

1 AN ACT concerning government.

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. Vendor providing automated traffic systems;
8 contributions.

9 (a) No vendor that offers or provides equipment or
10 services for automated traffic law enforcement, automated
11 speed enforcement, or automated railroad grade crossing
12 enforcement systems to municipalities or counties, no
13 political action committee created by such a vendor, and no
14 vendor-affiliated person shall make a campaign contribution to
15 any political committee established to promote the candidacy
16 of a candidate or public official. An officer or agent of such
17 a vendor may not consent to any contribution or expenditure
18 that is prohibited by this Section. A candidate, political
19 committee, or other person may not knowingly accept or receive
20 any contribution prohibited by this Section.

21 (b) As used in this Section:

22 "Automated law enforcement system", "automated speed
23 enforcement system", and "automated railroad grade crossing

1 enforcement system" have the meanings given to those terms in
2 Article II of Chapter 11 of the Illinois Vehicle Code.

3 "Vendor-affiliated person" means: (i) any person with an
4 ownership interest in excess of 7.5% in a vendor that offers or
5 provides equipment or services for automated traffic law
6 enforcement, automated speed enforcement, or automated
7 railroad grade crossing enforcement systems to municipalities
8 or counties; (ii) any person with a distributive share in
9 excess of 7.5% in a vendor that offers or provides equipment or
10 services for automated traffic law enforcement, automated
11 speed enforcement, or automated railroad grade crossing
12 enforcement systems to municipalities or counties; (iii) any
13 executive employees of a vendor that offers or provides
14 equipment or services for automated traffic law enforcement,
15 automated speed enforcement, or automated railroad grade
16 crossing enforcement systems to municipalities or counties;
17 and (iv) the spouse, minor child, or other immediate family
18 member living in the residence of any of the persons
19 identified in items (i) through (iii).

20 Section 10. The Illinois Vehicle Code is amended by
21 changing Sections 11-208.3, 11-208.6, 11-208.8, and 11-208.9
22 as follows:

23 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

24 Sec. 11-208.3. Administrative adjudication of violations

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

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

1 wheel tax license.

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

4 (1) A traffic compliance administrator authorized to
5 adopt, distribute, and process parking, compliance, and
6 automated speed enforcement system or automated traffic
7 law violation notices and other notices required by this
8 Section, collect money paid as fines and penalties for
9 violation of parking and compliance ordinances and
10 automated speed enforcement system or automated traffic
11 law violations, and operate an administrative adjudication
12 system.

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

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

19 (3) Service of a parking, standing, or compliance
20 violation notice by: (i) affixing the original or a
21 facsimile of the notice to an unlawfully parked or
22 standing vehicle; (ii) handing the notice to the operator
23 of a vehicle if he or she is present; or (iii) mailing the
24 notice to the address of the registered owner or lessee of
25 the cited vehicle as recorded with the Secretary of State
26 or the lessor of the motor vehicle within 30 days after the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b-5) An automated speed enforcement system or automated
26 traffic law ordinance adopted under this Section by a

1 municipality or county shall require that the determination to
2 issue a citation be vested solely with the municipality or
3 county and that such authority may not be delegated to any
4 vendor retained by the municipality or county. Any contract or
5 agreement violating such a provision in the ordinance is null
6 and void.

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

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

25 (2) A notice of impending vehicle immobilization and a
26 right to a hearing to challenge the validity of the notice

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

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

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

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

25 (e) Any fine, penalty, incomplete traffic education
26 program, or part of any fine or any penalty remaining unpaid

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

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

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

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

26 A low-income individual required to complete a traffic

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

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

13 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
14 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; 102-905, eff.
15 1-1-23.)

