



Sen. Omar Aquino

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LRB102 15143 NLB 38455 a

1 AMENDMENT TO HOUSE BILL 3772

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3772 by replacing  
3 everything after the enacting clause with the following:

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

1 11-1201.1, and automated speed enforcement system violations  
2 as defined in Section 11-208.8. The administrative system  
3 shall have as its purpose the fair and efficient enforcement  
4 of municipal or county regulations through the administrative  
5 adjudication of automated speed enforcement system or  
6 automated traffic law violations and violations of municipal  
7 or county ordinances regulating the standing and parking of  
8 vehicles, the condition and use of vehicle equipment, and the  
9 display of municipal or county wheel tax licenses within the  
10 municipality's or county's borders. The administrative system  
11 shall only have authority to adjudicate civil offenses  
12 carrying fines not in excess of \$500 or requiring the  
13 completion of a traffic education program, or both, that occur  
14 after the effective date of the ordinance adopting such a  
15 system under this Section. For purposes of this Section,  
16 "compliance violation" means a violation of a municipal or  
17 county regulation governing the condition or use of equipment  
18 on a vehicle or governing the display of a municipal or county  
19 wheel tax license.

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

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

1 violation of parking and compliance ordinances and  
2 automated speed enforcement system or automated traffic  
3 law violations, and operate an administrative adjudication  
4 system.

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

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

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

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

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

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

1 technicians shall test loop-based equipment no less  
2 frequently than once a year. Radar equipment shall be  
3 checked for accuracy by a qualified technician when the  
4 unit is serviced, when unusual or suspect readings  
5 persist, or when deemed necessary by a reviewing  
6 technician. Radar equipment shall be checked with the  
7 internal frequency generator and the internal circuit test  
8 whenever the radar is turned on. Technicians must be alert  
9 for any unusual or suspect readings, and if unusual or  
10 suspect readings of a radar unit persist, that unit shall  
11 immediately be removed from service and not returned to  
12 service until it has been checked by a qualified  
13 technician and determined to be functioning properly.  
14 Documentation of the annual calibration results, including  
15 the equipment tested, test date, technician performing the  
16 test, and test results, shall be maintained and available  
17 for use in the determination of an automated speed  
18 enforcement system violation and issuance of a citation.  
19 The technician performing the calibration and testing of  
20 the automated speed enforcement equipment shall be trained  
21 and certified in the use of equipment for speed  
22 enforcement purposes. Training on the speed enforcement  
23 equipment may be conducted by law enforcement, civilian,  
24 or manufacturer's personnel and if applicable may be  
25 equivalent to the equipment use and operations training  
26 included in the Speed Measuring Device Operator Program



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

1 law violation notice issued, signed, and served in  
2 accordance with this Section, a copy of the notice, or the  
3 computer-generated record shall be prima facie correct and  
4 shall be prima facie evidence of the correctness of the  
5 facts shown on the notice. The notice, copy, or  
6 computer-generated record shall be admissible in any  
7 subsequent administrative or legal proceedings.

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

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

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

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

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

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

19 (6) A notice of impending driver's license suspension.

20 This notice shall be sent to the person liable for failure  
21 to complete a required traffic education program. The  
22 notice shall state that failure to complete a required  
23 traffic education program within 45 days of the notice's  
24 date will result in the municipality or county notifying  
25 the Secretary of State that the person is eligible for  
26 initiation of suspension proceedings under Section 6-306.5

1 of this Code. The notice shall also state that the person  
2 may obtain a photostatic copy of an original ticket  
3 imposing a fine or penalty by sending a self-addressed,  
4 stamped envelope to the municipality or county along with  
5 a request for the photostatic copy. The notice of  
6 impending driver's license suspension shall be sent by  
7 first class United States mail, postage prepaid, to the  
8 address recorded with the Secretary of State or, if any  
9 notice to that address is returned as undeliverable, to  
10 the last known address recorded in a United States Post  
11 Office approved database.

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

26 (8) A petition to set aside a determination of

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

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the municipality or  
2 county may contest the merits of the alleged violation  
3 without attending a hearing.

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

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

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



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

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

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

26          (4) A post immobilization and post-towing notice

1           advising the registered owner of the vehicle of the right  
2           to a hearing to challenge the validity of the impoundment.

