



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB2808

Introduced 2/16/2023, by Rep. Eva-Dina Delgado

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-50 new  
625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3  
625 ILCS 5/11-208.6  
625 ILCS 5/11-208.8  
625 ILCS 5/11-208.9

Amends the Election Code. Provides that a contractor that provides equipment and services for automated law enforcement, automated speed enforcement, or automated railroad grade crossing enforcement systems to municipalities or counties or any political action committee created by such a contractor may not make a campaign contribution to any political committee established to promote the candidacy of a candidate or public official in an aggregate value over \$500 in a calendar year. Amends the Illinois Vehicle Code. Provides that a municipality's or county's automated speed enforcement system or automated traffic law ordinance shall require that the determination to issue a citation be vested solely with the municipality or county and that such authority may not be delegated to any contractor retained by the municipality or county. Provides that any contract or agreement violating such a provision in the ordinance is null and void. Provides that signage at an intersection informing drivers of an automated traffic law enforcement system shall also inform drivers whether, following a stop, a right turn at the intersection is permitted or prohibited. Requires a statistical analysis of automated traffic law and speed enforcement systems every 3 years. Provides that no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a contractor that provides automated enforcement system equipment or services to municipalities or counties until 2 years immediately after the termination of municipal or county employment. Effective January 1, 2024.

LRB103 24842 HEP 51175 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by adding Section  
5 9-50 as follows:

6 (10 ILCS 5/9-50 new)

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

1 of the Illinois Vehicle Code.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

24 (4) An opportunity for a hearing for the registered  
25 owner of the vehicle cited in the parking, standing,  
26 compliance, automated speed enforcement system, or

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

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

1 vehicle at the time of lease or, if any notice to that  
2 address is returned as undeliverable, to the last known  
3 address recorded in a United States Post Office approved  
4 database. The service shall be deemed complete as of the  
5 date of deposit in the United States mail. The notices  
6 shall be in the following sequence and shall include, but  
7 not be limited to, the information specified herein:

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

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

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

1           municipality or county, or both, within the time  
2           specified may result in the municipality's or county's  
3           filing of a petition in the Circuit Court to have the  
4           incomplete traffic education program or unpaid fine or  
5           penalty, or both, rendered a judgment as provided by  
6           this Section, or, where applicable, may result in  
7           suspension of the person's driver's license for  
8           failure to complete a traffic education program.

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

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

1 Office approved database.

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

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



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

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

20 (10) A schedule of civil fines for violations of  
21 vehicular standing, parking, compliance, automated speed  
22 enforcement system, or automated traffic law regulations  
23 enacted by ordinance pursuant to this Section, and a  
24 schedule of penalties for late payment of the fines or  
25 failure to complete required traffic education programs,  
26 provided, however, that the total amount of the fine and

1 penalty for any one violation shall not exceed \$250,  
2 except as provided in subsection (c) of Section 11-1301.3  
3 of this Code.

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

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

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

25 (1) Criteria for the designation of vehicles eligible  
26 for immobilization. A vehicle shall be eligible for

1 immobilization when the registered owner of the vehicle  
2 has accumulated the number of incomplete traffic education  
3 programs or unpaid final determinations of parking,  
4 standing, compliance, automated speed enforcement system,  
5 or automated traffic law violation liability, or both, as  
6 determined by ordinance.

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

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

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

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

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

19           (f) After the expiration of the period within which  
20 judicial review may be sought for a final determination of  
21 parking, standing, compliance, automated speed enforcement  
22 system, or automated traffic law violation, the municipality  
23 or county may commence a proceeding in the Circuit Court for  
24 purposes of obtaining a judgment on the final determination of  
25 violation. Nothing in this Section shall prevent a  
26 municipality or county from consolidating multiple final

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

1 indicated in the final determination of parking, standing,  
2 compliance, automated speed enforcement system, or automated  
3 traffic law violation, plus costs. The judgment shall have the  
4 same effect and may be enforced in the same manner as other  
5 judgments for the recovery of money.

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

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

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

21 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;  
22 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; 102-905, eff.  
23 1-1-23.)