16 (625 ILCS 5/11-208.6)

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

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

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

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

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

11 (1) 2 or more photographs;

12 (2) 2 or more microphotographs;

13 (3) 2 or more electronic images; or

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

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

24 (c) Except as provided under Section 11-208.8 of this
25 Code, a county or municipality, including a home rule county
26 or municipality, may not use an automated traffic law

1 enforcement system to provide recorded images of a motor
2 vehicle for the purpose of recording its speed. Except as
3 provided under Section 11-208.8 of this Code, the regulation
4 of the use of automated traffic law enforcement systems to
5 record vehicle speeds is an exclusive power and function of
6 the State. This subsection (c) is a denial and limitation of
7 home rule powers and functions under subsection (h) of Section
8 6 of Article VII of the Illinois Constitution.

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

20 (c-6) A county, or a municipality with less than 2,000,000
21 inhabitants, including a home rule county or municipality, may
22 not use an automated traffic law enforcement system to issue
23 violations in instances where a motorcyclist enters an
24 intersection against a red signal indication when the red
25 signal fails to change to a green signal within a reasonable
26 period of time not less than 120 seconds because of a signal

1 malfunction or because the signal has failed to detect the
2 arrival of the motorcycle due to the motorcycle's size or
3 weight.

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

14 The notice shall include:

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

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

19 (3) the violation charged;

20 (4) the location where the violation occurred;

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

22 (6) a copy of the recorded images;

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

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

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

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

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

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

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

16 (e) (Blank).

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

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

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

4 (h) 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 of or in the possession of the owner or lessee at
10 the 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 vehicle passed through the
16 intersection when the light was red either (i) in order to
17 yield the right-of-way to an emergency vehicle or (ii) as
18 part of a funeral procession; and

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

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

1 registration plates was filed with a law enforcement agency in
2 a timely manner.

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

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

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

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

6 (k) An intersection equipped with an automated traffic law
7 enforcement system must be posted with a sign visible to
8 approaching traffic indicating that the intersection is being
9 monitored by an automated traffic law enforcement system and
10 informing drivers whether, following a stop, a right turn at
11 the intersection is permitted or prohibited.

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

17 (k-5) An intersection equipped with an automated traffic
18 law enforcement system must have a yellow change interval that
19 conforms with the Illinois Manual on Uniform Traffic Control
20 Devices (IMUTCD) published by the Illinois Department of
21 Transportation. Beginning 6 months before it installs an
22 automated traffic law enforcement system at an intersection, a
23 county or municipality may not change the yellow change
24 interval at that intersection.

25 (k-7) A municipality or county operating an automated
26 traffic law enforcement system shall conduct a statistical

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

26 (k-8) Any municipality or county operating an automated

1 traffic law enforcement system before the effective date of
2 this amendatory Act of the 103rd General Assembly shall
3 conduct a statistical analysis to assess the safety impact of
4 each automated traffic law enforcement system at an
5 intersection by no later than one year after the effective
6 date of this amendatory Act of the 103rd General Assembly and
7 every 2 years thereafter. The statistical analyses shall be
8 based upon the best available crash, traffic, and other data,
9 and shall cover a period of time before and after installation
10 of the system sufficient to provide a statistically valid
11 comparison of safety impact. The statistical analyses shall be
12 consistent with professional judgment and acceptable industry
13 practice. The statistical analyses also shall be consistent
14 with the data required for valid comparisons of before and
15 after conditions. The statistical analyses required by this
16 subsection shall be made available to the public and shall be
17 published on the website of the municipality or county. If the
18 statistical analysis for any period following installation of
19 the system indicates that there has been an increase in the
20 rate of accidents at the approach to the intersection
21 monitored by the system, the municipality or county shall
22 undertake additional studies to determine the cause and
23 severity of the accidents, and may take any action that it
24 determines is necessary or appropriate to reduce the number or
25 severity of the accidents at that intersection.

