



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4671**

Introduced 2/18/2020, by Rep. Aaron M. Ortiz

#### 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 805/8.45 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 traffic law 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.

LRB101 19395 HEP 68867 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 (Text of Section before amendment by P.A. 101-623)

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

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

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

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

1 (c) The report of the appropriate municipal or county  
2 official notifying the Secretary of State of unpaid fines or  
3 penalties pursuant to this Section shall be certified and shall  
4 contain the following:

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

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

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

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

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

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

25 (e) Any municipality or county making a certified report to  
26 the Secretary of State pursuant to this Section shall also by



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

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

1 violations after exhaustion of judicial review procedures, but  
2 only if:

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

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

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

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

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

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

1 such a hearing.

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

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

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

8 (Text of Section after amendment by P.A. 101-623)

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 has failed to  
16 pay any fine or penalty due and owing as a result of 5 offenses  
17 for automated speed enforcement system violations or automated  
18 traffic violations as defined in Section ~~Sections 11-208.6,~~  
19 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or  
20 (3) is more than 14 days in default of a payment plan pursuant  
21 to which a suspension had been terminated under subsection (c)  
22 of this Section, the Secretary of State shall suspend the  
23 driving privileges of such person in accordance with the  
24 procedures set forth in this Section. The Secretary shall also  
25 suspend the driving privileges of an owner of a registered

1 vehicle upon receipt of a certified report, as prescribed by  
2 subsection (f) of this Section, from any municipality or county  
3 stating that such person has failed to satisfy any fines or  
4 penalties imposed by final judgments for 5 or more automated  
5 speed enforcement system or automated traffic law violations,  
6 or combination thereof, after exhaustion of judicial review  
7 procedures.

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

21 (c) The report of the appropriate municipal or county  
22 official notifying the Secretary of State of unpaid fines or  
23 penalties pursuant to this Section shall be certified and shall  
24 contain the following:

25 (1) The name, last known address as recorded with the  
26 Secretary of State, as provided by the lessor of the cited

1 vehicle at the time of lease, or as recorded in a United  
2 States Post Office approved database if any notice sent  
3 under Section 11-208.3 of this Code is returned as  
4 undeliverable, and drivers license number of the person who  
5 failed to pay the fine or penalty or who has defaulted in a  
6 payment plan and the registration number of any vehicle  
7 known to be registered to such person in this State.

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

10 (3) A statement that the municipality or county sent a  
11 notice of impending drivers license suspension as  
12 prescribed by ordinance enacted pursuant to Section  
13 11-208.3 of this Code or a notice of default in a payment  
14 plan, to the person named in the report at the address  
15 recorded with the Secretary of State or at the last address  
16 known to the lessor of the cited vehicle at the time of  
17 lease or, if any notice sent under Section 11-208.3 of this  
18 Code is returned as undeliverable, at the last known  
19 address recorded in a United States Post Office approved  
20 database; the date on which such notice was sent; and the  
21 address to which such notice was sent. In a municipality or  
22 county with a population of 1,000,000 or more, the report  
23 shall also include a statement that the alleged violator's  
24 State vehicle registration number and vehicle make, if  
25 specified on the automated speed enforcement system  
26 violation or automated traffic law violation notice, are

1 correct as they appear on the citations.

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

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

19 (e) Any municipality or county making a certified report to  
20 the Secretary of State pursuant to this Section shall also by  
21 ordinance establish procedures for persons to challenge the  
22 accuracy of the certified report. The ordinance shall also  
23 state the grounds for such a challenge, which may be limited to  
24 (1) the person not having been the owner or lessee of the  
25 vehicle or vehicles receiving a combination of 5 or more  
26 automated speed enforcement system or automated traffic law

1 violations on the date or dates such notices were issued; and  
2 (2) the person having already paid the fine or penalty for the  
3 combination of 5 or more automated speed enforcement system or  
4 automated traffic law violations indicated on the certified  
5 report.

6 (f) Any municipality or county, other than a municipality  
7 or county establishing automated speed enforcement system  
8 regulations under Section 11-208.8, or automated traffic law  
9 regulations under Section ~~11-208.6~~, 11-208.9~~7~~ or 11-1201.1,  
10 may also cause a suspension of a person's drivers license  
11 pursuant to this Section. Such municipality or county may  
12 invoke this sanction by making a certified report to the  
13 Secretary of State upon a person's failure to satisfy any fine  
14 or penalty imposed by final judgment for a combination of 5 or  
15 more automated speed enforcement system or automated traffic  
16 law violations after exhaustion of judicial review procedures,  
17 but only if:

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

21 (2) the municipality or county has sent a notice of  
22 impending drivers license suspension as prescribed by an  
23 ordinance enacted pursuant to subsection (g) of this  
24 Section; and

25 (3) in municipalities or counties with a population of  
26 1,000,000 or more, the municipality or county has verified



1           that the alleged violator's State vehicle registration  
2           number and vehicle make are correct as they appear on the  
3           citations.