24 (625 ILCS 5/11-208.6)

25 (Text of Section before amendment by P.A. 102-982)

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 motor vehicle or  
9           registration plates was filed with a law enforcement agency in  
10          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 and  
18 informing drivers whether, following a stop, a right turn at  
19 the intersection is permitted or prohibited.

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

25           (k-5) An intersection equipped with an automated traffic  
26 law enforcement system must have a yellow change interval that

1 conforms with the Illinois Manual on Uniform Traffic Control  
2 Devices (IMUTCD) published by the Illinois Department of  
3 Transportation.

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

1 determine the cause and severity of the accidents, and may  
2 take any action that it determines is necessary or appropriate  
3 to reduce the number or severity of the accidents at that  
4 intersection.

5 (k-8) Any municipality or county operating an automated  
6 traffic law enforcement system before the effective date of  
7 this amendatory Act of the 103rd General Assembly shall  
8 conduct a statistical analysis to assess the safety impact of  
9 each automated traffic law enforcement system at an  
10 intersection by no later than one year after the effective  
11 date of this amendatory Act of the 103rd General Assembly and  
12 every 3 years thereafter. The statistical analyses shall be  
13 based upon the best available crash, traffic, and other data,  
14 and shall cover a period of time before and after installation  
15 of the system sufficient to provide a statistically valid  
16 comparison of safety impact. The statistical analyses shall be  
17 consistent with professional judgment and acceptable industry  
18 practice. The statistical analyses also shall be consistent  
19 with the data required for valid comparisons of before and  
20 after conditions. The statistical analyses required by this  
21 subsection shall be made available to the public and shall be  
22 published on the website of the municipality or county. If the  
23 statistical analysis for any period following installation of  
24 the system indicates that there has been an increase in the  
25 rate of accidents at the approach to the intersection  
26 monitored by the system, the municipality or county shall

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

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

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

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

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

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



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

6 (o) (Blank).

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

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

21 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
22 102-905, eff. 1-1-23; revised 12-14-22.)

23 (Text of Section after amendment by P.A. 102-982)

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

25 (a) As used in this Section, "automated traffic law

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

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

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

17 (1) 2 or more photographs;

18 (2) 2 or more microphotographs;

19 (3) 2 or more electronic images; or

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

24 (b-5) A municipality or county that produces a recorded  
25 image of a motor vehicle's violation of a provision of this  
26 Code or a local ordinance must make the recorded images of a

1 violation accessible to the alleged violator by providing the  
2 alleged violator with a website address, accessible through  
3 the Internet.

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

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

26 (c-6) A county, or a municipality with less than 2,000,000

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

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

20 The notice shall include:

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

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

25 (3) the violation charged;

26 (4) the location where the violation occurred;

- 1 (5) the date and time of the violation;
- 2 (6) a copy of the recorded images;
- 3 (7) the amount of the civil penalty imposed and the  
4 requirements of any traffic education program imposed and  
5 the date by which the civil penalty should be paid and the  
6 traffic education program should be completed;
- 7 (8) a statement that recorded images are evidence of a  
8 violation of a red light signal;
- 9 (9) a warning that failure to pay the civil penalty,  
10 to complete a required traffic education program, or to  
11 contest liability in a timely manner is an admission of  
12 liability;
- 13 (10) a statement that the person may elect to proceed  
14 by:
- 15 (A) paying the fine, completing a required traffic  
16 education program, or both; or
- 17 (B) challenging the charge in court, by mail, or  
18 by administrative hearing; and
- 19 (11) a website address, accessible through the  
20 Internet, where the person may view the recorded images of  
21 the violation.
- 22 (e) (Blank).
- 23 (f) Based on inspection of recorded images produced by an  
24 automated traffic law enforcement system, a notice alleging  
25 that the violation occurred shall be evidence of the facts  
26 contained in the notice and admissible in any proceeding

1 alleging a violation under this Section.

2 (g) Recorded images made by an automatic traffic law  
3 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 (h) The court or hearing officer may consider in defense  
11 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 vehicle passed through the  
22 intersection when the light was red either (i) in order to  
23 yield the right-of-way to an emergency vehicle or (ii) as  
24 part of a funeral procession; and

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

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

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

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

25           (j-5) For purposes of the required traffic education  
26 program only, a registered owner may submit an affidavit to

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

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

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

1 reduce the number or severity of the crashes at that  
2 intersection.