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

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

5 (l-1) No member of the General Assembly and no officer or
6 employee of a municipality or county shall knowingly accept
7 employment or receive compensation or fees for services from a
8 vendor that provides automated traffic law enforcement system
9 equipment or services to municipalities or counties. No former
10 member of the General Assembly shall, within a period of 2
11 years immediately after the termination of service as a member
12 of the General Assembly, knowingly accept employment or
13 receive compensation or fees for services from a vendor that
14 provides automated traffic law enforcement system equipment or
15 services to municipalities or counties. No former officer or
16 employee of a municipality or county shall, within a period of
17 2 years immediately after the termination of municipal or
18 county employment, knowingly accept employment or receive
19 compensation or fees for services from a vendor that provides
20 automated traffic law enforcement system equipment or services
21 to municipalities or counties.

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

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

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

8 (o) (Blank).

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

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

23 (q) If a county or municipality selects a new vendor for
24 its automated traffic law enforcement system and must, as a
25 consequence, apply for a permit, approval, or other
26 authorization from the Department for reinstallation of one or

1 more malfunctioning components of that system and if, at the
2 time of the application for the permit, approval, or other
3 authorization, the new vendor operates an automated traffic
4 law enforcement system for any other county or municipality in
5 the State, then the Department shall approve or deny the
6 county or municipality's application for the permit, approval,
7 or other authorization within 90 days after its receipt.

8 (r) The Department may revoke any permit, approval, or
9 other authorization granted to a county or municipality for
10 the placement, installation, or operation of an automated
11 traffic law enforcement system if any official or employee who
12 serves that county or municipality is charged with bribery,
13 official misconduct, or a similar crime related to the
14 placement, installation, or operation of the automated traffic
15 law enforcement system in the county or municipality.

16 The Department shall adopt any rules necessary to
17 implement and administer this subsection. The rules adopted by
18 the Department shall describe the revocation process, shall
19 ensure that notice of the revocation is provided, and shall
20 provide an opportunity to appeal the revocation. Any county or
21 municipality that has a permit, approval, or other
22 authorization revoked under this subsection may not reapply
23 for such a permit, approval, or other authorization for a
24 period of 1 year after the revocation.

25 (s) If an automated traffic law enforcement system is
26 removed or rendered inoperable due to construction, then the

1 Department shall authorize the reinstallation or use of the
2 automated traffic law enforcement system within 30 days after
3 the construction is complete.

4 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
5 102-905, eff. 1-1-23; revised 12-14-22.)

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

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

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

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

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

25 (1) 2 or more photographs;

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

7 (b-5) A municipality or county that produces a recorded
8 image of a motor vehicle's violation of a provision of this
9 Code or a local ordinance must make the recorded images of a
10 violation accessible to the alleged violator by providing the
11 alleged violator with a website address, accessible through
12 the Internet.

13 (c) Except as provided under Section 11-208.8 of this
14 Code, a county or municipality, including a home rule county
15 or municipality, may not use an automated traffic law
16 enforcement system to provide recorded images of a motor
17 vehicle for the purpose of recording its speed. Except as
18 provided under Section 11-208.8 of this Code, the regulation
19 of the use of automated traffic law enforcement systems to
20 record vehicle speeds is an exclusive power and function of
21 the State. This subsection (c) is a denial and limitation of
22 home rule powers and functions under subsection (h) of Section
23 6 of Article VII of the Illinois Constitution.

24 (c-5) A county or municipality, including a home rule
25 county or municipality, may not use an automated traffic law
26 enforcement system to issue violations in instances where the

1 motor vehicle comes to a complete stop and does not enter the
2 intersection, as defined by Section 1-132 of this Code, during
3 the cycle of the red signal indication unless one or more
4 pedestrians or bicyclists are present, even if the motor
5 vehicle stops at a point past a stop line or crosswalk where a
6 driver is required to stop, as specified in subsection (c) of
7 Section 11-306 of this Code or a similar provision of a local
8 ordinance.

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

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

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

3 The notice shall include:

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

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

8 (3) the violation charged;

9 (4) the location where the violation occurred;

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

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the
13 requirements of any traffic education program imposed and
14 the date by which the civil penalty should be paid and the
15 traffic education program should be completed;

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

18 (9) a warning that failure to pay the civil penalty,
19 to complete a required traffic education program, or to
20 contest liability in a timely manner is an admission of
21 liability;

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

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

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

1 by administrative hearing; and

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

5 (e) (Blank).