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

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

21          (f) After the expiration of the period within which  
22          judicial review may be sought for a final determination of  
23          parking, standing, compliance, automated speed enforcement  
24          system, or automated traffic law violation, the municipality  
25          or county may commence a proceeding in the Circuit Court for  
26          purposes of obtaining a judgment on the final determination of

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

1 render judgment in favor of the municipality or county and  
2 against the registered owner or the lessee for the amount  
3 indicated in the final determination of parking, standing,  
4 compliance, automated speed enforcement system, or automated  
5 traffic law violation, plus costs. The judgment shall have the  
6 same effect and may be enforced in the same manner as other  
7 judgments for the recovery of money.

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

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

17 (h) Notwithstanding any other provision of law to the  
18 contrary, a person shall not be liable for violations, fees,  
19 finances, or penalties under this Section during the period in  
20 which the motor vehicle was stolen or hijacked, as indicated  
21 in a report to the appropriate law enforcement agency filed in  
22 a timely manner.

23 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;  
24 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

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

2           (a) As used in this Section, "automated traffic law  
3 enforcement system" means a device with one or more motor  
4 vehicle sensors working in conjunction with a red light signal  
5 to produce recorded images of motor vehicles entering an  
6 intersection against a red signal indication in violation of  
7 Section 11-306 of this Code or a similar provision of a local  
8 ordinance.

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

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

19                 (1) 2 or more photographs;

20                 (2) 2 or more microphotographs;

21                 (3) 2 or more electronic images; or

22                 (4) a video recording showing the motor vehicle and,  
23 on at least one image or portion of the recording, clearly  
24 identifying the registration plate or digital registration  
25 plate number of the motor vehicle.

26           (b-5) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this  
2 Code or a local ordinance must make the recorded images of a  
3 violation accessible to the alleged violator by providing the  
4 alleged violator with a website address, accessible through  
5 the Internet.

6 (c) Except as provided under Section 11-208.8 of this  
7 Code, a county or municipality, including a home rule county  
8 or municipality, may not use an automated traffic law  
9 enforcement system to provide recorded images of a motor  
10 vehicle for the purpose of recording its speed. Except as  
11 provided under Section 11-208.8 of this Code, the regulation  
12 of the use of automated traffic law enforcement systems to  
13 record vehicle speeds is an exclusive power and function of  
14 the State. This subsection (c) is a denial and limitation of  
15 home rule powers and functions under subsection (h) of Section  
16 6 of Article VII of the Illinois Constitution.

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

1 ordinance.

2 (c-6) A county, or a municipality with less than 2,000,000  
3 inhabitants, including a home rule county or municipality, may  
4 not use an automated traffic law enforcement system to issue  
5 violations in instances where a motorcyclist enters an  
6 intersection against a red signal indication when the red  
7 signal fails to change to a green signal within a reasonable  
8 period of time not less than 120 seconds because of a signal  
9 malfunction or because the signal has failed to detect the  
10 arrival of the motorcycle due to the motorcycle's size or  
11 weight.

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

22 The notice shall include:

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

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

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the  
6 requirements of any traffic education program imposed and  
7 the date by which the civil penalty should be paid and the  
8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a  
10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty,  
12 to complete a required traffic education program, or to  
13 contest liability in a timely manner is an admission of  
14 liability;
- 15 (10) a statement that the person may elect to proceed  
16 by:
- 17 (A) paying the fine, completing a required traffic  
18 education program, or both; 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 (e) (Blank).
- 25 (f) 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 (g) Recorded images made by an automatic 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 (h) 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 vehicle passed through the  
24 intersection when the light was red either (i) in order to  
25 yield the right-of-way to an emergency vehicle or (ii) as  
26 part of a funeral procession; and

1           (3) any other evidence or issues provided by municipal  
2           or county ordinance.

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

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

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

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

14           (k) An intersection equipped with an automated traffic law  
15 enforcement system must be posted with a sign visible to  
16 approaching traffic indicating that the intersection is being  
17 monitored by an automated traffic law enforcement system.

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

23           (k-5) An intersection equipped with an automated traffic  
24 law enforcement system must have a yellow change interval that  
25 conforms with the Illinois Manual on Uniform Traffic Control  
26 Devices (IMUTCD) published by the Illinois Department of

1 Transportation.

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

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

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

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

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

18           (o) (Blank).

