more microphotographs;
16 (3) 2 or more electronic images; or
17 (4) a video recording showing the motor vehicle and, on
18 at least one image or portion of the recording, clearly
19 identifying the registration plate or digital registration
20 plate number of the motor vehicle.

21 (c) A municipality or county that produces a recorded image
22 of a 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 (d) For each violation of a provision of this Code or a
2 local ordinance recorded by an automated traffic law
3 enforcement system, the county or municipality having
4 jurisdiction shall issue a written notice of the violation to
5 the registered owner of the vehicle as the alleged violator.
6 The notice shall be delivered to the registered owner of the
7 vehicle, by mail, within 30 days after the Secretary of State
8 notifies the municipality or county of the identity of the
9 owner of the vehicle, but in no event later than 90 days after
10 the violation.

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

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

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

16 (3) the violation charged;

17 (4) the location where the violation occurred;

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

19 (6) a copy of the recorded images;

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

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

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

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

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

5 (A) paying the fine; or

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

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 (g-1) No officer or employee of a municipality or county

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

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

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

21 (1) that the motor vehicle or registration plates or
22 digital registration plates of the motor vehicle were
23 stolen before the violation occurred and not under the
24 control of or in the possession of the owner at the time of
25 the violation;

26 (2) that the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer for a
2 violation of Section 11-1414 of this Code within one-eighth
3 of a mile and 15 minutes of the violation that was recorded
4 by the system;

5 (3) that the visual signals required by Sections 12-803
6 and 12-805 of this Code were damaged, not activated, not
7 present in violation of Sections 12-803 and 12-805, or
8 inoperable; and

9 (4) any other evidence or issues provided by municipal
10 or county ordinance.

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

18 (k) Unless the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer at the time of
20 the violation, the motor vehicle owner is subject to a civil
21 penalty not exceeding \$150 for a first time violation or \$500
22 for a second or subsequent violation, plus an additional
23 penalty of not more than \$100 for failure to pay the original
24 penalty in a timely manner, if the motor vehicle is recorded by
25 an automated traffic law enforcement system. A violation for
26 which a civil penalty is imposed under this Section is not a

1 violation of a traffic regulation governing the movement of
2 vehicles and may not be recorded on the driving record of the
3 owner of the vehicle, but may be recorded by the municipality
4 or county for the purpose of determining if a person is subject
5 to the higher fine for a second or subsequent offense.

6 (l) A school bus equipped with an automated traffic law
7 enforcement system must be posted with a sign indicating that
8 the school bus is being monitored by an automated traffic law
9 enforcement system.

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

19 (n) A municipality or county operating an automated traffic
20 law enforcement system shall conduct a statistical analysis to
21 assess the safety impact in each school district using school
22 buses equipped with an automated traffic law enforcement system
23 following installation of the system and every 3 years
24 thereafter. A municipality or county operating an automated
25 speed enforcement system before the effective date of this
26 amendatory Act of the 101st General Assembly shall conduct a

1 statistical analysis to assess the safety impact of the system
2 by no later than one year after the effective date of this
3 amendatory Act of the 101st General Assembly and every 3 years
4 thereafter. Each ~~The~~ statistical analysis shall be based upon
5 the best available crash, traffic, and other data, and shall
6 cover a period of time before and after installation of the
7 system sufficient to provide a statistically valid comparison
8 of safety impact. Each ~~The~~ statistical analysis shall be
9 consistent with professional judgment and acceptable industry
10 practice. Each ~~The~~ statistical analysis also shall be
11 consistent with the data required for valid comparisons of
12 before and after conditions and shall be conducted within a
13 reasonable period following the installation of the automated
14 traffic law enforcement system. Each ~~The~~ statistical analysis
15 required by this subsection shall be made available to the
16 public and shall be published on the website of the
17 municipality or county. If a ~~the~~ statistical analysis ~~for the~~
18 ~~36 month period following installation of the system~~ indicates
19 that there has been an increase in the rate of accidents at the
20 approach to school buses monitored by the system, the
21 municipality or county shall undertake additional studies to
22 determine the cause and severity of the accidents, and may take
23 any action that it determines is necessary or appropriate to
24 reduce the number or severity of the accidents involving school
25 buses equipped with an automated traffic law enforcement
26 system.

1 (o) The compensation paid for an automated traffic law
2 enforcement system must be based on the value of the equipment
3 or the services provided and may not be based on the number of
4 traffic citations issued or the revenue generated by the
5 system.

6 (o-1) No officer or employee of a municipality or county
7 shall knowingly accept employment or receive compensation or
8 fees for services from a contractor that provides automated law
9 enforcement system equipment or services to municipalities or
10 counties. No former officer or employee of a municipality or
11 county shall, within a period of 2 years immediately after
12 termination of municipal or county employment, knowingly
13 accept employment or receive compensation or fees for services
14 from a contractor that provides automated law enforcement
15 system equipment or services to municipalities or counties.

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

26 Upon the provision of information by the lessor pursuant to

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

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

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

1 system. The proceeds from a school district's automated traffic
2 law enforcement system's fines shall be divided equally between
3 the school district and the municipality or county
4 administering the automated traffic law enforcement system.
5 (Source: P.A. 101-395, eff. 8-16-19.)

6 Section 99. Effective date. This Act takes effect January
7 1, 2021.

1

INDEX

2

Statutes amended in order of appearance

3

10 ILCS 5/9-50 new

4

625 ILCS 5/11-208.3

from Ch. 95 1/2, par. 11-208.3

5

625 ILCS 5/11-208.6

6

625 ILCS 5/11-208.8

7

625 ILCS 5/11-208.9