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

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

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

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

26 (1.5) that the motor vehicle was hijacked before the

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

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

8 (3) any other evidence or issues provided by municipal
9 or county ordinance.

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

18 (j) Unless the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer at the time of
20 the violation, the motor vehicle owner is subject to a civil
21 penalty not exceeding \$100 or the completion of a traffic
22 education program, or both, plus an additional penalty of not
23 more than \$100 for failure to pay the original penalty or to
24 complete a required traffic education program, or both, in a
25 timely manner, if the motor vehicle is recorded by an
26 automated traffic law enforcement system. A violation for

1 which a civil penalty is imposed under this Section is not a
2 violation of a traffic regulation governing the movement of
3 vehicles and may not be recorded on the driving record of the
4 owner of the vehicle.

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

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

21 (k) An intersection equipped with an automated traffic law
22 enforcement system must be posted with a sign visible to
23 approaching traffic indicating that the intersection is being
24 monitored by an automated traffic law enforcement system and
25 informing drivers whether, following a stop, a right turn at
26 the intersection is permitted or prohibited.

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

6 (k-5) An intersection equipped with an automated traffic
7 law enforcement system must have a yellow change interval that
8 conforms with the Illinois Manual on Uniform Traffic Control
9 Devices (IMUTCD) published by the Illinois Department of
10 Transportation. Beginning 6 months before it installs an
11 automated traffic law enforcement system at an intersection, a
12 county or municipality may not change the yellow change
13 interval at that intersection.

14 (k-7) A municipality or county operating an automated
15 traffic law enforcement system shall conduct a statistical
16 analysis to assess the safety impact of each automated traffic
17 law enforcement system at an intersection following
18 installation of the system and every 2 years thereafter. Each
19 ~~The~~ statistical analysis shall be based upon the best
20 available crash, traffic, and other data, and shall cover a
21 period of time before and after installation of the system
22 sufficient to provide a statistically valid comparison of
23 safety impact. Each ~~The~~ statistical analysis shall be
24 consistent with professional judgment and acceptable industry
25 practice. Each ~~The~~ statistical analysis also shall be
26 consistent with the data required for valid comparisons of

1 before and after conditions and shall be conducted within a
2 reasonable period following the installation of the automated
3 traffic law enforcement system. ~~Each~~ ~~The~~ statistical analysis
4 required by this subsection (k-7) shall be made available to
5 the public and shall be published on the website of the
6 municipality or county. If ~~a~~ ~~the~~ statistical analysis ~~for the~~
7 ~~36 month period following installation of the system~~ indicates
8 that there has been an increase in the rate of crashes at the
9 approach to the intersection monitored by the system, the
10 municipality or county shall undertake additional studies to
11 determine the cause and severity of the crashes, and may take
12 any action that it determines is necessary or appropriate to
13 reduce the number or severity of the crashes at that
14 intersection.

15 (k-8) Any municipality or county operating an automated
16 traffic law enforcement system before the effective date of
17 this amendatory Act of the 103rd General Assembly shall
18 conduct a statistical analysis to assess the safety impact of
19 each automated traffic law enforcement system at an
20 intersection by no later than one year after the effective
21 date of this amendatory Act of the 103rd General Assembly and
22 every 2 years thereafter. The statistical analyses shall be
23 based upon the best available crash, traffic, and other data,
24 and shall cover a period of time before and after installation
25 of the system sufficient to provide a statistically valid
26 comparison of safety impact. The statistical analyses shall be

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

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

20 (1-1) No member of the General Assembly and no officer or
21 employee of a municipality or county shall knowingly accept
22 employment or receive compensation or fees for services from a
23 vendor that provides automated traffic law enforcement system
24 equipment or services to municipalities or counties. No former
25 member of the General Assembly shall, within a period of 2
26 years immediately after the termination of service as a member

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

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

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

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

23 (o) (Blank).

