

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
5 changing Sections 11-208.3, 11-208.6, 11-208.7, 11-208.8,
6 11-208.9, and 11-1201.1 as follows:

7 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

12 (a) Any municipality or county may provide by ordinance
13 for a system of administrative adjudication of vehicular
14 standing and parking violations and vehicle compliance
15 violations as described in this subsection, automated traffic
16 law violations as defined in Section 11-208.6, 11-208.9, or
17 11-1201.1, and automated speed enforcement system violations
18 as defined in Section 11-208.8. The administrative system
19 shall have as its purpose the fair and efficient enforcement
20 of municipal or county regulations through the administrative
21 adjudication of automated speed enforcement system or
22 automated traffic law violations and violations of municipal
23 or county ordinances regulating the standing and parking of

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

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

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

24 (2) A parking, standing, compliance, automated speed
25 enforcement system, or automated traffic law violation
26 notice that shall specify or include the date, time, and

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

1 availability of a hearing in which the violation may be
2 contested on its merits. The violation notice shall
3 specify the time and manner in which a hearing may be had.

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

1 violation, except that in the case of a lessee of a motor
2 vehicle, service of an automated traffic law violation
3 notice may occur no later than 210 days after the
4 violation. A person authorized by ordinance to issue and
5 serve parking, standing, and compliance violation notices
6 shall certify as to the correctness of the facts entered
7 on the violation notice by signing his or her name to the
8 notice at the time of service or, in the case of a notice
9 produced by a computerized device, by signing a single
10 certificate to be kept by the traffic compliance
11 administrator attesting to the correctness of all notices
12 produced by the device while it was under his or her
13 control. In the case of an automated traffic law
14 violation, the ordinance shall require a determination by
15 a technician employed or contracted by the municipality or
16 county that, based on inspection of recorded images, the
17 motor vehicle was being operated in violation of Section
18 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
19 the technician determines that the vehicle entered the
20 intersection as part of a funeral procession or in order
21 to yield the right-of-way to an emergency vehicle, a
22 citation shall not be issued. In municipalities with a
23 population of less than 1,000,000 inhabitants and counties
24 with a population of less than 3,000,000 inhabitants, the
25 automated traffic law ordinance shall require that all
26 determinations by a technician that a motor vehicle was

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

1 the vehicle speed was not determined by a calibrated,
2 certified speed equipment device based upon the speed
3 equipment documentation, or if the vehicle was an
4 emergency vehicle, a citation may not be issued. The
5 automated speed enforcement ordinance shall require that
6 all determinations by a technician that a violation
7 occurred be reviewed and approved by a law enforcement
8 officer or retired law enforcement officer of the
9 municipality issuing the violation or by an additional
10 fully trained reviewing technician who is not employed by
11 the contractor who employs the technician who made the
12 initial determination. Routine and independent calibration
13 of the speeds produced by automated speed enforcement
14 systems and equipment shall be conducted annually by a
15 qualified technician. Speeds produced by an automated
16 speed enforcement system shall be compared with speeds
17 produced by lidar or other independent equipment. Radar or
18 lidar equipment shall undergo an internal validation test
19 no less frequently than once each week. Qualified
20 technicians shall test loop-based equipment no less
21 frequently than once a year. Radar equipment shall be
22 checked for accuracy by a qualified technician when the
23 unit is serviced, when unusual or suspect readings
24 persist, or when deemed necessary by a reviewing
25 technician. Radar equipment shall be checked with the
26 internal frequency generator and the internal circuit test

1 whenever the radar is turned on. Technicians must be alert
2 for any unusual or suspect readings, and if unusual or
3 suspect readings of a radar unit persist, that unit shall
4 immediately be removed from service and not returned to
5 service until it has been checked by a qualified
6 technician and determined to be functioning properly.
7 Documentation of the annual calibration results, including
8 the equipment tested, test date, technician performing the
9 test, and test results, shall be maintained and available
10 for use in the determination of an automated speed
11 enforcement system violation and issuance of a citation.
12 The technician performing the calibration and testing of
13 the automated speed enforcement equipment shall be trained
14 and certified in the use of equipment for speed
15 enforcement purposes. Training on the speed enforcement
16 equipment may be conducted by law enforcement, civilian,
17 or manufacturer's personnel and if applicable may be
18 equivalent to the equipment use and operations training
19 included in the Speed Measuring Device Operator Program
20 developed by the National Highway Traffic Safety
21 Administration (NHTSA). The vendor or technician who
22 performs the work shall keep accurate records on each
23 piece of equipment the technician calibrates and tests. As
24 used in this paragraph, "fully trained reviewing
25 technician" means a person who has received at least 40
26 hours of supervised training in subjects which shall

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

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

20 (5) Service of additional notices, sent by first class
21 United States mail, postage prepaid, to the address of the
22 registered owner of the cited vehicle as recorded with the
23 Secretary of State or, if any notice to that address is
24 returned as undeliverable, to the last known address
25 recorded in a United States Post Office approved database,
26 or, under Section 11-1306 or subsection (p) of Section

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

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

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

16 (ii) A notice of final determination of parking,
17 standing, compliance, automated speed enforcement
18 system, or automated traffic law violation liability.
19 This notice shall be sent following a final
20 determination of parking, standing, compliance,
21 automated speed enforcement system, or automated
22 traffic law violation liability and the conclusion of
23 judicial review procedures taken under this Section.
24 The notice shall state that the incomplete traffic
25 education program or the unpaid fine or penalty, or
26 both, is a debt due and owing the municipality or

1 county. The notice shall contain warnings that failure
2 to complete any required traffic education program or
3 to pay any fine or penalty due and owing the
4 municipality or county, or both, within the time
5 specified may result in the municipality's or county's
6 filing of a petition in the Circuit Court to have the
7 incomplete traffic education program or unpaid fine or
8 penalty, or both, rendered a judgment as provided by
9 this Section, or, where applicable, may result in
10 suspension of the person's driver's license for
11 failure to complete a traffic education program.

12 (6) A notice of impending driver's license suspension.
13 This notice shall be sent to the person liable for failure
14 to complete a required traffic education program. The
15 notice shall state that failure to complete a required
16 traffic education program within 45 days of the notice's
17 date will result in the municipality or county notifying
18 the Secretary of State that the person is eligible for
19 initiation of suspension proceedings under Section 6-306.5
20 of this Code. The notice shall also state that the person
21 may obtain a photostatic copy of an original ticket
22 imposing a fine or penalty by sending a self-addressed,
23 stamped envelope to the municipality or county along with
24 a request for the photostatic copy. The notice of
25 impending driver's license suspension shall be sent by
26 first class United States mail, postage prepaid, to the

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

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

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

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

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

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

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

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

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

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

1 determined by ordinance.