4           (g) Any municipality or county, other than a municipality  
5           or county establishing automated speed enforcement system  
6           regulations under Section 11-208.8, or automated traffic law  
7           regulations under Section ~~11-208.6~~, 11-208.9~~7~~ or 11-1201.1,  
8           may provide by ordinance for the sending of a notice of  
9           impending drivers license suspension to the person who has  
10          failed to satisfy any fine or penalty imposed by final judgment  
11          for a combination of 5 or more automated speed enforcement  
12          system or automated traffic law violations after exhaustion of  
13          judicial review procedures. An ordinance so providing shall  
14          specify that the notice sent to the person liable for any fine  
15          or penalty shall state that failure to pay the fine or penalty  
16          owing within 45 days of the notice's date will result in the  
17          municipality or county notifying the Secretary of State that  
18          the person's drivers license is eligible for suspension  
19          pursuant to this Section. The notice of impending drivers  
20          license suspension shall be sent by first class United States  
21          mail, postage prepaid, to the address recorded with the  
22          Secretary of State or at the last address known to the lessor  
23          of the cited vehicle at the time of lease or, if any notice  
24          sent under Section 11-208.3 of this Code is returned as  
25          undeliverable, to the last known address recorded in a United  
26          States Post Office approved database.

1 (h) An administrative hearing to contest an impending  
2 suspension or a suspension made pursuant to this Section may be  
3 had upon filing a written request with the Secretary of State.  
4 The filing fee for this hearing shall be \$20, to be paid at the  
5 time the request is made. A municipality or county which files  
6 a certified report with the Secretary of State pursuant to this  
7 Section shall reimburse the Secretary for all reasonable costs  
8 incurred by the Secretary as a result of the filing of the  
9 report, including but not limited to the costs of providing the  
10 notice required pursuant to subsection (b) and the costs  
11 incurred by the Secretary in any hearing conducted with respect  
12 to the report pursuant to this subsection and any appeal from  
13 such a hearing.

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

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

18 (Source: P.A. 101-623, eff. 7-1-20.)

19 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

25 1. Regulating the standing or parking of vehicles,

1           except as limited by Sections 11-1306 and 11-1307 of this  
2           Act;

3           2. Regulating traffic by means of police officers or  
4           traffic control signals;

5           3. Regulating or prohibiting processions or  
6           assemblages on the highways; and certifying persons to  
7           control traffic for processions or assemblages;

8           4. Designating particular highways as one-way highways  
9           and requiring that all vehicles thereon be moved in one  
10          specific direction;

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

13          6. Designating any highway as a through highway, as  
14          authorized in Section 11-302, and requiring that all  
15          vehicles stop before entering or crossing the same or  
16          designating any intersection as a stop intersection or a  
17          yield right-of-way intersection and requiring all vehicles  
18          to stop or yield the right-of-way at one or more entrances  
19          to such intersections;

20          7. Restricting the use of highways as authorized in  
21          Chapter 15;

22          8. Regulating the operation of mobile carrying  
23          devices, bicycles, low-speed electric bicycles, and  
24          low-speed gas bicycles, and requiring the registration and  
25          licensing of same, including the requirement of a  
26          registration fee;

1           9. Regulating or prohibiting the turning of vehicles or  
2 specified types of vehicles at intersections;

3           10. Altering the speed limits as authorized in Section  
4 11-604;

5           11. Prohibiting U-turns;

6           12. Prohibiting pedestrian crossings at other than  
7 designated and marked crosswalks or at intersections;

8           13. Prohibiting parking during snow removal operation;

9           14. Imposing fines in accordance with Section  
10 11-1301.3 as penalties for use of any parking place  
11 reserved for persons with disabilities, as defined by  
12 Section 1-159.1, or veterans with disabilities by any  
13 person using a motor vehicle not bearing registration  
14 plates specified in Section 11-1301.1 or a special decal or  
15 device as defined in Section 11-1301.2 as evidence that the  
16 vehicle is operated by or for a person with disabilities or  
17 a veteran with a disability;

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

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

22           (b) No ordinance or regulation enacted under paragraph 1,  
23 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be effective  
24 until signs giving reasonable notice of such local traffic  
25 regulations are posted.

26           (c) The provisions of this Code shall not prevent any

1 municipality having a population of 500,000 or more inhabitants  
2 from prohibiting any person from driving or operating any motor  
3 vehicle upon the roadways of such municipality with headlamps  
4 on high beam or bright.

5 (d) The provisions of this Code shall not be deemed to  
6 prevent local authorities within the reasonable exercise of  
7 their police power from prohibiting, on private property, the  
8 unauthorized use of parking spaces reserved for persons with  
9 disabilities.