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

1 such motor vehicle during the period of the lease; provided
2 that upon the request of the appropriate authority received
3 within 120 days after the violation occurred, the lessor
4 provides within 60 days after such receipt the name and
5 address of the lessee.

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

12 (q) If a county or municipality selects a new vendor for
13 its automated traffic law enforcement system and must, as a
14 consequence, apply for a permit, approval, or other
15 authorization from the Department for reinstallation of one or
16 more malfunctioning components of that system and if, at the
17 time of the application for the permit, approval, or other
18 authorization, the new vendor operates an automated traffic
19 law enforcement system for any other county or municipality in
20 the State, then the Department shall approve or deny the
21 county or municipality's application for the permit, approval,
22 or other authorization within 90 days after its receipt.

23 (r) The Department may revoke any permit, approval, or
24 other authorization granted to a county or municipality for
25 the placement, installation, or operation of an automated
26 traffic law enforcement system if any official or employee who

1 serves that county or municipality is charged with bribery,
2 official misconduct, or a similar crime related to the
3 placement, installation, or operation of the automated traffic
4 law enforcement system in the county or municipality.

5 The Department shall adopt any rules necessary to
6 implement and administer this subsection. The rules adopted by
7 the Department shall describe the revocation process, shall
8 ensure that notice of the revocation is provided, and shall
9 provide an opportunity to appeal the revocation. Any county or
10 municipality that has a permit, approval, or other
11 authorization revoked under this subsection may not reapply
12 for such a permit, approval, or other authorization for a
13 period of 1 year after the revocation.

14 (s) If an automated traffic law enforcement system is
15 removed or rendered inoperable due to construction, then the
16 Department shall authorize the reinstallation or use of the
17 automated traffic law enforcement system within 30 days after
18 the construction is complete.

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 member of the General Assembly and no officer or
23 employee of a municipality or county shall knowingly accept
24 employment or receive compensation or fees for services from a
25 vendor that provides automated speed enforcement system
26 equipment or services to municipalities or counties. No former

1 member of the General Assembly shall, within a period of 2
2 years immediately after the termination of service as a member
3 of the General Assembly, knowingly accept employment or
4 receive compensation or fees for services from a vendor that
5 provides automated speed enforcement system equipment or
6 services to municipalities or counties. No former officer or
7 employee of a municipality or county shall, within a period of
8 2 years immediately after the termination of municipal or
9 county employment, knowingly accept employment or receive
10 compensation or fees for services from a vendor that provides
11 automated speed enforcement system equipment or services to
12 municipalities or counties.

13 (o) (Blank).

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

24 Upon the provision of information by the lessor pursuant
25 to this subsection, the municipality may issue the violation
26 to the lessee of the vehicle in the same manner as it would

1 issue a violation to a registered owner of a vehicle pursuant
2 to this Section, and the lessee may be held liable for the
3 violation.

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

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

1 following the installation of the automated traffic law
2 enforcement system. Each ~~The~~ statistical analysis required by
3 this subsection shall be made available to the public and
4 shall be published on the website of the municipality.

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

7 (t) If a county or municipality selects a new vendor for
8 its automated speed enforcement system and must, as a
9 consequence, apply for a permit, approval, or other
10 authorization from the Department for reinstallation of one or
11 more malfunctioning components of that system and if, at the
12 time of the application for the permit, approval, or other
13 authorization, the new vendor operates an automated speed
14 enforcement system for any other county or municipality in the
15 State, then the Department shall approve or deny the county or
16 municipality's application for the permit, approval, or other
17 authorization within 90 days after its receipt.

18 (u) The Department may revoke any permit, approval, or
19 other authorization granted to a county or municipality for
20 the placement, installation, or operation of an automated
21 speed enforcement system if any official or employee who
22 serves that county or municipality is charged with bribery,
23 official misconduct, or a similar crime related to the
24 placement, installation, or operation of the automated speed
25 enforcement system in the county or municipality.

