



Rep. Jaime M. Andrade, Jr.

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10300HB4451ham001

LRB103 32801 RTM 71151 a

1 AMENDMENT TO HOUSE BILL 4451

2 AMENDMENT NO. _____. Amend House Bill 4451 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-208.8 as follows:

6 (625 ILCS 5/11-208.8)

7 Sec. 11-208.8. Automated speed enforcement systems in
8 safety zones.

9 (a) As used in this Section:

10 "Automated speed enforcement system" means a photographic
11 device, radar device, laser device, or other electrical or
12 mechanical device or devices installed or utilized in a safety
13 zone and designed to record the speed of a vehicle and obtain a
14 clear photograph or other recorded image of the vehicle and
15 the vehicle's registration plate or digital registration plate
16 while the driver is violating Article VI of Chapter 11 of this

1 Code or a similar provision of a local ordinance.

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

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

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

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

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

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

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

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

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

26 (b) A municipality that produces a recorded image of a

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

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

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

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

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

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

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

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

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

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

1 (iv) after school programs.

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

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

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

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

17 (3) the violation charged;

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

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

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

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

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

1 liability;

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

4 (A) paying the fine; or

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

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

10 (g) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (o) Notwithstanding the provisions of subsection (d) of
8 this Section, a municipality that operates an automated speed
9 enforcement system shall set aside 10% of the net proceeds
10 from each system that generates more than \$500,000 in revenue
11 for the school or park in the safety zone in which the
12 automated speed enforcement system is located. The set aside
13 proceeds may be allocated for any purpose designated by the
14 school or park.

15 A home rule unit may not regulate the amount and use of the
16 net proceeds in a manner less restrictive than the regulation
17 of such by the State. This subsection is a limitation of
18 subsection (i) of Section 6 of Article VII of the Illinois
19 Constitution on the concurrent powers and functions exercised
20 by both the home rule unit and the State. (Blank).

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

1 provides within 60 days after such receipt the name and
2 address of the lessee. The drivers license number of a lessee
3 may be subsequently individually requested by the appropriate
4 authority if needed for enforcement of this Section.

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

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

15 (r) A municipality operating an automated speed
16 enforcement system shall conduct a statistical analysis to
17 assess the safety impact of the system following installation
18 of the system and every 2 years thereafter. A municipality
19 operating an automated speed enforcement system before the
20 effective date of this amendatory Act of the 103rd General
21 Assembly shall conduct a statistical analysis to assess the
22 safety impact of the system by no later than one year after the
23 effective date of this amendatory Act of the 103rd General
24 Assembly and every 2 years thereafter. Each statistical
25 analysis shall be based upon the best available crash,
26 traffic, and other data, and shall cover a period of time

1 before and after installation of the system sufficient to
2 provide a statistically valid comparison of safety impact.
3 Each statistical analysis shall be consistent with
4 professional judgment and acceptable industry practice. Each
5 statistical analysis also shall be consistent with the data
6 required for valid comparisons of before and after conditions
7 and shall be conducted within a reasonable period following
8 the installation of the automated traffic law enforcement
9 system. Each statistical analysis required by this subsection
10 shall be made available to the public and shall be published on
11 the website of the municipality.

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

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

25 (u) The Department may revoke any permit, approval, or
26 other authorization granted to a county or municipality for

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

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

16 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)".