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

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

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

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

1 be subject to the provisions of the Administrative Review Law.

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

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

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

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

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

10 (h) Notwithstanding any other provision of law to the
11 contrary, a person shall not be liable for violations, fees,
12 finances, or penalties under this Section during the period in
13 which the motor vehicle was stolen or hijacked, as indicated
14 in a report to the appropriate law enforcement agency filed in
15 a timely manner.

16 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
17 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

18 (625 ILCS 5/11-208.6)

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

20 (a) As used in this Section, "automated traffic law
21 enforcement system" means a device with one or more motor
22 vehicle sensors working in conjunction with a red light signal
23 to produce recorded images of motor vehicles entering an
24 intersection against a red signal indication in violation of
25 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

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

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

12 (1) 2 or more photographs;

13 (2) 2 or more microphotographs;

14 (3) 2 or more electronic images; or

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

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

25 (c) Except as provided under Section 11-208.8 of this
26 Code, a county or municipality, including a home rule county

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

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

21 (c-6) A county, or a municipality with less than 2,000,000
22 inhabitants, including a home rule county or municipality, may
23 not use an automated traffic law enforcement system to issue
24 violations in instances where a motorcyclist enters an
25 intersection against a red signal indication when the red
26 signal fails to change to a green signal within a reasonable

1 period of time not less than 120 seconds because of a signal
2 malfunction or because the signal has failed to detect the
3 arrival of the motorcycle due to the motorcycle's size or
4 weight.

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

15 The notice shall include:

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

18 (2) the registration number of the motor vehicle
19 involved in the violation;

20 (3) the violation charged;

21 (4) the location where the violation occurred;

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

23 (6) a copy of the recorded images;

24 (7) the amount of the civil penalty imposed and the
25 requirements of any traffic education program imposed and
26 the date by which the civil penalty should be paid and the

1 traffic education program should be completed;

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

4 (9) a warning that failure to pay the civil penalty,
5 to complete a required traffic education program, or to
6 contest liability in a timely manner is an admission of
7 liability;

8 (10) a statement that the person may elect to proceed
9 by:

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

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

14 (11) a website address, accessible through the
15 Internet, where the person may view the recorded images of
16 the violation.

17 (e) (Blank).

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

23 (g) Recorded images made by an automatic traffic law
24 enforcement system are confidential and shall be made
25 available only to the alleged violator and governmental and
26 law enforcement agencies for purposes of adjudicating a

1 violation of this Section, for statistical purposes, or for
2 other governmental purposes. Any recorded image evidencing a
3 violation of this Section, however, may be admissible in any
4 proceeding resulting from the issuance of the citation.

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

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

12 (1.5) that the motor vehicle was hijacked before the
13 violation occurred and not under the control of or in the
14 possession of the owner or lessee at the time of the
15 violation;

16 (2) that the driver of the vehicle passed through the
17 intersection when the light was red either (i) in order to
18 yield the right-of-way to an emergency vehicle or (ii) as
19 part of a funeral procession; and

20 (3) any other evidence or issues provided by municipal
21 or county ordinance.

22 (i) To demonstrate that the motor vehicle was hijacked or
23 the motor vehicle or registration plates or digital
24 registration plates were stolen before the violation occurred
25 and were not under the control or possession of the owner or
26 lessee at the time of the violation, the owner or lessee must

1 submit proof that a report concerning the ~~stolen~~ motor vehicle
2 or registration plates was filed with a law enforcement agency
3 in a timely manner.

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

17 (j-3) A registered owner who is a holder of a valid
18 commercial driver's license is not required to complete a
19 traffic education program.

20 (j-5) For purposes of the required traffic education
21 program only, a registered owner may submit an affidavit to
22 the court or hearing officer swearing that at the time of the
23 alleged violation, the vehicle was in the custody and control
24 of another person. The affidavit must identify the person in
25 custody and control of the vehicle, including the person's
26 name and current address. The person in custody and control of

1 the vehicle at the time of the violation is required to
2 complete the required traffic education program. If the person
3 in custody and control of the vehicle at the time of the
4 violation completes the required traffic education program,
5 the registered owner of the vehicle is not required to
6 complete a traffic education program.

7 (k) An intersection equipped with an automated traffic law
8 enforcement system must be posted with a sign visible to
9 approaching traffic indicating that the intersection is being
10 monitored by an automated traffic law enforcement system.

11 (k-3) A municipality or county that has one or more
12 intersections equipped with an automated traffic law
13 enforcement system must provide notice to drivers by posting
14 the locations of automated traffic law systems on the
15 municipality or county website.

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

21 (k-7) A municipality or county operating an automated
22 traffic law enforcement system shall conduct a statistical
23 analysis to assess the safety impact of each automated traffic
24 law enforcement system at an intersection following
25 installation of the system. The statistical analysis shall be
26 based upon the best available crash, traffic, and other data,

1 and shall cover a period of time before and after installation
2 of the system sufficient to provide a statistically valid
3 comparison of safety impact. The statistical analysis shall be
4 consistent with professional judgment and acceptable industry
5 practice. The statistical analysis also shall be consistent
6 with the data required for valid comparisons of before and
7 after conditions and shall be conducted within a reasonable
8 period following the installation of the automated traffic law
9 enforcement system. The statistical analysis required by this
10 subsection (k-7) shall be made available to the public and
11 shall be published on the website of the municipality or
12 county. If the statistical analysis for the 36 month period
13 following installation of the system indicates that there has
14 been an increase in the rate of accidents at the approach to
15 the intersection monitored by the system, the municipality or
16 county shall undertake additional studies to determine the
17 cause and severity of the accidents, and may take any action
18 that it determines is necessary or appropriate to reduce the
19 number or severity of the accidents at that intersection.

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

25 (m) This Section applies only to the counties of Cook,
26 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and

1 to municipalities located within those counties.

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

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

11 (o) (Blank).

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

20 Upon the provision of information by the lessor pursuant
21 to this subsection, the county or municipality may issue the
22 violation to the lessee of the vehicle in the same manner as it
23 would issue a violation to a registered owner of a vehicle
24 pursuant to this Section, and the lessee may be held liable for
25 the violation.

