



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3404

Introduced 2/14/2020, by Sen. Melinda Bush

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 17743 HEP 67171 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~~7~~, 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.