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

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

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

8           (625 ILCS 5/11-208.7)

9           Sec. 11-208.7. Administrative fees and procedures for  
10 impounding vehicles for specified violations.

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

24           (b) An ordinance establishing procedures for the release  
25 of properly impounded vehicles under this Section may impose

1 fees only for the following violations:

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

6 (2) driving under the influence of alcohol, another  
7 drug or drugs, an intoxicating compound or compounds, or  
8 any combination thereof, in violation of Section 11-501 of  
9 this Code; or

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

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

16 (5) operation or use of a motor vehicle in the  
17 commission of, or in the attempt to commit, an offense in  
18 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012; or

20 (6) driving while a driver's license, permit, or  
21 privilege to operate a motor vehicle is suspended or  
22 revoked pursuant to Section 6-303 of this Code; except  
23 that vehicles shall not be subjected to seizure or  
24 impoundment if the suspension is for an unpaid citation  
25 (parking or moving) or due to failure to comply with  
26 emission testing; or

1           (7) operation or use of a motor vehicle while  
2           soliciting, possessing, or attempting to solicit or  
3           possess cannabis or a controlled substance, as defined by  
4           the Cannabis Control Act or the Illinois Controlled  
5           Substances Act; or

6           (8) operation or use of a motor vehicle with an  
7           expired driver's license, in violation of Section 6-101 of  
8           this Code, if the period of expiration is greater than one  
9           year; or

10          (9) operation or use of a motor vehicle without ever  
11          having been issued a driver's license or permit, in  
12          violation of Section 6-101 of this Code, or operating a  
13          motor vehicle without ever having been issued a driver's  
14          license or permit due to a person's age; or

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

19          (11) operation or use of a motor vehicle in the  
20          commission of, or in the attempt to commit, an offense in  
21          violation of Article 16 or 16A of the Criminal Code of 1961  
22          or the Criminal Code of 2012; or

23          (12) operation or use of a motor vehicle in the  
24          commission of, or in the attempt to commit, any other  
25          misdemeanor or felony offense in violation of the Criminal  
26          Code of 1961 or the Criminal Code of 2012, when so provided



1 by local ordinance; or

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

4 (A) while the vehicle is part of a funeral  
5 procession; or

6 (B) in a manner that interferes with a funeral  
7 procession.

8 (c) The following shall apply to any fees imposed for  
9 administrative and processing costs pursuant to subsection  
10 (b):

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

14 (1.5) No administrative fees or towing or storage  
15 charges shall be imposed on the registered owner or the  
16 agents of that owner if the motor vehicle was stolen or  
17 hijacked at the time the vehicle was impounded. To  
18 demonstrate that the motor vehicle was hijacked or stolen  
19 at the time the vehicle was impounded, the owner or the  
20 agents of the owner must submit proof that a report  
21 concerning the motor vehicle was filed with a law  
22 enforcement agency in a timely manner.

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

1           (3) The fees shall be uniform for all similarly  
2 situated vehicles.

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

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

8           (d) Any ordinance establishing procedures for the release  
9 of properly impounded vehicles under this Section shall  
10 provide for an opportunity for a hearing, as provided in  
11 subdivision (b)(4) of Section 11-208.3 of this Code, and for  
12 the release of the vehicle to the owner of record, lessee, or a  
13 lienholder of record upon payment of all administrative fees  
14 and towing and storage fees.

15           (e) Any ordinance establishing procedures for the  
16 impoundment and release of vehicles under this Section shall  
17 include the following provisions concerning notice of  
18 impoundment:

19           (1) Whenever a police officer has cause to believe  
20 that a motor vehicle is subject to impoundment, the  
21 officer shall provide for the towing of the vehicle to a  
22 facility authorized by the county or municipality.

23           (2) At the time the vehicle is towed, the county or  
24 municipality shall notify or make a reasonable attempt to  
25 notify the owner, lessee, or person identifying himself or  
26 herself as the owner or lessee of the vehicle, or any

1 person who is found to be in control of the vehicle at the  
2 time of the alleged offense, of the fact of the seizure,  
3 and of the vehicle owner's or lessee's right to an  
4 administrative hearing.

5 (3) The county or municipality shall also provide  
6 notice that the motor vehicle will remain impounded  
7 pending the completion of an administrative hearing,  
8 unless the owner or lessee of the vehicle or a lienholder  
9 posts with the county or municipality a bond equal to the  
10 administrative fee as provided by ordinance and pays for  
11 all towing and storage charges.