26 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

1 (625 ILCS 5/11-208.7)

2 Sec. 11-208.7. Administrative fees and procedures for
3 impounding vehicles for specified violations.

4 (a) Any county or municipality may, consistent with this
5 Section, provide by ordinance procedures for the release of
6 properly impounded vehicles and for the imposition of a
7 reasonable administrative fee related to its administrative
8 and processing costs associated with the investigation,
9 arrest, and detention of an offender, or the removal,
10 impoundment, storage, and release of the vehicle. The
11 administrative fee imposed by the county or municipality may
12 be in addition to any fees charged for the towing and storage
13 of an impounded vehicle. The administrative fee shall be
14 waived by the county or municipality upon verifiable proof
15 that the vehicle was stolen or hijacked at the time the vehicle
16 was impounded.

17 (b) An ordinance establishing procedures for the release
18 of properly impounded vehicles under this Section may impose
19 fees only for the following violations:

20 (1) operation or use of a motor vehicle in the
21 commission of, or in the attempt to commit, an offense for
22 which a motor vehicle may be seized and forfeited pursuant
23 to Section 36-1 of the Criminal Code of 2012; or

24 (2) driving under the influence of alcohol, another
25 drug or drugs, an intoxicating compound or compounds, or

1 any combination thereof, in violation of Section 11-501 of
2 this Code; or

3 (3) operation or use of a motor vehicle in the
4 commission of, or in the attempt to commit, a felony or in
5 violation of the Cannabis Control Act; or

6 (4) operation or use of a motor vehicle in the
7 commission of, or in the attempt to commit, an offense in
8 violation of the Illinois Controlled Substances Act; or

9 (5) operation or use of a motor vehicle in the
10 commission of, or in the attempt to commit, an offense in
11 violation of Section 24-1, 24-1.5, or 24-3.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012; or

13 (6) driving while a driver's license, permit, or
14 privilege to operate a motor vehicle is suspended or
15 revoked pursuant to Section 6-303 of this Code; except
16 that vehicles shall not be subjected to seizure or
17 impoundment if the suspension is for an unpaid citation
18 (parking or moving) or due to failure to comply with
19 emission testing; or

20 (7) operation or use of a motor vehicle while
21 soliciting, possessing, or attempting to solicit or
22 possess cannabis or a controlled substance, as defined by
23 the Cannabis Control Act or the Illinois Controlled
24 Substances Act; or

25 (8) operation or use of a motor vehicle with an
26 expired driver's license, in violation of Section 6-101 of

1 this Code, if the period of expiration is greater than one
2 year; or

3 (9) operation or use of a motor vehicle without ever
4 having been issued a driver's license or permit, in
5 violation of Section 6-101 of this Code, or operating a
6 motor vehicle without ever having been issued a driver's
7 license or permit due to a person's age; or

8 (10) operation or use of a motor vehicle by a person
9 against whom a warrant has been issued by a circuit clerk
10 in Illinois for failing to answer charges that the driver
11 violated Section 6-101, 6-303, or 11-501 of this Code; or

12 (11) operation or use of a motor vehicle in the
13 commission of, or in the attempt to commit, an offense in
14 violation of Article 16 or 16A of the Criminal Code of 1961
15 or the Criminal Code of 2012; or

16 (12) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, any other
18 misdemeanor or felony offense in violation of the Criminal
19 Code of 1961 or the Criminal Code of 2012, when so provided
20 by local ordinance; or

21 (13) operation or use of a motor vehicle in violation
22 of Section 11-503 of this Code:

23 (A) while the vehicle is part of a funeral
24 procession; or

25 (B) in a manner that interferes with a funeral
26 procession.

1 (c) The following shall apply to any fees imposed for
2 administrative and processing costs pursuant to subsection
3 (b):

4 (1) All administrative fees and towing and storage
5 charges shall be imposed on the registered owner of the
6 motor vehicle or the agents of that owner.

7 (1.5) No administrative fees shall be imposed on the
8 registered owner or the agents of that owner if the motor
9 vehicle was stolen or hijacked at the time the vehicle was
10 impounded. To demonstrate that the motor vehicle was
11 hijacked or stolen at the time the vehicle was impounded,
12 the owner or the agents of the owner must submit proof that
13 a report concerning the motor vehicle was filed with a law
14 enforcement agency in a timely manner.

15 (2) The fees shall be in addition to (i) any other
16 penalties that may be assessed by a court of law for the
17 underlying violations; and (ii) any towing or storage
18 fees, or both, charged by the towing company.

19 (3) The fees shall be uniform for all similarly
20 situated vehicles.

21 (4) The fees shall be collected by and paid to the
22 county or municipality imposing the fees.

23 (5) The towing or storage fees, or both, shall be
24 collected by and paid to the person, firm, or entity that
25 tows and stores the impounded vehicle.

26 (d) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section shall
2 provide for an opportunity for a hearing, as provided in
3 subdivision (b)(4) of Section 11-208.3 of this Code, and for
4 the release of the vehicle to the owner of record, lessee, or a
5 lienholder of record upon payment of all administrative fees
6 and towing and storage fees.

7 (e) Any ordinance establishing procedures for the
8 impoundment and release of vehicles under this Section shall
9 include the following provisions concerning notice of
10 impoundment:

11 (1) Whenever a police officer has cause to believe
12 that a motor vehicle is subject to impoundment, the
13 officer shall provide for the towing of the vehicle to a
14 facility authorized by the county or municipality.

15 (2) At the time the vehicle is towed, the county or
16 municipality shall notify or make a reasonable attempt to
17 notify the owner, lessee, or person identifying himself or
18 herself as the owner or lessee of the vehicle, or any
19 person who is found to be in control of the vehicle at the
20 time of the alleged offense, of the fact of the seizure,
21 and of the vehicle owner's or lessee's right to an
22 administrative hearing.

23 (3) The county or municipality shall also provide
24 notice that the motor vehicle will remain impounded
25 pending the completion of an administrative hearing,
26 unless the owner or lessee of the vehicle or a lienholder

1 posts with the county or municipality a bond equal to the
2 administrative fee as provided by ordinance and pays for
3 all towing and storage charges.

4 (f) Any ordinance establishing procedures for the
5 impoundment and release of vehicles under this Section shall
6 include a provision providing that the registered owner or
7 lessee of the vehicle and any lienholder of record shall be
8 provided with a notice of hearing. The notice shall:

9 (1) be served upon the owner, lessee, and any
10 lienholder of record either by personal service or by
11 first class mail to the interested party's address as
12 registered with the Secretary of State;

13 (2) be served upon interested parties within 10 days
14 after a vehicle is impounded by the municipality; and

15 (3) contain the date, time, and location of the
16 administrative hearing. An initial hearing shall be
17 scheduled and convened no later than 45 days after the
18 date of the mailing of the notice of hearing.