10 (e) No unit of local government, including a home rule  
11 unit, may enact or enforce an ordinance that applies only to  
12 motorcycles if the principal purpose for that ordinance is to  
13 restrict the access of motorcycles to any highway or portion of  
14 a highway for which federal or State funds have been used for  
15 the planning, design, construction, or maintenance of that  
16 highway. No unit of local government, including a home rule  
17 unit, may enact an ordinance requiring motorcycle users to wear  
18 protective headgear. Nothing in this subsection (e) shall  
19 affect the authority of a unit of local government to regulate  
20 motorcycles for traffic control purposes or in accordance with  
21 Section 12-602 of this Code. No unit of local government,  
22 including a home rule unit, may regulate motorcycles in a  
23 manner inconsistent with this Code. This subsection (e) is a  
24 limitation under subsection (i) of Section 6 of Article VII of  
25 the Illinois Constitution on the concurrent exercise by home  
26 rule units of powers and functions exercised by the State.

1           (e-5) The City of Chicago may enact an ordinance providing  
2 for a noise monitoring system upon any portion of the roadway  
3 known as Lake Shore Drive. Twelve months after the installation  
4 of the noise monitoring system, and any time after the first  
5 report as the City deems necessary, the City of Chicago shall  
6 prepare a noise monitoring report with the data collected from  
7 the system and shall, upon request, make the report available  
8 to the public. For purposes of this subsection (e-5), "noise  
9 monitoring system" means an automated noise monitor capable of  
10 recording noise levels 24 hours per day and 365 days per year  
11 with computer equipment sufficient to process the data.

12           (e-10) A unit of local government, including a home rule  
13 unit, may not enact an ordinance prohibiting the use of  
14 Automated Driving System equipped vehicles on its roadways.  
15 Nothing in this subsection (e-10) shall affect the authority of  
16 a unit of local government to regulate Automated Driving System  
17 equipped vehicles for traffic control purposes. No unit of  
18 local government, including a home rule unit, may regulate  
19 Automated Driving System equipped vehicles in a manner  
20 inconsistent with this Code. For purposes of this subsection  
21 (e-10), "Automated Driving System equipped vehicle" means any  
22 vehicle equipped with an Automated Driving System of hardware  
23 and software that are collectively capable of performing the  
24 entire dynamic driving task on a sustained basis, regardless of  
25 whether it is limited to a specific operational domain. This  
26 subsection (e-10) is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the  
2 concurrent exercise by home rule units of powers and functions  
3 exercised by the State.

4 (f) No unit of local government, including a home rule  
5 unit, A municipality or county designated in Section 11-208.6  
6 may enact or enforce an ordinance providing for an automated  
7 traffic law enforcement system to enforce violations of Section  
8 11-306 of this Code or a similar provision of a local ordinance  
9 and imposing liability on a registered owner or lessee of a  
10 vehicle used in such a violation. For purposes of this  
11 subsection (f), "automated traffic law enforcement system"  
12 means a device with one or more motor vehicle sensors working  
13 in conjunction with a red light signal to produce recorded  
14 images of motor vehicles entering into an intersection against  
15 a red signal indication in violation of Section 11-306 of this  
16 Code or a similar provision of a local ordinance. This  
17 subsection (f) is a denial and limitation of home rule powers  
18 and functions under subsection (g) of Section 6 of Article VII  
19 of the Illinois Constitution.

20 (g) A municipality or county, as provided in Section  
21 11-1201.1, may enact an ordinance providing for an automated  
22 traffic law enforcement system to enforce violations of Section  
23 11-1201 of this Code or a similar provision of a local  
24 ordinance and imposing liability on a registered owner of a  
25 vehicle used in such a violation.

26 (h) A municipality designated in Section 11-208.8 may enact

1 an ordinance providing for an automated speed enforcement  
2 system to enforce violations of Article VI of Chapter 11 of  
3 this Code or a similar provision of a local ordinance.

4 (i) A municipality or county designated in Section 11-208.9  
5 may enact an ordinance providing for an automated traffic law  
6 enforcement system to enforce violations of Section 11-1414 of  
7 this Code or a similar provision of a local ordinance and  
8 imposing liability on a registered owner or lessee of a vehicle  
9 used in such a violation.

10 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;  
11 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.  
12 7-26-19.)

13 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

14 (Text of Section before amendment by P.A. 101-623)

15 Sec. 11-208.3. Administrative adjudication of violations  
16 of traffic regulations concerning the standing, parking, or  
17 condition of vehicles, automated traffic law violations, and  
18 automated speed enforcement system violations.