12 (f) Any ordinance establishing procedures for the  
13 impoundment and release of vehicles under this Section shall  
14 include a provision providing that the registered owner or  
15 lessee of the vehicle and any lienholder of record shall be  
16 provided with a notice of hearing. The notice shall:

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

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

23 (3) contain the date, time, and location of the  
24 administrative hearing. An initial hearing shall be  
25 scheduled and convened no later than 45 days after the  
26 date of the mailing of the notice of hearing.

1 (g) In addition to the requirements contained in  
2 subdivision (b) (4) of Section 11-208.3 of this Code relating  
3 to administrative hearings, any ordinance providing for the  
4 impoundment and release of vehicles under this Section shall  
5 include the following requirements concerning administrative  
6 hearings:

7 (1) administrative hearings shall be conducted by a  
8 hearing officer who is an attorney licensed to practice  
9 law in this State for a minimum of 3 years;

10 (1.5) the hearing officer shall consider as a defense  
11 to the vehicle impoundment that the motor vehicle was  
12 stolen or hijacked at the time the vehicle was impounded;  
13 to demonstrate that the motor vehicle was hijacked or  
14 stolen at the time the vehicle was impounded, the owner or  
15 the agents of the owner or a lessee must submit proof that  
16 a report concerning the motor vehicle was filed with a law  
17 enforcement agency in a timely manner;

18 (2) at the conclusion of the administrative hearing,  
19 the hearing officer shall issue a written decision either  
20 sustaining or overruling the vehicle impoundment;

21 (3) if the basis for the vehicle impoundment is  
22 sustained by the administrative hearing officer, any  
23 administrative fee posted to secure the release of the  
24 vehicle shall be forfeited to the county or municipality;

25 (4) all final decisions of the administrative hearing  
26 officer shall be subject to review under the provisions of

1 the Administrative Review Law, unless the county or  
2 municipality allows in the enabling ordinance for direct  
3 appeal to the circuit court having jurisdiction over the  
4 county or municipality;

5 (5) unless the administrative hearing officer  
6 overturns the basis for the vehicle impoundment, no  
7 vehicle shall be released to the owner, lessee, or  
8 lienholder of record until all administrative fees and  
9 towing and storage charges are paid; ~~and~~

10 (6) if the administrative hearing officer finds that a  
11 county or municipality that impounds a vehicle exceeded  
12 its authority under this Code, the county or municipality  
13 shall be liable to the registered owner or lessee of the  
14 vehicle for the cost of storage fees and reasonable  
15 attorney's fees; and -

16 (7) notwithstanding any other provision of law to the  
17 contrary, if the administrative hearing officer finds that  
18 a county or municipality impounded a motor vehicle that  
19 was stolen or hijacked at the time the vehicle was  
20 impounded, the county or municipality shall be liable to  
21 the registered owner or lessee of the vehicle for the cost  
22 of towing and storage fees.

23 (h) Vehicles not retrieved from the towing facility or  
24 storage facility within 35 days after the administrative  
25 hearing officer issues a written decision shall be deemed  
26 abandoned and disposed of in accordance with the provisions of

1 Article II of Chapter 4 of this Code.

2 (i) Unless stayed by a court of competent jurisdiction,  
3 any fine, penalty, or administrative fee imposed under this  
4 Section which remains unpaid in whole or in part after the  
5 expiration of the deadline for seeking judicial review under  
6 the Administrative Review Law may be enforced in the same  
7 manner as a judgment entered by a court of competent  
8 jurisdiction.

9 (j) The fee limits in subsection (b), the exceptions in  
10 paragraph (6) of subsection (b), and all of paragraph (6) of  
11 subsection (g) of this Section shall not apply to a home rule  
12 unit that tows a vehicle on a public way if a circumstance  
13 requires the towing of the vehicle or if the vehicle is towed  
14 due to a violation of a statute or local ordinance, and the  
15 home rule unit:

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

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

20 (Source: P.A. 98-518, eff. 8-22-13; 98-734, eff. 1-1-15;  
21 98-756, eff. 7-16-14; 99-848, eff. 8-19-16.)

22 (625 ILCS 5/11-208.8)

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

25 (a) As used in this Section:

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

9 An automated speed enforcement system is a system, located  
10 in a safety zone which is under the jurisdiction of a  
11 municipality, that produces a recorded image of a motor  
12 vehicle's violation of a provision of this Code or a local  
13 ordinance and is designed to obtain a clear recorded image of  
14 the vehicle and the vehicle's license plate. The recorded  
15 image must also display the time, date, and location of the  
16 violation.