19 (g) In addition to the requirements contained in
20 subdivision (b)(4) of Section 11-208.3 of this Code relating
21 to administrative hearings, any ordinance providing for the
22 impoundment and release of vehicles under this Section shall
23 include the following requirements concerning administrative
24 hearings:

25 (1) administrative hearings shall be conducted by a
26 hearing officer who is an attorney licensed to practice

1 law in this State for a minimum of 3 years;

2 (1.5) the hearing officer shall consider as a defense
3 to the vehicle impoundment that the motor vehicle was
4 stolen or hijacked at the time the vehicle was impounded;
5 to demonstrate that the motor vehicle was hijacked or
6 stolen at the time the vehicle was impounded, the owner or
7 the agents of the owner or a lessee must submit proof that
8 a report concerning the motor vehicle was filed with a law
9 enforcement agency in a timely manner;

10 (2) at the conclusion of the administrative hearing,
11 the hearing officer shall issue a written decision either
12 sustaining or overruling the vehicle impoundment;

13 (3) if the basis for the vehicle impoundment is
14 sustained by the administrative hearing officer, any
15 administrative fee posted to secure the release of the
16 vehicle shall be forfeited to the county or municipality;

17 (4) all final decisions of the administrative hearing
18 officer shall be subject to review under the provisions of
19 the Administrative Review Law, unless the county or
20 municipality allows in the enabling ordinance for direct
21 appeal to the circuit court having jurisdiction over the
22 county or municipality;

23 (5) unless the administrative hearing officer
24 overturns the basis for the vehicle impoundment, no
25 vehicle shall be released to the owner, lessee, or
26 lienholder of record until all administrative fees and

1 towing and storage charges are paid; ~~and~~

2 (6) if the administrative hearing officer finds that a
3 county or municipality that impounds a vehicle exceeded
4 its authority under this Code, the county or municipality
5 shall be liable to the registered owner or lessee of the
6 vehicle for the cost of storage fees and reasonable
7 attorney's fees; and -

8 (7) notwithstanding any other provision of law to the
9 contrary, if the administrative hearing officer finds that
10 a county or municipality impounded a motor vehicle that
11 was stolen or hijacked at the time the vehicle was
12 impounded, the county or municipality shall refund any
13 administrative fees already paid by the registered owner
14 or lessee of the vehicle.

15 (h) Vehicles not retrieved from the towing facility or
16 storage facility within 35 days after the administrative
17 hearing officer issues a written decision shall be deemed
18 abandoned and disposed of in accordance with the provisions of
19 Article II of Chapter 4 of this Code.

20 (i) Unless stayed by a court of competent jurisdiction,
21 any fine, penalty, or administrative fee imposed under this
22 Section which remains unpaid in whole or in part after the
23 expiration of the deadline for seeking judicial review under
24 the Administrative Review Law may be enforced in the same
25 manner as a judgment entered by a court of competent
26 jurisdiction.

1 (j) The fee limits in subsection (b), the exceptions in
2 paragraph (6) of subsection (b), and all of paragraph (6) of
3 subsection (g) of this Section shall not apply to a home rule
4 unit that tows a vehicle on a public way if a circumstance
5 requires the towing of the vehicle or if the vehicle is towed
6 due to a violation of a statute or local ordinance, and the
7 home rule unit:

8 (1) owns and operates a towing facility within its
9 boundaries for the storage of towed vehicles; and

10 (2) owns and operates tow trucks or enters into a
11 contract with a third party vendor to operate tow trucks.

12 (Source: P.A. 98-518, eff. 8-22-13; 98-734, eff. 1-1-15;
13 98-756, eff. 7-16-14; 99-848, eff. 8-19-16.)

14 (625 ILCS 5/11-208.8)

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

17 (a) As used in this Section:

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

1 An automated speed enforcement system is a system, located
2 in a safety zone which is under the jurisdiction of a
3 municipality, that produces a recorded image of a motor
4 vehicle's violation of a provision of this Code or a local
5 ordinance and is designed to obtain a clear recorded image of
6 the vehicle and the vehicle's license plate. The recorded
7 image must also display the time, date, and location of the
8 violation.

9 "Owner" means the person or entity to whom the vehicle is
10 registered.

11 "Recorded image" means images recorded by an automated
12 speed enforcement system on:

- 13 (1) 2 or more photographs;
14 (2) 2 or more microphotographs;
15 (3) 2 or more electronic images; or
16 (4) a video recording showing the motor vehicle and,
17 on at least one image or portion of the recording, clearly
18 identifying the registration plate or digital registration
19 plate number of the motor vehicle.

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

1 includes an area that is within one-eighth of a mile from the
2 nearest property line of any facility, area, or land owned by a
3 park district used for recreational purposes. However, if any
4 portion of a roadway is within either one-eighth mile radius,
5 the safety zone also shall include the roadway extended to the
6 furthest portion of the next furthest intersection. The term
7 "safety zone" does not include any portion of the roadway
8 known as Lake Shore Drive or any controlled access highway
9 with 8 or more lanes of traffic.

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

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

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

25 (b) A municipality that produces a recorded image of a
26 motor vehicle's violation of a provision of this Code or a

1 local ordinance must make the recorded images of a violation
2 accessible to the alleged violator by providing the alleged
3 violator with a website address, accessible through the
4 Internet.

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

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

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

19 A penalty may not be imposed under this Section if the
20 driver of the motor vehicle received a Uniform Traffic
21 Citation from a police officer for a speeding violation
22 occurring within one-eighth of a mile and 15 minutes of the
23 violation that was recorded by the system. A violation for
24 which a civil penalty is imposed under this Section is not a
25 violation of a traffic regulation governing the movement of
26 vehicles and may not be recorded on the driving record of the

1 owner of the vehicle. A law enforcement officer is not
2 required to be present or to witness the violation. No penalty
3 may be imposed under this Section if the recorded speed of a
4 vehicle is 5 miles per hour or less over the legal speed limit.
5 The municipality may send, in the same manner that notices are
6 sent under this Section, a speed violation warning notice
7 where the violation involves a speed of 5 miles per hour or
8 less above the legal speed limit.

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

15 (i) public safety initiatives to ensure safe passage
16 around schools, and to provide police protection and
17 surveillance around schools and parks, including but not
18 limited to: (1) personnel costs; and (2) non-personnel
19 costs such as construction and maintenance of public
20 safety infrastructure and equipment;

21 (ii) initiatives to improve pedestrian and traffic
22 safety;

23 (iii) construction and maintenance of infrastructure
24 within the municipality, including but not limited to
25 roads and bridges; and

26 (iv) after school programs.