19 (a) Any municipality or county may provide by ordinance for  
20 a system of administrative adjudication of vehicular standing  
21 and parking violations and vehicle compliance violations as  
22 described in this subsection, automated traffic law violations  
23 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and  
24 automated speed enforcement system violations as defined in  
25 Section 11-208.8. The administrative system shall have as its



1 purpose the fair and efficient enforcement of municipal or  
2 county regulations through the administrative adjudication of  
3 automated speed enforcement system or automated traffic law  
4 violations and violations of municipal or county ordinances  
5 regulating the standing and parking of vehicles, the condition  
6 and use of vehicle equipment, and the display of municipal or  
7 county wheel tax licenses within the municipality's or county's  
8 borders. The administrative system shall only have authority to  
9 adjudicate civil offenses carrying fines not in excess of \$500  
10 or requiring the completion of a traffic education program, or  
11 both, that occur after the effective date of the ordinance  
12 adopting such a system under this Section. For purposes of this  
13 Section, "compliance violation" means a violation of a  
14 municipal or county regulation governing the condition or use  
15 of equipment on a vehicle or governing the display of a  
16 municipal or county wheel tax license.

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

19 (1) A traffic compliance administrator authorized to  
20 adopt, distribute, and process parking, compliance, and  
21 automated speed enforcement system or automated traffic  
22 law violation notices and other notices required by this  
23 Section, collect money paid as fines and penalties for  
24 violation of parking and compliance ordinances and  
25 automated speed enforcement system or automated traffic  
26 law violations, and operate an administrative adjudication

1 system. The traffic compliance administrator also may make  
2 a certified report to the Secretary of State under Section  
3 6-306.5.

4 (2) A parking, standing, compliance, automated speed  
5 enforcement system, or automated traffic law violation  
6 notice that shall specify or include the date, time, and  
7 place of violation of a parking, standing, compliance,  
8 automated speed enforcement system, or automated traffic  
9 law regulation; the particular regulation violated; any  
10 requirement to complete a traffic education program; the  
11 fine and any penalty that may be assessed for late payment  
12 or failure to complete a required traffic education  
13 program, or both, when so provided by ordinance; the  
14 vehicle make or a photograph of the vehicle; the state  
15 registration number of the vehicle; and the identification  
16 number of the person issuing the notice. With regard to  
17 automated speed enforcement system or automated traffic  
18 law violations, vehicle make shall be specified on the  
19 automated speed enforcement system or automated traffic  
20 law violation notice if the notice does not include a  
21 photograph of the vehicle and the make is available and  
22 readily discernible. With regard to municipalities or  
23 counties with a population of 1 million or more, it shall  
24 be grounds for dismissal of a parking violation if the  
25 state registration number or vehicle make specified is  
26 incorrect. The violation notice shall state that the

1 completion of any required traffic education program, the  
2 payment of any indicated fine, and the payment of any  
3 applicable penalty for late payment or failure to complete  
4 a required traffic education program, or both, shall  
5 operate as a final disposition of the violation. The notice  
6 also shall contain information as to the availability of a  
7 hearing in which the violation may be contested on its  
8 merits. The violation notice shall specify the time and  
9 manner in which a hearing may be had.

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

1 registered owner or lessee of the cited vehicle as recorded  
2 with the Secretary of State or the lessor of the motor  
3 vehicle within 30 days after the Secretary of State or the  
4 lessor of the motor vehicle notifies the municipality or  
5 county of the identity of the owner or lessee of the  
6 vehicle, but not later than 90 days after the violation,  
7 except that in the case of a lessee of a motor vehicle,  
8 service of an automated traffic law violation notice may  
9 occur no later than 210 days after the violation. A person  
10 authorized by ordinance to issue and serve parking,  
11 standing, and compliance violation notices shall certify  
12 as to the correctness of the facts entered on the violation  
13 notice by signing his or her name to the notice at the time  
14 of service or, in the case of a notice produced by a  
15 computerized device, by signing a single certificate to be  
16 kept by the traffic compliance administrator attesting to  
17 the correctness of all notices produced by the device while  
18 it was under his or her control. In the case of an  
19 automated traffic law violation, the ordinance shall  
20 require a determination by a technician employed or  
21 contracted by the municipality or county that, based on  
22 inspection of recorded images, the motor vehicle was being  
23 operated in violation of Section 11-208.6, 11-208.9, or  
24 11-1201.1 or a local ordinance. If the technician  
25 determines that the vehicle entered the intersection as  
26 part of a funeral procession or in order to yield the