26 The Department shall adopt any rules necessary to

1 implement and administer this subsection. The rules adopted by
2 the Department shall describe the revocation process, shall
3 ensure that notice of the revocation is provided, and shall
4 provide an opportunity to appeal the revocation. Any county or
5 municipality that has a permit, approval, or other
6 authorization revoked under this subsection may not reapply
7 for such a permit, approval, or other authorization for a
8 period of 1 year after the revocation.

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

11 (625 ILCS 5/11-208.9)

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

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

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

25 An automated traffic law enforcement system is a system,

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

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

10 (1) 2 or more photographs;

11 (2) 2 or more microphotographs;

12 (3) 2 or more electronic images; or

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

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

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

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

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

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

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

13 (3) the violation charged;

14 (4) the location where the violation occurred;

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

16 (6) a copy of the recorded images;

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

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

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

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

1 (A) paying the fine; or

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

3 by administrative hearing; and

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

7 (f) (Blank).

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

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

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

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

1 the time of the violation;

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

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

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

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

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

25 (k) Unless the driver of the motor vehicle received a
26 Uniform Traffic Citation from a police officer at the time of

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

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

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

26 (n) A municipality or county operating an automated

1 traffic law enforcement system shall conduct a statistical
2 analysis to assess the safety impact in each school district
3 using school buses equipped with an automated traffic law
4 enforcement system following installation of the system and
5 every 2 years thereafter. A municipality or county operating
6 an automated speed enforcement system before the effective
7 date of this amendatory Act of the 103rd General Assembly
8 shall conduct a statistical analysis to assess the safety
9 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 2 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 or
25 county. If a ~~the~~ statistical analysis ~~for the 36-month period~~
26 ~~following installation of the system~~ indicates that there has

1 been an increase in the rate of accidents at the approach to
2 school buses monitored by the system, the municipality or
3 county shall undertake additional studies to determine the
4 cause and severity of the accidents, and may take any action
5 that it determines is necessary or appropriate to reduce the
6 number or severity of the accidents involving school buses
7 equipped with an automated traffic law enforcement system.

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

13 (o-1) No member of the General Assembly and no officer or
14 employee of a municipality or county shall knowingly accept
15 employment or receive compensation or fees for services from a
16 vendor that provides automated traffic law enforcement system
17 equipment or services to municipalities or counties. No former
18 member of the General Assembly shall, within a period of 2
19 years immediately after the termination of service as a member
20 of the General Assembly, knowingly accept employment or
21 receive compensation or fees for services from a vendor that
22 provides automated traffic law enforcement system equipment or
23 services to municipalities or counties. No former officer or
24 employee of a municipality or county shall, within a period of
25 2 years immediately after the termination of municipal or
26 county employment, knowingly accept employment or receive

1 compensation or fees for services from a vendor that provides
2 automated traffic law enforcement system equipment or services
3 to municipalities or counties.

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

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

18 (q) (Blank).

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

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

13 (s) If a county or municipality changes the vendor it uses
14 for its automated traffic law enforcement system and must, as
15 a consequence, apply for a permit, approval, or other
16 authorization from the Department for reinstallation of one or
17 more malfunctioning components of that system and if, at the
18 time of the application, the new vendor operates an automated
19 traffic law enforcement system for any other county or
20 municipality in the State, then the Department shall approve
21 or deny the county or municipality's application for that
22 permit, approval, or other authorization within 90 days after
23 its receipt.

24 (t) The Department may revoke any permit, approval, or
25 other authorization granted to a county or municipality for
26 the placement, installation, or operation of an automated

1 traffic law enforcement system if any official or employee who
2 serves that county or municipality is charged with bribery,
3 official misconduct, or a similar crime related to the
4 placement, installation, or operation of the automated traffic
5 law enforcement system in the county or municipality.