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

10 (f) The notice required under subsection (e) of this
11 Section shall include:

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

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

16 (3) the violation charged;

17 (4) the date, time, and location where the violation
18 occurred;

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

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

22 (7) a statement that recorded images are evidence of a
23 violation of a speed restriction;

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

1 (9) a statement that the person may elect to proceed
2 by:

3 (A) paying the fine; or

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

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

9 (g) (Blank).

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

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

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

25 (1) that the motor vehicle or registration plates or
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the
2 control or in the possession of the owner or lessee at the
3 time of the violation;

4 (1.5) that the motor vehicle was hijacked before the
5 violation occurred and not under the control of or in the
6 possession of the owner or lessee at the time of the
7 violation;

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

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

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

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

1 photo-enforced and indicating the speed limit. The
2 municipality shall install such additional signage as it
3 determines is necessary to give reasonable notice to drivers
4 as to where automated speed enforcement systems are installed.

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

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

15 (o) (Blank).

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

26 Upon the provision of information by the lessor pursuant

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

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

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

26 (s) This Section applies only to municipalities with a

1 population of 1,000,000 or more inhabitants.

2 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

3 (625 ILCS 5/11-208.9)

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

6 (a) As used in this Section, "automated traffic law
7 enforcement system" means a device with one or more motor
8 vehicle sensors working in conjunction with the visual signals
9 on a school bus, as specified in Sections 12-803 and 12-805 of
10 this Code, to produce recorded images of motor vehicles that
11 fail to stop before meeting or overtaking, from either
12 direction, any school bus stopped at any location for the
13 purpose of receiving or discharging pupils in violation of
14 Section 11-1414 of this Code or a similar provision of a local
15 ordinance.

16 An automated traffic law enforcement system is a system,
17 in a municipality or county operated by a governmental agency,
18 that produces a recorded image of a motor vehicle's violation
19 of a provision of this Code or a local ordinance and is
20 designed to obtain a clear recorded image of the vehicle and
21 the vehicle's license plate. The recorded image must also
22 display the time, date, and location of the violation.

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

- 1 (1) 2 or more photographs;
- 2 (2) 2 or more microphotographs;
- 3 (3) 2 or more electronic images; or
- 4 (4) a video recording showing the motor vehicle and,
5 on at least one image or portion of the recording, clearly
6 identifying the registration plate or digital registration
7 plate number of the motor vehicle.

8 (c) A municipality or county that produces a recorded
9 image of a motor vehicle's violation of a provision of this
10 Code or a local ordinance must make the recorded images of a
11 violation accessible to the alleged violator by providing the
12 alleged violator with a website address, accessible through
13 the Internet.

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

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

- 26 (1) the name and address of the registered owner of

1 the vehicle;

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

4 (3) the violation charged;

5 (4) the location where the violation occurred;

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

7 (6) a copy of the recorded images;

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

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

13 (9) a warning that failure to pay the civil penalty or
14 to contest liability in a timely manner is an admission of
15 liability;

16 (10) a statement that the person may elect to proceed
17 by:

18 (A) paying the fine; or

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

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

24 (f) (Blank).

25 (g) Based on inspection of recorded images produced by an
26 automated traffic law enforcement system, a notice alleging

1 that the violation occurred shall be evidence of the facts
2 contained in the notice and admissible in any proceeding
3 alleging a violation under this Section.

4 (h) Recorded images made by an automated traffic law
5 enforcement system are confidential and shall be made
6 available only to the alleged violator and governmental and
7 law enforcement agencies for purposes of adjudicating a
8 violation of this Section, for statistical purposes, or for
9 other governmental purposes. Any recorded image evidencing a
10 violation of this Section, however, may be admissible in any
11 proceeding resulting from the issuance of the citation.

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

14 (1) that the motor vehicle or registration plates or
15 digital registration plates of the motor vehicle were
16 stolen before the violation occurred and not under the
17 control of or in the possession of the owner or lessee at
18 the time of the violation;

19 (1.5) that the motor vehicle was hijacked before the
20 violation occurred and not under the control of or in the
21 possession of the owner or lessee at the time of the
22 violation;

23 (2) that the driver of the motor vehicle received a
24 Uniform Traffic Citation from a police officer for a
25 violation of Section 11-1414 of this Code within
26 one-eighth of a mile and 15 minutes of the violation that

1 was recorded by the system;

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

6 (4) any other evidence or issues provided by municipal
7 or county ordinance.

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

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

1 owner of the vehicle, but may be recorded by the municipality
2 or county for the purpose of determining if a person is subject
3 to the higher fine for a second or subsequent offense.

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

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

17 (n) A municipality or county operating an automated
18 traffic law enforcement system shall conduct a statistical
19 analysis to assess the safety impact in each school district
20 using school buses equipped with an automated traffic law
21 enforcement system following installation of the system. The
22 statistical analysis shall be based upon the best available
23 crash, traffic, and other data, and shall cover a period of
24 time before and after installation of the system sufficient to
25 provide a statistically valid comparison of safety impact. The
26 statistical analysis shall be consistent with professional

1 judgment and acceptable industry practice. The statistical
2 analysis also shall be consistent with the data required for
3 valid comparisons of before and after conditions and shall be
4 conducted within a reasonable period following the
5 installation of the automated traffic law enforcement system.
6 The statistical analysis required by this subsection shall be
7 made available to the public and shall be published on the
8 website of the municipality or county. If the statistical
9 analysis for the 36-month period following installation of the
10 system indicates that there has been an increase in the rate of
11 accidents at the approach to school buses monitored by the
12 system, the municipality or county shall undertake additional
13 studies to determine the cause and severity of the accidents,
14 and may take any action that it determines is necessary or
15 appropriate to reduce the number or severity of the accidents
16 involving school buses equipped with an automated traffic law
17 enforcement system.

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

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

1 that upon the request of the appropriate authority received
2 within 120 days after the violation occurred, the lessor
3 provides within 60 days after such receipt the name and
4 address of the lessee.

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

11 (q) (Blank).

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

1 system. The proceeds from a school district's automated
2 traffic law enforcement system's fines shall be divided
3 equally between the school district and the municipality or
4 county administering the automated traffic law enforcement
5 system.

6 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

7 (625 ILCS 5/11-1201.1)

8 Sec. 11-1201.1. Automated railroad crossing enforcement
9 system.

10 (a) For the purposes of this Section, an automated
11 railroad grade crossing enforcement system is a system in a
12 municipality or county operated by a governmental agency that
13 produces a recorded image of a motor vehicle's violation of a
14 provision of this Code or local ordinance and is designed to
15 obtain a clear recorded image of the vehicle and vehicle's
16 license plate. The recorded image must also display the time,
17 date, and location of the violation.