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

1 the speed limit and automated speed enforcement signage,  
2 and documentation of the inspection, calibration, and  
3 certification of the speed equipment, that the vehicle was  
4 being operated in violation of Article VI of Chapter 11 of  
5 this Code or a similar local ordinance. If the technician  
6 determines that the vehicle speed was not determined by a  
7 calibrated, certified speed equipment device based upon  
8 the speed equipment documentation, or if the vehicle was an  
9 emergency vehicle, a citation may not be issued. The  
10 automated speed enforcement ordinance shall require that  
11 all determinations by a technician that a violation  
12 occurred be reviewed and approved by a law enforcement  
13 officer or retired law enforcement officer of the  
14 municipality issuing the violation or by an additional  
15 fully trained reviewing technician who is not employed by  
16 the contractor who employs the technician who made the  
17 initial determination. Routine and independent calibration  
18 of the speeds produced by automated speed enforcement  
19 systems and equipment shall be conducted annually by a  
20 qualified technician. Speeds produced by an automated  
21 speed enforcement system shall be compared with speeds  
22 produced by lidar or other independent equipment. Radar or  
23 lidar equipment shall undergo an internal validation test  
24 no less frequently than once each week. Qualified  
25 technicians shall test loop-based ~~loop-based~~ equipment no  
26 less frequently than once a year. Radar equipment shall be

1 checked for accuracy by a qualified technician when the  
2 unit is serviced, when unusual or suspect readings persist,  
3 or when deemed necessary by a reviewing technician. Radar  
4 equipment shall be checked with the internal frequency  
5 generator and the internal circuit test whenever the radar  
6 is turned on. Technicians must be alert for any unusual or  
7 suspect readings, and if unusual or suspect readings of a  
8 radar unit persist, that unit shall immediately be removed  
9 from service and not returned to service until it has been  
10 checked by a qualified technician and determined to be  
11 functioning properly. Documentation of the annual  
12 calibration results, including the equipment tested, test  
13 date, technician performing the test, and test results,  
14 shall be maintained and available for use in the  
15 determination of an automated speed enforcement system  
16 violation and issuance of a citation. The technician  
17 performing the calibration and testing of the automated  
18 speed enforcement equipment shall be trained and certified  
19 in the use of equipment for speed enforcement purposes.  
20 Training on the speed enforcement equipment may be  
21 conducted by law enforcement, civilian, or manufacturer's  
22 personnel and if applicable may be equivalent to the  
23 equipment use and operations training included in the Speed  
24 Measuring Device Operator Program developed by the  
25 National Highway Traffic Safety Administration (NHTSA).  
26 The vendor or technician who performs the work shall keep

1 accurate records on each piece of equipment the technician  
2 calibrates and tests. As used in this paragraph, "fully  
3 trained ~~fully-trained~~ reviewing technician" means a person  
4 who has received at least 40 hours of supervised training  
5 in subjects which shall include image inspection and  
6 interpretation, the elements necessary to prove a  
7 violation, license plate identification, and traffic  
8 safety and management. In all municipalities and counties,  
9 the automated speed enforcement system or automated  
10 traffic law ordinance shall require that no additional fee  
11 shall be charged to the alleged violator for exercising his  
12 or her right to an administrative hearing, and persons  
13 shall be given at least 25 days following an administrative  
14 hearing to pay any civil penalty imposed by a finding that  
15 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a  
16 similar local ordinance has been violated. The original or  
17 a facsimile of the violation notice or, in the case of a  
18 notice produced by a computerized device, a printed record  
19 generated by the device showing the facts entered on the  
20 notice, shall be retained by the traffic compliance  
21 administrator, and shall be a record kept in the ordinary  
22 course of business. A parking, standing, compliance,  
23 automated speed enforcement system, or automated traffic  
24 law violation notice issued, signed, and served in  
25 accordance with this Section, a copy of the notice, or the  
26 computer-generated ~~computer-generated~~ record shall be



1       prima facie correct and shall be prima facie evidence of  
2       the correctness of the facts shown on the notice. The  
3       notice, copy, or computer-generated ~~computer-generated~~  
4       record shall be admissible in any subsequent  
5       administrative or legal proceedings.

6       (4) An opportunity for a hearing for the registered  
7       owner of the vehicle cited in the parking, standing,  
8       compliance, automated speed enforcement system, or  
9       automated traffic law violation notice in which the owner  
10      may contest the merits of the alleged violation, and during  
11      which formal or technical rules of evidence shall not  
12      apply; provided, however, that under Section 11-1306 of  
13      this Code the lessee of a vehicle cited in the violation  
14      notice likewise shall be provided an opportunity for a  
15      hearing of the same kind afforded the registered owner. The  
16      hearings shall be recorded, and the person conducting the  
17      hearing on behalf of the traffic compliance administrator  
18      shall be empowered to administer oaths and to secure by  
19      subpoena both the attendance and testimony of witnesses and  
20      the production of relevant books and papers. Persons  
21      appearing at a hearing under this Section may be  
22      represented by counsel at their expense. The ordinance may  
23      also provide for internal administrative review following  
24      the decision of the hearing officer.