3 (k-8) Any municipality or county operating an automated  
4 traffic law enforcement system before the effective date of  
5 this amendatory Act of the 103rd General Assembly shall  
6 conduct a statistical analysis to assess the safety impact of  
7 each automated traffic law enforcement system at an  
8 intersection by no later than one year after the effective  
9 date of this amendatory Act of the 103rd General Assembly and  
10 every 3 years thereafter. The statistical analyses shall be  
11 based upon the best available crash, traffic, and other data,  
12 and shall cover a period of time before and after installation  
13 of the system sufficient to provide a statistically valid  
14 comparison of safety impact. The statistical analyses shall be  
15 consistent with professional judgment and acceptable industry  
16 practice. The statistical analyses also shall be consistent  
17 with the data required for valid comparisons of before and  
18 after conditions. The statistical analyses required by this  
19 subsection shall be made available to the public and shall be  
20 published on the website of the municipality or county. If the  
21 statistical analysis for any period following installation of  
22 the system indicates that there has been an increase in the  
23 rate of accidents at the approach to the intersection  
24 monitored by the system, the municipality or county shall  
25 undertake additional studies to determine the cause and  
26 severity of the accidents, and may take any action that it

1 determines is necessary or appropriate to reduce the number or  
2 severity of the accidents at that intersection.

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

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

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

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

23 A low-income individual required to complete a traffic  
24 education program under this Section who provides proof of  
25 eligibility for the federal earned income tax credit under  
26 Section 32 of the Internal Revenue Code or the Illinois earned

1 income tax credit under Section 212 of the Illinois Income Tax  
2 Act shall not be required to pay any fee for participating in a  
3 required traffic education program.

4 (o) (Blank).

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 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
20 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

21 (625 ILCS 5/11-208.8)

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

24 (a) As used in this Section:

25 "Automated speed enforcement system" means a photographic

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

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

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

18 "Recorded image" means images recorded by an automated  
19 speed enforcement system on:

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

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

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

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

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

26 (ii) if the safety zone is based upon the property

1 line of any facility, area, or land owned by a park  
2 district, no earlier than one hour prior to the time that  
3 the facility, area, or land is open to the public or other  
4 patrons, and no later than one hour after the facility,  
5 area, or land is closed to the public or other patrons.

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

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

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

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

26 A penalty may not be imposed under this Section if the

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

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

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



1 safety infrastructure and equipment;

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

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

7 (iv) after school programs.

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

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

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

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

23 (3) the violation charged;

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

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

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

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

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

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

10                   (A) paying the fine; or

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

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

16           (g) (Blank).

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

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

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

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

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

11 (1.5) that the motor vehicle was hijacked before the  
12 violation occurred and not under the control of or in the  
13 possession of the owner or lessee at the time of the  
14 violation;

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

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

22 (k) 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 motor vehicle or  
2 registration plates was filed with a law enforcement agency in  
3 a timely manner.

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

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

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

22 (n-1) No officer or employee of a municipality or county  
23 shall knowingly accept employment or receive compensation or  
24 fees for services from a contractor that provides automated  
25 speed enforcement system equipment or services to  
26 municipalities. No former officer or employee of a

1 municipality or county shall, within a period of 2 years  
2 immediately after termination of municipal or county  
3 employment, knowingly accept employment or receive  
4 compensation or fees for services from a contractor that  
5 provides automated speed enforcement system equipment or  
6 services to municipalities.

7 (o) (Blank).

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

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

24 (q) A municipality using an automated speed enforcement  
25 system must provide notice to drivers by publishing the  
26 locations of all safety zones where system equipment is

1 installed on the website of the municipality.