18 As used in this Section, "recorded images" means images
19 recorded by an automated railroad grade crossing enforcement
20 system on:

21 (1) 2 or more photographs;

22 (2) 2 or more microphotographs;

23 (3) 2 or more electronic images; or

24 (4) a video recording showing the motor vehicle and,
25 on at least one image or portion of the recording, clearly

1 identifying the registration plate or digital registration
2 plate number of the motor vehicle.

3 (b) The Illinois Commerce Commission may, in cooperation
4 with a local law enforcement agency, establish in any county
5 or municipality an automated railroad grade crossing
6 enforcement system at any railroad grade crossing equipped
7 with a crossing gate designated by local authorities. Local
8 authorities desiring the establishment of an automated
9 railroad crossing enforcement system must initiate the process
10 by enacting a local ordinance requesting the creation of such
11 a system. After the ordinance has been enacted, and before any
12 additional steps toward the establishment of the system are
13 undertaken, the local authorities and the Commission must
14 agree to a plan for obtaining, from any combination of
15 federal, State, and local funding sources, the moneys required
16 for the purchase and installation of any necessary equipment.

17 (b-1) (Blank).→

18 (c) For each violation of Section 11-1201 of this Code or a
19 local ordinance recorded by an automated railroad grade
20 crossing enforcement system, the county or municipality having
21 jurisdiction shall issue a written notice of the violation to
22 the registered owner of the vehicle as the alleged violator.
23 The notice shall be delivered to the registered owner of the
24 vehicle, by mail, no later than 90 days after the violation.

25 The notice shall include:

26 (1) the name and address of the registered owner of

1 the vehicle;

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

4 (3) the violation charged;

5 (4) the location where the violation occurred;

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

7 (6) a copy of the recorded images;

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

10 (8) a statement that recorded images are evidence of a
11 violation of a railroad grade crossing;

12 (9) a warning that failure to pay the civil penalty or
13 to contest liability in a timely manner is an admission of
14 liability; and

15 (10) a statement that the person may elect to proceed
16 by:

17 (A) paying the fine; or

18 (B) challenging the charge in court, by mail, or
19 by administrative hearing.

20 (d) (Blank).

21 (d-1) (Blank).✝

22 (d-2) (Blank).✝

23 (e) Based on inspection of recorded images produced by an
24 automated railroad grade crossing enforcement system, a notice
25 alleging that the violation occurred shall be evidence of the
26 facts contained in the notice and admissible in any proceeding

1 alleging a violation under this Section.

2 (e-1) Recorded images made by an automated railroad grade
3 crossing enforcement system are confidential and shall be made
4 available only to the alleged violator and governmental and
5 law enforcement agencies for purposes of adjudicating a
6 violation of this Section, for statistical purposes, or for
7 other governmental purposes. Any recorded image evidencing a
8 violation of this Section, however, may be admissible in any
9 proceeding resulting from the issuance of the citation.

10 (e-2) The court or hearing officer may consider the
11 following in the defense of a violation:

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

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

21 (2) that the driver of the motor vehicle received a
22 Uniform Traffic Citation from a police officer at the time
23 of the violation for the same offense;

24 (3) any other evidence or issues provided by municipal
25 or county ordinance.

26 (e-3) To demonstrate that the motor vehicle was hijacked

1 or the motor vehicle or registration plates or digital
2 registration plates were stolen before the violation occurred
3 and were not under the control or possession of the owner or
4 lessee at the time of the violation, the owner or lessee must
5 submit proof that a report concerning the ~~stolen~~ motor vehicle
6 or registration plates was filed with a law enforcement agency
7 in a timely manner.

8 (f) Rail crossings equipped with an automatic railroad
9 grade crossing enforcement system shall be posted with a sign
10 visible to approaching traffic stating that the railroad grade
11 crossing is being monitored, that citations will be issued,
12 and the amount of the fine for violation.

13 (g) The compensation paid for an automated railroad grade
14 crossing enforcement system must be based on the value of the
15 equipment or the services provided and may not be based on the
16 number of citations issued or the revenue generated by the
17 system.

18 (h) (Blank).†

19 (i) If any part or parts of this Section are held by a
20 court of competent jurisdiction to be unconstitutional, the
21 unconstitutionality shall not affect the validity of the
22 remaining parts of this Section. The General Assembly hereby
23 declares that it would have passed the remaining parts of this
24 Section if it had known that the other part or parts of this
25 Section would be declared unconstitutional.

26 (j) Penalty. A civil fine of \$250 shall be imposed for a

1 first violation of this Section, and a civil fine of \$500 shall
2 be imposed for a second or subsequent violation of this
3 Section.

4 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
5 revised 11-24-21.)

6 Section 10. The Crime Victims Compensation Act is amended
7 by changing Sections 2, 7.1, and 10.1 as follows:

8 (740 ILCS 45/2) (from Ch. 70, par. 72)

9 Sec. 2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 (a) "Applicant" means any person who applies for
12 compensation under this Act or any person the Court of Claims
13 or the Attorney General finds is entitled to compensation,
14 including the guardian of a minor or of a person under legal
15 disability. It includes any person who was a dependent of a
16 deceased victim of a crime of violence for his or her support
17 at the time of the death of that victim.

18 The changes made to this subsection by this amendatory Act
19 of the 101st General Assembly apply to actions commenced or
20 pending on or after January 1, 2022.

21 (b) "Court of Claims" means the Court of Claims created by
22 the Court of Claims Act.

23 (c) "Crime of violence" means and includes any offense
24 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,

1 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
2 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
3 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
4 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
5 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
6 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
7 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
8 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
9 the Cemetery Protection Act, Section 125 of the Stalking No
10 Contact Order Act, Section 219 of the Civil No Contact Order
11 Act, driving under the influence as defined in Section 11-501
12 of the Illinois Vehicle Code, a violation of Section 11-401 of
13 the Illinois Vehicle Code, provided the victim was a
14 pedestrian or was operating a vehicle moved solely by human
15 power or a mobility device at the time of contact, and a
16 violation of Section 11-204.1 of the Illinois Vehicle Code; so
17 long as the offense did not occur during a civil riot,
18 insurrection or rebellion. "Crime of violence" does not
19 include any other offense or accident involving a motor
20 vehicle except those vehicle offenses specifically provided
21 for in this paragraph. "Crime of violence" does include all of
22 the offenses specifically provided for in this paragraph that
23 occur within this State but are subject to federal
24 jurisdiction and crimes involving terrorism as defined in 18
25 U.S.C. 2331.