17 "Owner" means the person or entity to whom the vehicle is  
18 registered.

19 "Recorded image" means images recorded by an automated  
20 speed enforcement 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  
26 identifying the registration plate or digital registration

1 plate number of the motor vehicle.

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

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

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



1           (ii) if the safety zone is based upon the property  
2 line of any facility, area, or land owned by a park  
3 district, no earlier than one hour prior to the time that  
4 the facility, area, or land is open to the public or other  
5 patrons, and no later than one hour after the facility,  
6 area, or land is closed to the public or other patrons.

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

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

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

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

1           A penalty may not be imposed under this Section if the  
2 driver of the motor vehicle received a Uniform Traffic  
3 Citation from a police officer for a speeding violation  
4 occurring within one-eighth of a mile and 15 minutes of the  
5 violation that was recorded by the system. A violation for  
6 which a civil penalty is imposed under this Section is not a  
7 violation of a traffic regulation governing the movement of  
8 vehicles and may not be recorded on the driving record of the  
9 owner of the vehicle. A law enforcement officer is not  
10 required to be present or to witness the violation. No penalty  
11 may be imposed under this Section if the recorded speed of a  
12 vehicle is 5 miles per hour or less over the legal speed limit.  
13 The municipality may send, in the same manner that notices are  
14 sent under this Section, a speed violation warning notice  
15 where the violation involves a speed of 5 miles per hour or  
16 less above the legal speed limit.

17           (d) The net proceeds that a municipality receives from  
18 civil penalties imposed under an automated speed enforcement  
19 system, after deducting all non-personnel and personnel costs  
20 associated with the operation and maintenance of such system,  
21 shall be expended or obligated by the municipality for the  
22 following purposes:

23           (i) public safety initiatives to ensure safe passage  
24 around schools, and to provide police protection and  
25 surveillance around schools and parks, including but not  
26 limited to: (1) personnel costs; and (2) non-personnel

1 costs such as construction and maintenance of public  
2 safety infrastructure and equipment;

3 (ii) initiatives to improve pedestrian and traffic  
4 safety;

5 (iii) construction and maintenance of infrastructure  
6 within the municipality, including but not limited to  
7 roads and bridges; and

8 (iv) after school programs.

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

18 (f) The notice required under subsection (e) of this  
19 Section shall include:

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

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

24 (3) the violation charged;

25 (4) the date, time, and location where the violation  
26 occurred;

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

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

4 (7) a statement that recorded images are evidence of a  
5 violation of a speed restriction;

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

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

11 (A) paying the fine; or

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

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

17 (g) (Blank).

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

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

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

5 (j) 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 or in the possession of the owner or lessee at the  
11 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 motor vehicle received a  
17 Uniform Traffic Citation from a police officer for a  
18 speeding violation occurring within one-eighth of a mile  
19 and 15 minutes of the violation that was recorded by the  
20 system; and

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

23 (k) To demonstrate that the motor vehicle was hijacked or  
24 the motor vehicle or registration plates or digital  
25 registration plates were stolen before the violation occurred  
26 and were not under the control or possession of the owner or

1 lessee at the time of the violation, the owner or lessee must  
2 submit proof that a report concerning the ~~stolen~~ motor vehicle  
3 or registration plates was filed with a law enforcement agency  
4 in a timely manner.

5 (l) A roadway equipped with an automated speed enforcement  
6 system shall be posted with a sign conforming to the national  
7 Manual on Uniform Traffic Control Devices that is visible to  
8 approaching traffic stating that vehicle speeds are being  
9 photo-enforced and indicating the speed limit. The  
10 municipality shall install such additional signage as it  
11 determines is necessary to give reasonable notice to drivers  
12 as to where automated speed enforcement systems are installed.

13 (m) A roadway where a new automated speed enforcement  
14 system is installed shall be posted with signs providing 30  
15 days notice of the use of a new automated speed enforcement  
16 system prior to the issuance of any citations through the  
17 automated speed enforcement system.

18 (n) The compensation paid for an automated speed  
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 (o) (Blank).