2 (r) A municipality operating an automated speed  
3 enforcement system shall conduct a statistical analysis to  
4 assess the safety impact of the system following installation  
5 of the system and every 3 years thereafter. A municipality  
6 operating an automated speed enforcement system before the  
7 effective date of this amendatory Act of the 103rd General  
8 Assembly shall conduct a statistical analysis to assess the  
9 safety impact of the system by no later than one year after the  
10 effective date of this amendatory Act of the 103rd General  
11 Assembly and every 3 years thereafter. Each ~~The~~ statistical  
12 analysis shall be based upon the best available crash,  
13 traffic, and other data, and shall cover a period of time  
14 before and after installation of the system sufficient to  
15 provide a statistically valid comparison of safety impact.  
16 Each ~~The~~ statistical analysis shall be consistent with  
17 professional judgment and acceptable industry practice. Each  
18 ~~The~~ statistical analysis also shall be consistent with the  
19 data required for valid comparisons of before and after  
20 conditions and shall be conducted within a reasonable period  
21 following the installation of the automated traffic law  
22 enforcement system. Each ~~The~~ statistical analysis required by  
23 this subsection shall be made available to the public and  
24 shall be published on the website of the municipality.

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

1 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
2 102-905, eff. 1-1-23.)

3 (625 ILCS 5/11-208.9)

4 (Text of Section before amendment by P.A. 102-982)

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

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

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

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

1 on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

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

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

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

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



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

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

5 (3) the violation charged;

6 (4) the location where the violation occurred;

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

8 (6) a copy of the recorded images;

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

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

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

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

19 (A) paying the fine; or

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

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

25 (f) (Blank).

26 (g) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging  
2 that the violation occurred shall be evidence of the facts  
3 contained in the notice and admissible in any proceeding  
4 alleging a violation under this Section.

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

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

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

26 (1) that the motor vehicle or registration plates or

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

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

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

14 (3) that the visual signals required by Sections  
15 12-803 and 12-805 of this Code were damaged, not  
16 activated, not present in violation of Sections 12-803 and  
17 12-805, or inoperable; and

18 (4) any other evidence or issues provided by municipal  
19 or county ordinance.

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

1 a timely manner.

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

16 (l) A school bus equipped with an automated traffic law  
17 enforcement system must be posted with a sign indicating that  
18 the school bus is being monitored by an automated traffic law  
19 enforcement system.

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

1 provide notice to drivers by posting that information on their  
2 websites.

3 (n) A municipality or county operating an automated  
4 traffic law enforcement system shall conduct a statistical  
5 analysis to assess the safety impact in each school district  
6 using school buses equipped with an automated traffic law  
7 enforcement system following installation of the system and  
8 every 3 years thereafter. A municipality or county operating  
9 an automated speed enforcement system before the effective  
10 date of this amendatory Act of the 103rd General Assembly  
11 shall conduct a statistical analysis to assess the safety  
12 impact of the system by no later than one year after the  
13 effective date of this amendatory Act of the 103rd General  
14 Assembly and every 3 years thereafter. Each ~~The~~ statistical  
15 analysis shall be based upon the best available crash,  
16 traffic, and other data, and shall cover a period of time  
17 before and after installation of the system sufficient to  
18 provide a statistically valid comparison of safety impact.  
19 Each ~~The~~ statistical analysis shall be consistent with  
20 professional judgment and acceptable industry practice. Each  
21 ~~The~~ statistical analysis also shall be consistent with the  
22 data required for valid comparisons of before and after  
23 conditions and shall be conducted within a reasonable period  
24 following the installation of the automated traffic law  
25 enforcement system. Each ~~The~~ statistical analysis required by  
26 this subsection shall be made available to the public and

1 shall be published on the website of the municipality or  
2 county. If a ~~the~~ statistical analysis ~~for the 36-month period~~  
3 ~~following installation of the system~~ indicates that there has  
4 been an increase in the rate of accidents at the approach to  
5 school buses monitored by the system, the municipality or  
6 county shall undertake additional studies to determine the  
7 cause and severity of the accidents, and may take any action  
8 that it determines is necessary or appropriate to reduce the  
9 number or severity of the accidents involving school buses  
10 equipped with an automated traffic law enforcement system.

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

16 (o-1) No officer or employee of a municipality or county  
17 shall knowingly accept employment or receive compensation or  
18 fees for services from a contractor that provides automated  
19 law enforcement system equipment or services to municipalities  
20 or counties. No former officer or employee of a municipality  
21 or county shall, within a period of 2 years immediately after  
22 termination of municipal or county employment, knowingly  
23 accept employment or receive compensation or fees for services  
24 from a contractor that provides automated law enforcement  
25 system equipment or services to municipalities or counties.