25      (5) Service of additional notices, sent by first class  
26      United States mail, postage prepaid, to the address of the

1 registered owner of the cited vehicle as recorded with the  
2 Secretary of State or, if any notice to that address is  
3 returned as undeliverable, to the last known address  
4 recorded in a United States Post Office approved database,  
5 or, under Section 11-1306 or subsection (p) of Section  
6 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8  
7 of this Code, to the lessee of the cited vehicle at the  
8 last address known to the lessor of the cited vehicle at  
9 the time of lease or, if any notice to that address is  
10 returned as undeliverable, to the last known address  
11 recorded in a United States Post Office approved database.  
12 The service shall be deemed complete as of the date of  
13 deposit in the United States mail. The notices shall be in  
14 the following sequence and shall include, but not be  
15 limited to, the information specified herein:

16 (i) A second notice of parking, standing, or  
17 compliance violation if the first notice of the  
18 violation was issued by affixing the original or a  
19 facsimile of the notice to the unlawfully parked  
20 vehicle or by handing the notice to the operator. This  
21 notice shall specify or include the date and location  
22 of the violation cited in the parking, standing, or  
23 compliance violation notice, the particular regulation  
24 violated, the vehicle make or a photograph of the  
25 vehicle, the state registration number of the vehicle,  
26 any requirement to complete a traffic education

1 program, the fine and any penalty that may be assessed  
2 for late payment or failure to complete a traffic  
3 education program, or both, when so provided by  
4 ordinance, the availability of a hearing in which the  
5 violation may be contested on its merits, and the time  
6 and manner in which the hearing may be had. The notice  
7 of violation shall also state that failure to complete  
8 a required traffic education program, to pay the  
9 indicated fine and any applicable penalty, or to appear  
10 at a hearing on the merits in the time and manner  
11 specified, will result in a final determination of  
12 violation liability for the cited violation in the  
13 amount of the fine or penalty indicated, and that, upon  
14 the occurrence of a final determination of violation  
15 liability for the failure, and the exhaustion of, or  
16 failure to exhaust, available administrative or  
17 judicial procedures for review, any incomplete traffic  
18 education program or any unpaid fine or penalty, or  
19 both, will constitute a debt due and owing the  
20 municipality or county.

21 (ii) A notice of final determination of parking,  
22 standing, compliance, automated speed enforcement  
23 system, or automated traffic law violation liability.  
24 This notice shall be sent following a final  
25 determination of parking, standing, compliance,  
26 automated speed enforcement system, or automated

1 traffic law violation liability and the conclusion of  
2 judicial review procedures taken under this Section.  
3 The notice shall state that the incomplete traffic  
4 education program or the unpaid fine or penalty, or  
5 both, is a debt due and owing the municipality or  
6 county. The notice shall contain warnings that failure  
7 to complete any required traffic education program or  
8 to pay any fine or penalty due and owing the  
9 municipality or county, or both, within the time  
10 specified may result in the municipality's or county's  
11 filing of a petition in the Circuit Court to have the  
12 incomplete traffic education program or unpaid fine or  
13 penalty, or both, rendered a judgment as provided by  
14 this Section, or may result in suspension of the  
15 person's driver's ~~drivers~~ license for failure to  
16 complete a traffic education program or to pay fines or  
17 penalties, or both, for 10 or more parking violations  
18 under Section 6-306.5, or a combination of 5 or more  
19 automated traffic law violations under Section  
20 11-208.6 or 11-208.9 or automated speed enforcement  
21 system violations under Section 11-208.8.

22 (6) A notice of impending driver's ~~drivers~~ license  
23 suspension. This notice shall be sent to the person liable  
24 for failure to complete a required traffic education  
25 program or to pay any fine or penalty that remains due and  
26 owing, or both, on 10 or more parking violations or

1 combination of 5 or more unpaid automated speed enforcement  
2 system or automated traffic law violations. The notice  
3 shall state that failure to complete a required traffic  
4 education program or to pay the fine or penalty owing, or  
5 both, within 45 days of the notice's date will result in  
6 the municipality or county notifying the Secretary of State  
7 that the person is eligible for initiation of suspension  
8 proceedings under Section 6-306.5 of this Code. The notice  
9 shall also state that the person may obtain a photostatic  
10 copy of an original ticket imposing a fine or penalty by  
11 sending a self-addressed ~~self-addressed~~, stamped envelope  
12 to the municipality or county along with a request for the  
13 photostatic copy. The notice of impending driver's ~~drivers~~  
14 license suspension shall be sent by first class United  
15 States mail, postage prepaid, to the address recorded with  
16 the Secretary of State or, if any notice to that address is  
17 returned as undeliverable, to the last known address  
18 recorded in a United States Post Office approved database.