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

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

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

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

18 (r) A municipality operating an automated speed  
19 enforcement system shall conduct a statistical analysis to  
20 assess the safety impact of the system. The statistical  
21 analysis shall be based upon the best available crash,  
22 traffic, and other data, and shall cover a period of time  
23 before and after installation of the system sufficient to  
24 provide a statistically valid comparison of safety impact. The  
25 statistical analysis shall be consistent with professional  
26 judgment and acceptable industry practice. The statistical

1 analysis also shall be consistent with the data required for  
2 valid comparisons of before and after conditions and shall be  
3 conducted within a reasonable period following the  
4 installation of the automated traffic law enforcement system.  
5 The statistical analysis required by this subsection shall be  
6 made available to the public and shall be published on the  
7 website of the municipality.

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

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

11 (625 ILCS 5/11-208.9)

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

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

24 An automated traffic law enforcement system is a system,  
25 in a municipality or county operated by a governmental agency,



1 that produces a recorded image of a motor vehicle's violation  
2 of a provision of this Code or a local ordinance and is  
3 designed to obtain a clear recorded image of the vehicle and  
4 the vehicle's license plate. The recorded image must also  
5 display the time, date, and location of the violation.

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

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

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

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

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

1 The notice shall be delivered to the registered owner of the  
2 vehicle, by mail, within 30 days after the Secretary of State  
3 notifies the municipality or county of the identity of the  
4 owner of the vehicle, but in no event later than 90 days after  
5 the violation.

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

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

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

12 (3) the violation charged;

13 (4) the location where the violation occurred;

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

15 (6) a copy of the recorded images;

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

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

21 (9) a warning that failure to pay the civil penalty or  
22 to contest liability in a timely manner is an admission of  
23 liability;

24 (10) a statement that the person may elect to proceed  
25 by:

26 (A) paying the fine; or

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

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

6 (f) (Blank).

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

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

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

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

1           (1.5) that the motor vehicle was hijacked before the  
2           violation occurred and not under the control of or in the  
3           possession of the owner or lessee at the time of the  
4           violation;

5           (2) that the driver of the motor vehicle received a  
6           Uniform Traffic Citation from a police officer for a  
7           violation of Section 11-1414 of this Code within  
8           one-eighth of a mile and 15 minutes of the violation that  
9           was recorded by the system;

10           (3) that the visual signals required by Sections  
11           12-803 and 12-805 of this Code were damaged, not  
12           activated, not present in violation of Sections 12-803 and  
13           12-805, or inoperable; and

14           (4) any other evidence or issues provided by municipal  
15           or county ordinance.

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

24           (k) Unless the driver of the motor vehicle received a  
25           Uniform Traffic Citation from a police officer at the time of  
26           the violation, the motor vehicle owner is subject to a civil

1 penalty not exceeding \$150 for a first time violation or \$500  
2 for a second or subsequent violation, plus an additional  
3 penalty of not more than \$100 for failure to pay the original  
4 penalty in a timely manner, if the motor vehicle is recorded by  
5 an automated traffic law enforcement system. A violation for  
6 which a civil penalty is imposed under this Section is not a  
7 violation of a traffic regulation governing the movement of  
8 vehicles and may not be recorded on the driving record of the  
9 owner of the vehicle, but may be recorded by the municipality  
10 or county for the purpose of determining if a person is subject  
11 to the higher fine for a second or subsequent offense.

12 (l) A school bus equipped with an automated traffic law  
13 enforcement system must be posted with a sign indicating that  
14 the school bus is being monitored by an automated traffic law  
15 enforcement system.

16 (m) A municipality or county that has one or more school  
17 buses equipped with an automated traffic law enforcement  
18 system must provide notice to drivers by posting a list of  
19 school districts using school buses equipped with an automated  
20 traffic law enforcement system on the municipality or county  
21 website. School districts that have one or more school buses  
22 equipped with an automated traffic law enforcement system must  
23 provide notice to drivers by posting that information on their  
24 websites.

25 (n) A municipality or county operating an automated  
26 traffic law enforcement system shall conduct a statistical

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

26 (o) The compensation paid for an automated traffic law

1 enforcement system must be based on the value of the equipment  
2 or the services provided and may not be based on the number of  
3 traffic citations issued or the revenue generated by the  
4 system.

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

13 Upon the provision of information by the lessor pursuant  
14 to this subsection, the county or municipality may issue the  
15 violation to the lessee of the vehicle in the same manner as it  
16 would issue a violation to a registered owner of a vehicle  
17 pursuant to this Section, and the lessee may be held liable for  
18 the violation.