26 (d) "Victim" means (1) a person killed or injured in this

1 State as a result of a crime of violence perpetrated or
2 attempted against him or her, (2) the spouse, parent, or child
3 of a person killed or injured in this State as a result of a
4 crime of violence perpetrated or attempted against the person,
5 or anyone living in the household of a person killed or injured
6 in a relationship that is substantially similar to that of a
7 parent, spouse, or child, (3) a person killed or injured in
8 this State while attempting to assist a person against whom a
9 crime of violence is being perpetrated or attempted, if that
10 attempt of assistance would be expected of a reasonable person
11 under the circumstances, (4) a person killed or injured in
12 this State while assisting a law enforcement official
13 apprehend a person who has perpetrated a crime of violence or
14 prevent the perpetration of any such crime if that assistance
15 was in response to the express request of the law enforcement
16 official, (5) a person who personally witnessed a violent
17 crime, (5.05) a person who will be called as a witness by the
18 prosecution to establish a necessary nexus between the
19 offender and the violent crime, (5.1) solely for the purpose
20 of compensating for pecuniary loss incurred for psychological
21 treatment of a mental or emotional condition caused or
22 aggravated by the crime, any other person under the age of 18
23 who is the brother, sister, half brother, or half sister of a
24 person killed or injured in this State as a result of a crime
25 of violence, (6) an Illinois resident who is a victim of a
26 "crime of violence" as defined in this Act except, if the crime

1 occurred outside this State, the resident has the same rights
2 under this Act as if the crime had occurred in this State upon
3 a showing that the state, territory, country, or political
4 subdivision of a country in which the crime occurred does not
5 have a compensation of victims of crimes law for which that
6 Illinois resident is eligible, (7) a deceased person whose
7 body is dismembered or whose remains are desecrated as the
8 result of a crime of violence, or (8) solely for the purpose of
9 compensating for pecuniary loss incurred for psychological
10 treatment of a mental or emotional condition caused or
11 aggravated by the crime, any parent, spouse, or child under
12 the age of 18 of a deceased person whose body is dismembered or
13 whose remains are desecrated as the result of a crime of
14 violence.

15 (e) "Dependent" means a relative of a deceased victim who
16 was wholly or partially dependent upon the victim's income at
17 the time of his or her death and shall include the child of a
18 victim born after his or her death.

19 (f) "Relative" means a spouse, parent, grandparent,
20 stepfather, stepmother, child, grandchild, brother,
21 brother-in-law, sister, sister-in-law, half brother, half
22 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
23 living in the household of a person killed or injured in a
24 relationship that is substantially similar to that of a
25 parent, spouse, or child.

26 (g) "Child" means a son or daughter and includes a

1 stepchild, an adopted child or a child born out of wedlock.

2 (h) "Pecuniary loss" means, in the case of injury,
3 appropriate medical expenses and hospital expenses including
4 expenses of medical examinations, rehabilitation, medically
5 required nursing care expenses, appropriate psychiatric care
6 or psychiatric counseling expenses, appropriate expenses for
7 care or counseling by a licensed clinical psychologist,
8 licensed clinical social worker, licensed professional
9 counselor, or licensed clinical professional counselor and
10 expenses for treatment by Christian Science practitioners and
11 nursing care appropriate thereto; transportation expenses to
12 and from medical and counseling treatment facilities;
13 prosthetic appliances, eyeglasses, and hearing aids necessary
14 or damaged as a result of the crime; expenses incurred for the
15 towing and storage of a victim's vehicle in connection with a
16 crime of violence, to a maximum of \$1,000; costs associated
17 with trafficking tattoo removal by a person authorized or
18 licensed to perform the specific removal procedure;
19 replacement costs for clothing and bedding used as evidence;
20 costs associated with temporary lodging or relocation
21 necessary as a result of the crime, including, but not limited
22 to, the first month's rent and security deposit of the
23 dwelling that the claimant relocated to and other reasonable
24 relocation expenses incurred as a result of the violent crime;
25 locks or windows necessary or damaged as a result of the crime;
26 the purchase, lease, or rental of equipment necessary to

1 create usability of and accessibility to the victim's real and
2 personal property, or the real and personal property which is
3 used by the victim, necessary as a result of the crime; the
4 costs of appropriate crime scene clean-up; replacement
5 services loss, to a maximum of \$1,250 per month; dependents
6 replacement services loss, to a maximum of \$1,250 per month;
7 loss of tuition paid to attend grammar school or high school
8 when the victim had been enrolled as a student prior to the
9 injury, or college or graduate school when the victim had been
10 enrolled as a day or night student prior to the injury when the
11 victim becomes unable to continue attendance at school as a
12 result of the crime of violence perpetrated against him or
13 her; loss of earnings, loss of future earnings because of
14 disability resulting from the injury, and, in addition, in the
15 case of death, expenses for funeral, burial, and travel and
16 transport for survivors of homicide victims to secure bodies
17 of deceased victims and to transport bodies for burial all of
18 which may be awarded up to a maximum of \$10,000 and loss of
19 support of the dependents of the victim; in the case of
20 dismemberment or desecration of a body, expenses for funeral
21 and burial, all of which may be awarded up to a maximum of
22 \$10,000. Loss of future earnings shall be reduced by any
23 income from substitute work actually performed by the victim
24 or by income he or she would have earned in available
25 appropriate substitute work he or she was capable of
26 performing but unreasonably failed to undertake. Loss of

1 earnings, loss of future earnings and loss of support shall be
2 determined on the basis of the victim's average net monthly
3 earnings for the 6 months immediately preceding the date of
4 the injury or on \$2,400 per month, whichever is less or, in
5 cases where the absences commenced more than 3 years from the
6 date of the crime, on the basis of the net monthly earnings for
7 the 6 months immediately preceding the date of the first
8 absence, not to exceed \$2,400 per month. If a divorced or
9 legally separated applicant is claiming loss of support for a
10 minor child of the deceased, the amount of support for each
11 child shall be based either on the amount of support pursuant
12 to the judgment prior to the date of the deceased victim's
13 injury or death, or, if the subject of pending litigation
14 filed by or on behalf of the divorced or legally separated
15 applicant prior to the injury or death, on the result of that
16 litigation. Real and personal property includes, but is not
17 limited to, vehicles, houses, apartments, town houses, or
18 condominiums. Pecuniary loss does not include pain and
19 suffering or property loss or damage.

20 The changes made to this subsection by this amendatory Act
21 of the 101st General Assembly apply to actions commenced or
22 pending on or after January 1, 2022.

23 (i) "Replacement services loss" means expenses reasonably
24 incurred in obtaining ordinary and necessary services in lieu
25 of those the injured person would have performed, not for
26 income, but for the benefit of himself or herself or his or her

1 family, if he or she had not been injured.