6 The Department shall adopt any rules necessary to
7 implement and administer this subsection. The rules adopted by
8 the Department shall describe the revocation process, shall
9 ensure that notice of the revocation is provided, and shall
10 provide an opportunity to appeal the revocation. Any county or
11 municipality that has a permit, approval, or other
12 authorization revoked under this subsection may not reapply
13 for such a permit, approval, or other authorization for a
14 period of 1 year after the revocation.

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

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

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

20 (a) As used in this Section, "automated traffic law
21 enforcement system" means a device with one or more motor
22 vehicle sensors working in conjunction with the visual signals
23 on a school bus, as specified in Sections 12-803 and 12-805 of
24 this Code, to produce recorded images of motor vehicles that
25 fail to stop before meeting or overtaking, from either

1 direction, any school bus stopped at any location for the
2 purpose of receiving or discharging pupils in violation of
3 Section 11-1414 of this Code or a similar provision of a local
4 ordinance.

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

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

15 (1) 2 or more photographs;

16 (2) 2 or more microphotographs;

17 (3) 2 or more electronic images; or

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

22 (c) A municipality or county that produces a recorded
23 image of a motor vehicle's violation of a provision of this
24 Code or a local ordinance must make the recorded images of a
25 violation accessible to the alleged violator by providing the
26 alleged violator with a website address, accessible through

1 the Internet.

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

12 (e) The notice required under subsection (d) shall
13 include:

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

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

18 (3) the violation charged;

19 (4) the location where the violation occurred;

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

21 (6) a copy of the recorded images;

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

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

1 (9) a warning that failure to pay the civil penalty or
2 to contest liability in a timely manner is an admission of
3 liability;

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

6 (A) paying the fine; or

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

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

12 (f) (Blank).

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

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

26 (i) The court or hearing officer may consider in defense

1 of a violation:

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

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

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

16 (3) that the visual signals required by Sections
17 12-803 and 12-805 of this Code were damaged, not
18 activated, not present in violation of Sections 12-803 and
19 12-805, or inoperable; and

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

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

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

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

1 website. School districts that have one or more school buses
2 equipped with an automated traffic law enforcement system must
3 provide notice to drivers by posting that information on their
4 websites.

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

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

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

18 (o-1) No member of the General Assembly and no officer or
19 employee of a municipality or county shall knowingly accept
20 employment or receive compensation or fees for services from a
21 vendor that provides automated traffic law enforcement system
22 equipment or services to municipalities or counties. No former
23 member of the General Assembly shall, within a period of 2
24 years immediately after the termination of service as a member
25 of the General Assembly, knowingly accept employment or
26 receive compensation or fees for services from a vendor that

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

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

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

23 (q) (Blank).

24 (r) After a municipality or county enacts an ordinance
25 providing for automated traffic law enforcement systems under
26 this Section, each school district within that municipality or

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

18 (s) If a county or municipality changes the vendor it uses
19 for its automated traffic law enforcement system and must, as
20 a consequence, apply for a permit, approval, or other
21 authorization from the Department for reinstallation of one or
22 more malfunctioning components of that system and if, at the
23 time of the application, the new vendor operates an automated
24 traffic law enforcement system for any other county or
25 municipality in the State, then the Department shall approve
26 or deny the county or municipality's application for that

1 permit, approval, or other authorization within 90 days after
2 its receipt.

3 (t) The Department may revoke any permit, approval, or
4 other authorization granted to a county or municipality for
5 the placement, installation, or operation of an automated
6 traffic law enforcement system if any official or employee who
7 serves that county or municipality is charged with bribery,
8 official misconduct, or a similar crime related to the
9 placement, installation, or operation of the automated traffic
10 law enforcement system in the county or municipality.

11 The Department shall adopt any rules necessary to
12 implement and administer this subsection. The rules adopted by
13 the Department shall describe the revocation process, shall
14 ensure that notice of the revocation is provided, and shall
15 provide an opportunity to appeal the revocation. Any county or
16 municipality that has a permit, approval, or other
17 authorization revoked under this subsection may not reapply
18 for such a permit, approval, or other authorization for a
19 period of 1 year after the revocation.

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

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.