19 (q) (Blank).

20 (r) After a municipality or county enacts an ordinance  
21 providing for automated traffic law enforcement systems under  
22 this Section, each school district within that municipality or  
23 county's jurisdiction may implement an automated traffic law  
24 enforcement system under this Section. The elected school  
25 board for that district must approve the implementation of an  
26 automated traffic law enforcement system. The school district

1 shall be responsible for entering into a contract, approved by  
2 the elected school board of that district, with vendors for  
3 the installation, maintenance, and operation of the automated  
4 traffic law enforcement system. The school district must enter  
5 into an intergovernmental agreement, approved by the elected  
6 school board of that district, with the municipality or county  
7 with jurisdiction over that school district for the  
8 administration of the automated traffic law enforcement  
9 system. The proceeds from a school district's automated  
10 traffic law enforcement system's fines shall be divided  
11 equally between the school district and the municipality or  
12 county administering the automated traffic law enforcement  
13 system.

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

15 (625 ILCS 5/11-1201.1)

16 Sec. 11-1201.1. Automated railroad crossing enforcement  
17 system.

18 (a) For the purposes of this Section, an automated  
19 railroad grade crossing enforcement system is a system in a  
20 municipality or county operated by a governmental agency that  
21 produces a recorded image of a motor vehicle's violation of a  
22 provision of this Code or local ordinance and is designed to  
23 obtain a clear recorded image of the vehicle and vehicle's  
24 license plate. The recorded image must also display the time,  
25 date, and location of the violation.



1           As used in this Section, "recorded images" means images  
2 recorded by an automated railroad grade crossing enforcement  
3 system on:

4           (1) 2 or more photographs;

5           (2) 2 or more microphotographs;

6           (3) 2 or more electronic images; or

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

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

25           (b-1) (Blank).†

26           (c) For each violation of Section 11-1201 of this Code or a

1 local ordinance recorded by an automated railroad grade  
2 crossing enforcement system, the county or municipality having  
3 jurisdiction shall issue a written notice of the violation to  
4 the registered owner of the vehicle as the alleged violator.  
5 The notice shall be delivered to the registered owner of the  
6 vehicle, by mail, no later than 90 days after the violation.

7 The notice shall include:

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

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

12 (3) the violation charged;

13 (4) the location where the violation occurred;

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

15 (6) a copy of the recorded images;

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

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

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

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

25 (A) paying the fine; or

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

1 by administrative hearing.

2 (d) (Blank).

3 (d-1) (Blank).~~†~~

4 (d-2) (Blank).~~†~~

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

10 (e-1) Recorded images made by an automated railroad grade  
11 crossing enforcement system are confidential and shall be made  
12 available only to the alleged violator and governmental and  
13 law enforcement agencies for purposes of adjudicating a  
14 violation of this Section, for statistical purposes, or for  
15 other governmental purposes. Any recorded image evidencing a  
16 violation of this Section, however, may be admissible in any  
17 proceeding resulting from the issuance of the citation.

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

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

25 (1.5) that the motor vehicle was hijacked before the  
26 violation occurred and not under the control of or in the

1       possession of the owner or lessee at the time of the  
2       violation;

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

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

8           (e-3) To demonstrate that the motor vehicle was hijacked  
9       or 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          (f) Rail crossings equipped with an automatic railroad  
17      grade crossing enforcement system shall be posted with a sign  
18      visible to approaching traffic stating that the railroad grade  
19      crossing is being monitored, that citations will be issued,  
20      and the amount of the fine for violation.

21          (g) The compensation paid for an automated railroad grade  
22      crossing enforcement system must be based on the value of the  
23      equipment or the services provided and may not be based on the  
24      number of citations issued or the revenue generated by the  
25      system.

26          (h) (Blank).†

1           (i) If any part or parts of this Section are held by a  
2 court of competent jurisdiction to be unconstitutional, the  
3 unconstitutionality shall not affect the validity of the  
4 remaining parts of this Section. The General Assembly hereby  
5 declares that it would have passed the remaining parts of this  
6 Section if it had known that the other part or parts of this  
7 Section would be declared unconstitutional.

8           (j) Penalty. A civil fine of \$250 shall be imposed for a  
9 first violation of this Section, and a civil fine of \$500 shall  
10 be imposed for a second or subsequent violation of this  
11 Section.

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