19 (7) Final determinations of violation liability. A  
20 final determination of violation liability shall occur  
21 following failure to complete the required traffic  
22 education program or to pay the fine or penalty, or both,  
23 after a hearing officer's determination of violation  
24 liability and the exhaustion of or failure to exhaust any  
25 administrative review procedures provided by ordinance.  
26 Where a person fails to appear at a hearing to contest the

1       alleged violation in the time and manner specified in a  
2       prior mailed notice, the hearing officer's determination  
3       of violation liability shall become final: (A) upon denial  
4       of a timely petition to set aside that determination, or  
5       (B) upon expiration of the period for filing the petition  
6       without a filing having been made.

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

1 After the determination of parking, standing, compliance,  
2 automated speed enforcement system, or automated traffic  
3 law violation liability has been set aside upon a showing  
4 of just cause, the registered owner shall be provided with  
5 a hearing on the merits for that violation.

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

10 (10) A schedule of civil fines for violations of  
11 vehicular standing, parking, compliance, automated speed  
12 enforcement system, or automated traffic law regulations  
13 enacted by ordinance pursuant to this Section, and a  
14 schedule of penalties for late payment of the fines or  
15 failure to complete required traffic education programs,  
16 provided, however, that the total amount of the fine and  
17 penalty for any one violation shall not exceed \$250, except  
18 as provided in subsection (c) of Section 11-1301.3 of this  
19 Code.

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

23 (c) Any municipality or county establishing vehicular  
24 standing, parking, compliance, automated speed enforcement  
25 system, or automated traffic law regulations under this Section  
26 may also provide by ordinance for a program of vehicle

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

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

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

22 (3) The right to a prompt hearing after a vehicle has  
23 been immobilized or subsequently towed without the  
24 completion of the required traffic education program or  
25 payment of the outstanding fines and penalties on parking,  
26 standing, compliance, automated speed enforcement system,



1 or automated traffic law violations, or both, for which  
2 final determinations have been issued. An order issued  
3 after the hearing is a final administrative decision within  
4 the meaning of Section 3-101 of the Code of Civil  
5 Procedure.

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

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

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

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

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

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

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

23 (Source: P.A. 101-32, eff. 6-28-19; revised 1-21-20.)

24 (Text of Section after amendment by P.A. 101-623)

25 Sec. 11-208.3. Administrative adjudication of violations

1 of traffic regulations concerning the standing, parking, or  
2 condition of vehicles, automated traffic law violations, and  
3 automated speed enforcement system violations.

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

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

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

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

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

20 (3) Service of a parking, standing, or compliance  
21 violation notice by: (i) affixing the original or a  
22 facsimile of the notice to an unlawfully parked or standing  
23 vehicle; (ii) handing the notice to the operator of a  
24 vehicle if he or she is present; or (iii) mailing the  
25 notice to the address of the registered owner or lessee of  
26 the cited vehicle as recorded with the Secretary of State

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

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



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

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

1 performing the calibration and testing of the automated  
2 speed enforcement equipment shall be trained and certified  
3 in the use of equipment for speed enforcement purposes.  
4 Training on the speed enforcement equipment may be  
5 conducted by law enforcement, civilian, or manufacturer's  
6 personnel and if applicable may be equivalent to the  
7 equipment use and operations training included in the Speed  
8 Measuring Device Operator Program developed by the  
9 National Highway Traffic Safety Administration (NHTSA).  
10 The vendor or technician who performs the work shall keep  
11 accurate records on each piece of equipment the technician  
12 calibrates and tests. As used in this paragraph, "fully  
13 trained ~~fully-trained~~ reviewing technician" means a person  
14 who has received at least 40 hours of supervised training  
15 in subjects which shall include image inspection and  
16 interpretation, the elements necessary to prove a  
17 violation, license plate identification, and traffic  
18 safety and management. In all municipalities and counties,  
19 the automated speed enforcement system or automated  
20 traffic law ordinance shall require that no additional fee  
21 shall be charged to the alleged violator for exercising his  
22 or her right to an administrative hearing, and persons  
23 shall be given at least 25 days following an administrative  
24 hearing to pay any civil penalty imposed by a finding that  
25 Section ~~11-208.6~~, 11-208.8, 11-208.9, or 11-1201.1 or a  
26 similar local ordinance has been violated. The original or

1 a facsimile of the violation notice or, in the case of a  
2 notice produced by a computerized device, a printed record  
3 generated by the device showing the facts entered on the  
4 notice, shall be retained by the traffic compliance  
5 administrator, and shall be a record kept in the ordinary  
6 course of business. A parking, standing, compliance,  
7 automated speed enforcement system, or automated traffic  
8 law violation notice issued, signed, and served in  
9 accordance with this Section, a copy of the notice, or the  
10 computer-generated ~~computer-generated~~ record shall be  
11 prima facie correct and shall be prima facie evidence of  
12 the correctness of the facts shown on the notice. The  
13 notice, copy, or computer-generated ~~computer-generated~~  
14 record shall be admissible in any subsequent  
15 administrative or legal proceedings.