2 (j) "Dependents replacement services loss" means loss
3 reasonably incurred by dependents or private legal guardians
4 of minor dependents after a victim's death in obtaining
5 ordinary and necessary services in lieu of those the victim
6 would have performed, not for income, but for their benefit,
7 if he or she had not been fatally injured.

8 (k) "Survivor" means immediate family including a parent,
9 stepfather, stepmother, child, brother, sister, or spouse.

10 (l) "Parent" means a natural parent, adopted parent,
11 stepparent, or permanent legal guardian of another person.

12 (m) "Trafficking tattoo" is a tattoo which is applied to a
13 victim in connection with the commission of a violation of
14 Section 10-9 of the Criminal Code of 2012.

15 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
16 102-27, eff. 6-25-21.)

17 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

18 Sec. 7.1. (a) The application shall set out:

19 (1) the name and address of the victim;

20 (2) if the victim is deceased, the name and address of
21 the applicant and his or her relationship to the victim,
22 the names and addresses of other persons dependent on the
23 victim for their support and the extent to which each is so
24 dependent, and other persons who may be entitled to
25 compensation for a pecuniary loss;

1 (3) the date and nature of the crime on which the
2 application for compensation is based;

3 (4) the date and place where and the law enforcement
4 officials to whom notification of the crime was given;

5 (5) the nature and extent of the injuries sustained by
6 the victim, and the names and addresses of those giving
7 medical and hospitalization treatment to the victim;

8 (6) the pecuniary loss to the applicant and to such
9 other persons as are specified under item (2) resulting
10 from the injury or death;

11 (7) the amount of benefits, payments, or awards, if
12 any, payable under:

13 (a) the Workers' Compensation Act,

14 (b) the Dram Shop Act,

15 (c) any claim, demand, or cause of action based
16 upon the crime-related injury or death,

17 (d) the Federal Medicare program,

18 (e) the State Public Aid program,

19 (f) Social Security Administration burial
20 benefits,

21 (g) Veterans administration burial benefits,

22 (h) life, health, accident, vehicle, towing, or
23 liability insurance,

24 (i) the Criminal Victims' Escrow Account Act,

25 (j) the Sexual Assault Survivors Emergency
26 Treatment Act,

1 (k) restitution, or

2 (l) any other source;

3 (8) releases authorizing the surrender to the Court of
4 Claims or Attorney General of reports, documents and other
5 information relating to the matters specified under this
6 Act and rules promulgated in accordance with the Act;

7 (9) such other information as the Court of Claims or
8 the Attorney General reasonably requires.

9 (b) The Attorney General may require that materials
10 substantiating the facts stated in the application be
11 submitted with that application.

12 (c) An applicant, on his or her own motion, may file an
13 amended application or additional substantiating materials to
14 correct inadvertent errors or omissions at any time before the
15 original application has been disposed of by the Court of
16 Claims or the Attorney General. In either case, the filing of
17 additional information or of an amended application shall be
18 considered for the purpose of this Act to have been filed at
19 the same time as the original application.

20 For claims submitted on or after January 1, 2022, an
21 amended application or additional substantiating materials to
22 correct inadvertent errors or omissions may be filed at any
23 time before the original application is disposed of by the
24 Attorney General or the Court of Claims.

25 (d) Determinations submitted by the Attorney General to
26 the Court of Claims shall be available to the Court of Claims

1 for review. The Attorney General shall provide the sources and
2 evidence relied upon as a basis for a compensation
3 determination.

4 (e) The changes made to this Section by this amendatory
5 Act of the 101st General Assembly apply to actions commenced
6 or pending on or after January 1, 2022.

7 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

8 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

9 Sec. 10.1. Amount of compensation. The amount of
10 compensation to which an applicant and other persons are
11 entitled shall be based on the following factors:

12 (a) A victim may be compensated for his or her pecuniary
13 loss.

14 (b) A dependent may be compensated for loss of support.

15 (c) Any person, even though not dependent upon the victim
16 for his or her support, may be compensated for reasonable
17 expenses of the victim to the extent to which he or she has
18 paid or become obligated to pay such expenses and only after
19 compensation for reasonable funeral, medical and hospital
20 expenses of the victim have been awarded may compensation be
21 made for reasonable expenses of the victim incurred for
22 psychological treatment of a mental or emotional condition
23 caused or aggravated by the crime.

24 (d) An award shall be reduced or denied according to the
25 extent to which the victim's injury or death was caused by

1 provocation or incitement by the victim or the victim
2 assisting, attempting, or committing a criminal act. A denial
3 or reduction shall not automatically bar the survivors of
4 homicide victims from receiving compensation for counseling,
5 crime scene cleanup, relocation, funeral or burial costs, and
6 loss of support if the survivor's actions have not initiated,
7 provoked, or aggravated the suspect into initiating the
8 qualifying crime.

9 (e) An award shall be reduced by the amount of benefits,
10 payments or awards payable under those sources which are
11 required to be listed under item (7) of Section 7.1(a) and any
12 other sources except annuities, pension plans, Federal Social
13 Security payments payable to dependents of the victim and the
14 net proceeds of the first \$25,000 of life insurance that would
15 inure to the benefit of the applicant, which the applicant or
16 any other person dependent for the support of a deceased
17 victim, as the case may be, has received or to which he or she
18 is entitled as a result of injury to or death of the victim.

19 (f) A final award shall not exceed \$10,000 for a crime
20 committed prior to September 22, 1979, \$15,000 for a crime
21 committed on or after September 22, 1979 and prior to January
22 1, 1986, \$25,000 for a crime committed on or after January 1,
23 1986 and prior to August 7, 1998, \$27,000 for a crime committed
24 on or after August 7, 1998 and prior to August 7, 2022, or
25 \$45,000 for a crime committed on or after August 7, 2022. If
26 the total pecuniary loss is greater than the maximum amount

1 allowed, the award shall be divided in proportion to the
2 amount of actual loss among those entitled to compensation.

3 (g) Compensation under this Act is a secondary source of
4 compensation and the applicant must show that he or she has
5 exhausted the benefits reasonably available under the Criminal
6 Victims' Escrow Account Act or any governmental or medical or
7 health insurance programs, including, but not limited to,
8 Workers' Compensation, the Federal Medicare program, the State
9 Public Aid program, Social Security Administration burial
10 benefits, and Veterans Administration burial benefits, and
11 life, health, accident, full vehicle coverage (including
12 towing insurance, if available), or liability insurance.

13 (Source: P.A. 102-27, eff. 1-1-22.)