26 (p) No person who is the lessor of a motor vehicle pursuant

1 to a written lease agreement shall be liable for an automated  
2 speed or traffic law enforcement system violation involving  
3 such motor vehicle during the period of the lease; provided  
4 that upon the request of the appropriate authority received  
5 within 120 days after the violation occurred, the lessor  
6 provides within 60 days after such receipt the name and  
7 address of the lessee.

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

14 (q) (Blank).

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

1 school board of that district, with the municipality or county  
2 with jurisdiction over that school district for the  
3 administration of the automated traffic law enforcement  
4 system. The proceeds from a school district's automated  
5 traffic law enforcement system's fines shall be divided  
6 equally between the school district and the municipality or  
7 county administering the automated traffic law enforcement  
8 system.

9 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
10 102-905, eff. 1-1-23.)

11 (Text of Section after amendment by P.A. 102-982)

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

23 (h) Recorded images made by an automated 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 (i) 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 motor vehicle received a  
17 Uniform Traffic Citation from a police officer for a  
18 violation of Section 11-1414 of this Code within  
19 one-eighth of a mile and 15 minutes of the violation that  
20 was recorded by the system;

21 (3) that the visual signals required by Sections  
22 12-803 and 12-805 of this Code were damaged, not  
23 activated, not present in violation of Sections 12-803 and  
24 12-805, or inoperable; and

25 (4) any other evidence or issues provided by municipal  
26 or county ordinance.

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

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

23           (l) A school bus equipped with an automated traffic law  
24 enforcement system must be posted with a sign indicating that  
25 the school bus is being monitored by an automated traffic law  
26 enforcement system.

1 (m) A municipality or county that has one or more school  
2 buses equipped with an automated traffic law enforcement  
3 system must provide notice to drivers by posting a list of  
4 school districts using school buses equipped with an automated  
5 traffic law enforcement system on the municipality or county  
6 website. School districts that have one or more school buses  
7 equipped with an automated traffic law enforcement system must  
8 provide notice to drivers by posting that information on their  
9 websites.

10 (n) A municipality or county operating an automated  
11 traffic law enforcement system shall conduct a statistical  
12 analysis to assess the safety impact in each school district  
13 using school buses equipped with an automated traffic law  
14 enforcement system following installation of the system and  
15 every 3 years thereafter. A municipality or county operating  
16 an automated speed enforcement system before the effective  
17 date of this amendatory Act of the 103rd General Assembly  
18 shall conduct a statistical analysis to assess the safety  
19 impact of the system by no later than one year after the  
20 effective date of this amendatory Act of the 103rd General  
21 Assembly and every 3 years thereafter. Each ~~The~~ statistical  
22 analysis shall be based upon the best available crash,  
23 traffic, and other data, and shall cover a period of time  
24 before and after installation of the system sufficient to  
25 provide a statistically valid comparison of safety impact.  
26 Each ~~The~~ statistical analysis shall be consistent with

1 professional judgment and acceptable industry practice. Each  
2 ~~The~~ statistical analysis also shall be consistent with the  
3 data required for valid comparisons of before and after  
4 conditions and shall be conducted within a reasonable period  
5 following the installation of the automated traffic law  
6 enforcement system. Each ~~The~~ statistical analysis required by  
7 this subsection shall be made available to the public and  
8 shall be published on the website of the municipality or  
9 county. If a ~~the~~ statistical analysis ~~for the 36 month period~~  
10 ~~following installation of the system~~ indicates that there has  
11 been an increase in the rate of crashes at the approach to  
12 school buses monitored by the system, the municipality or  
13 county shall undertake additional studies to determine the  
14 cause and severity of the crashes, and may take any action that  
15 it determines is necessary or appropriate to reduce the number  
16 or severity of the crashes involving school buses equipped  
17 with an automated traffic law 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 (o-1) No officer or employee of a municipality or county  
24 shall knowingly accept employment or receive compensation or  
25 fees for services from a contractor that provides automated  
26 law enforcement system equipment or services to municipalities

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

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

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

21 (q) (Blank).

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



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

16 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
17 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.

25 Section 99. Effective date. This Act takes effect January

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1 1, 2024.