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

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

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

26 (i) A second notice of parking, standing, or

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

1           judicial procedures for review, any incomplete traffic  
2           education program or any unpaid fine or penalty, or  
3           both, will constitute a debt due and owing the  
4           municipality or county.

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

1 to pay fines or penalties, or both, for 5 or more  
2 automated traffic law violations under Section  
3 ~~11-208.6~~ or 11-208.9 or automated speed enforcement  
4 system violations under Section 11-208.8.

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



1 approved database.

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

16 (8) A petition to set aside a determination of parking,  
17 standing, compliance, automated speed enforcement system,  
18 or automated traffic law violation liability that may be  
19 filed by a person owing an unpaid fine or penalty. A  
20 petition to set aside a determination of liability may also  
21 be filed by a person required to complete a traffic  
22 education program. The petition shall be filed with and  
23 ruled upon by the traffic compliance administrator in the  
24 manner and within the time specified by ordinance. The  
25 grounds for the petition may be limited to: (A) the person  
26 not having been the owner or lessee of the cited vehicle on

1 the date the violation notice was issued, (B) the person  
2 having already completed the required traffic education  
3 program or paid the fine or penalty, or both, for the  
4 violation in question, and (C) excusable failure to appear  
5 at or request a new date for a hearing. With regard to  
6 municipalities or counties with a population of 1 million  
7 or more, it shall be grounds for dismissal of a parking  
8 violation if the state registration number or vehicle make,  
9 only if specified in the violation notice, is incorrect.  
10 After the determination of parking, standing, compliance,  
11 automated speed enforcement system, or automated traffic  
12 law violation liability has been set aside upon a showing  
13 of just cause, the registered owner shall be provided with  
14 a hearing on the merits for that violation.

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

19 (10) A schedule of civil fines for violations of  
20 vehicular standing, parking, compliance, automated speed  
21 enforcement system, or automated traffic law regulations  
22 enacted by ordinance pursuant to this Section, and a  
23 schedule of penalties for late payment of the fines or  
24 failure to complete required traffic education programs,  
25 provided, however, that the total amount of the fine and  
26 penalty for any one violation shall not exceed \$250, except

1 as provided in subsection (c) of Section 11-1301.3 of this  
2 Code.

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

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

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

24 (2) A notice of impending vehicle immobilization and a  
25 right to a hearing to challenge the validity of the notice  
26 by disproving liability for the incomplete traffic

1 education programs or unpaid final determinations of  
2 parking, standing, compliance, automated speed enforcement  
3 system, or automated traffic law violation liability, or  
4 both, listed on the notice.

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

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

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

24 (e) Any fine, penalty, incomplete traffic education  
25 program, or part of any fine or any penalty remaining unpaid  
26 after the exhaustion of, or the failure to exhaust,

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

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

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

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

25 A low-income individual required to complete a traffic  
26 education program under this Section who provides proof of

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

6 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;  
7 revised 1-21-20.)

8 (625 ILCS 5/11-208.8)

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

11 (a) As used in this Section:

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

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

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

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

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

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

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



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

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

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

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

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

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

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

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

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

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

1 speed of 5 miles per hour or less above the legal speed limit.

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

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

14 (ii) initiatives to improve pedestrian and traffic  
15 safety;

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

19 (iv) after school programs.

20 (e) For each violation of a provision of this Code or a  
21 local ordinance recorded by an automated speed enforcement  
22 system, the municipality having jurisdiction shall issue a  
23 written notice of the violation to the registered owner of the  
24 vehicle as the alleged violator. The notice shall be delivered  
25 to the registered owner of the vehicle, by mail, within 30 days  
26 after the Secretary of State notifies the municipality of the

1 identity of the owner of the vehicle, but in no event later  
2 than 90 days after the violation.

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

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

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

9 (3) the violation charged;

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

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

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

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

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

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

23 (A) paying the fine; or

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

26 (10) a website address, accessible through the

1 Internet, where the person may view the recorded images of  
2 the violation.

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

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

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

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

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

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

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

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

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

1 to where automated speed enforcement systems are installed.

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

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

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

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

1 authority if needed for enforcement of this Section.

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

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

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



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

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

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

14           (625 ILCS 5/11-208.6 rep.)

15           Section 10. The Illinois Vehicle Code is amended by  
16 repealing Section 11-208.6.

17           Section 90. The State Mandates Act is amended by adding  
18 Section 8.45 as follows:

19           (30 ILCS 805/8.45 new)

20           Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and 8  
21 of this Act, no reimbursement by the State is required for the  
22 implementation of any mandate created by this amendatory Act of  
23 the 101st General Assembly.

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.