



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5600

Introduced 2/9/2024, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1189 new

Amends the Counties Code. Provides that Will County may adopt an ordinance regulating and imposing a civil penalty on an owner of a vehicle for failure of an operator to comply with gross vehicle weight or axle weight restrictions and that the County may enforce its regulations using an automated vehicle weigh-in-motion enforcement system. Allows a municipality wholly or partially within the County to enter into an intergovernmental agreement with the County to provide automated vehicle weigh-in-motion enforcement systems in the municipal jurisdiction. Includes requirements for automated vehicle weigh-in-motion enforcement systems. Provides requirements for violation notices and for civil penalties for violations.

LRB103 37165 AWJ 67284 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section
5 5-1189 as follows:

6 (55 ILCS 5/5-1189 new)

7 Sec. 5-1189. Vehicle weight and axle weight restrictions.

8 (a) This Section applies only to Will County and to
9 municipalities located wholly within or partially within Will
10 County.

11 (b) As used in this Section:

12 "Automated vehicle weigh-in-motion enforcement system"
13 means a device with one or more motor vehicle sensors working
14 in conjunction with a permanent roadway scale to produce
15 recorded images of motor vehicles in violation of this
16 Section.

17 "Recorded images" means images recorded by an automated
18 vehicle weigh-in-motion enforcement system on (i) 2 or more
19 photographs, 2 or more microphotographs, 2 or more electronic
20 images, or a video recording showing the motor vehicle and
21 (ii) at least one image or portion of the recording, clearly
22 identifying the registration plate or digital registration
23 plate number of the motor vehicle.

1 (c) The County may adopt an ordinance regulating and
2 imposing a civil penalty on an owner of a vehicle for failure
3 of an operator to comply with gross vehicle weight or axle
4 weight restrictions. The County may enforce its regulations
5 using an automated vehicle weigh-in-motion enforcement system.

6 (d) The County's automated vehicle weigh-in-motion
7 enforcement system that produces a recorded image of a motor
8 vehicle's violation of an ordinance adopted under subsection
9 (a), including a violation in a municipality with an
10 intergovernmental agreement with the County under subsection
11 (k), must make the recorded images of a violation accessible
12 to the alleged violator by providing the alleged violator with
13 a website address accessible through the Internet.

14 (e) For each violation of an ordinance adopted under
15 subsection (a) recorded by an automated vehicle
16 weigh-in-motion enforcement system, including a violation in a
17 municipality with an intergovernmental agreement with the
18 County under subsection (k), the County or municipality shall
19 issue a written notice of the violation to the registered
20 owner of the vehicle as the alleged violator. The notice shall
21 be delivered to the registered owner of the vehicle, by mail,
22 within 30 days after the Secretary of State notifies the
23 County or municipality of the identity of the owner of the
24 vehicle, but no later than 90 days after the violation. The
25 notice shall include:

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

1 the vehicle;

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

4 (3) the violation charged, including the weight limits
5 of the roadway and the weight of the offending vehicle;

6 (4) the location where the violation occurred;

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

8 (6) a copy of the recorded images;

9 (7) the amount of the civil penalty imposed and the
10 date by which the civil penalty should be paid and the
11 traffic education program should be completed;

12 (8) a statement that recorded images are evidence of a
13 violation;

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

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

19 (A) paying the fine; or

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

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

25 (f) Based on inspection of recorded images produced by an
26 automated vehicle weigh-in-motion enforcement system, a notice

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

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

13 (h) If a motor vehicle is recorded by an automated vehicle
14 weigh-in-motion enforcement system, the motor vehicle owner is
15 subject to a civil penalty not exceeding \$500 plus an
16 additional penalty of not more than \$500 for failure to pay the
17 original penalty in a timely manner, except when the driver of
18 the motor vehicle received a Uniform Traffic Citation from a
19 police officer at the time of the violation. The State's
20 Attorney for the County may enforce the civil penalty in the
21 circuit court.

22 (i) A violation for which a civil penalty is imposed under
23 this Section is not a violation of a traffic regulation
24 governing the movement of vehicles, may not be recorded on the
25 driving record of the owner of the vehicle, and may not be used
26 against the operator in determination of insurance rates or

1 traffic violations in the provision of motor vehicle insurance
2 coverage.

3 (j) A roadway equipped with an automated vehicle
4 weigh-in-motion enforcement system must be posted with a sign
5 visible to approaching traffic indicating that the roadway is
6 being monitored by an automated vehicle weigh-in-motion
7 enforcement system and the clearly stated weight limits.

8 (k) An automated vehicle weigh-in-motion enforcement
9 system shall undergo a calibration check every 6 months in
10 accordance with specifications prescribed under a memorandum
11 of agreement between the County's department of transportation
12 and the Illinois Department of Agriculture. The calibration
13 check shall be performed by an independent calibration
14 laboratory that shall issue a signed certificate of
15 calibration on its letterhead to the County.

16 (l) The County's department of transportation shall
17 establish a range, according to the manufacturer's standards
18 and its monitoring of the system, for evaluating information
19 and data collected from sensor readings of each automated
20 vehicle weigh-in-motion enforcement system. Each automated
21 vehicle weigh-in-motion enforcement system shall be set to
22 automatically alert the County's department of transportation
23 of significant variations from the established range during a
24 24-hour period. After receiving an alert, the automated
25 vehicle weigh-in-motion enforcement system shall be inspected
26 and any necessary adjustments shall be made. The County's

1 department of transportation shall keep a log of the details
2 of all alerts, including the date and time of each alert, the
3 amount of variation from the established range in each alert,
4 the adjustments made or actions taken as a result of
5 subsequent inspections, and the date and time of the
6 inspections, adjustments, or actions.

7 (m) The County or municipality that has one or more
8 roadways equipped with an automated vehicle weigh-in-motion
9 enforcement system must also provide notice to drivers by
10 posting the locations of automated traffic law systems on the
11 County's or municipality's website.

12 (n) With consultation from the Illinois Department of
13 Transportation, the county engineer must decide locations of
14 all automated vehicle weigh-in-motion enforcement systems
15 within the County boundaries. A municipality wholly or
16 partially within the County may enter into an
17 intergovernmental agreement with the County to provide
18 automated vehicle weigh-in-motion enforcement systems in the
19 municipal jurisdiction.

20 (o) Revenue generated by the automated vehicle
21 weigh-in-motion enforcement system, beyond the costs of
22 installation, maintenance, and enforcement, shall be used by
23 the County or municipality for transportation improvements
24 that will improve traffic flow and reduce emissions.
25 Agreements between the County and a municipality must include
26 an even split of revenue.