



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1844

Introduced 2/20/2015, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-125.3 new
40 ILCS 5/7-171.1 new
625 ILCS 5/11-208.8

Amends the Illinois Vehicle Code. Allows counties to establish automated speed enforcement systems in safety zones. Defines the term, "safety zone" in municipalities with more than 40,000 but less than 1,000,000 inhabitants and counties with more than 100,000 but less than 3,000,000 inhabitants. Provides that an additional fee of \$5 for every \$50 of fine imposed under automated speed enforcement systems in safety zones shall be paid into the pension fund to which law enforcement officers employed by the municipality or county contribute. Provides that municipalities with more than 40,000 but less than 1,000,000 inhabitants and counties with more than 100,000 but less than 3,000,000 inhabitants may not use automated traffic law enforcement systems within a safety zone inside the boundaries of a school district without the consent of the school board for that school district. Requires that the municipality or county shall be responsible for entering into contracts with vendors for the installation, maintenance, and operation of the automated speed enforcement system, as well as be responsible for enforcement of the automated speed enforcement system. Makes conforming changes. Amends the Downstate Police and IMRF Articles of the Illinois Pension Code. Specifies how the new fees paid to the pension fund shall be treated and provides that they shall not be offset against payment of required contributions.

LRB099 10974 RJF 31329 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Pension Code is amended by adding
5 Sections 3-125.3 and 7-171.1 as follows:

6 (40 ILCS 5/3-125.3 new)

7 Sec. 3-125.3. Income from certain fees. Any fees received
8 by the fund under Section 11-208.8 of the Illinois Vehicle
9 Code: (i) shall not be considered payment of any employer
10 contribution required under Section 3-125 and shall not be
11 offset against or paid in lieu of any such required
12 contribution; but (ii) shall be considered assets of the fund
13 and shall be considered in calculating the amount of future
14 required employer contributions to the fund.

15 (40 ILCS 5/7-171.1 new)

16 Sec. 7-171.1. Income from certain fees. Any fees received
17 by the Fund under Section 11-208.8 of the Illinois Vehicle Code
18 from a participating municipality: (i) shall not be considered
19 payment of any employer contribution required of that
20 municipality under Section 7-172 and shall not be offset
21 against or paid in lieu of any such required contribution; but
22 (ii) shall be considered assets of the Fund and credited to the

1 appropriate account of the municipality for its law enforcement
2 employees, and shall be considered in calculating the amount of
3 that municipality's future required employer contributions to
4 the Fund.

5 Section 10. The Illinois Vehicle Code is amended by
6 changing Section 11-208.8 as follows:

7 (625 ILCS 5/11-208.8)

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

10 (a) As used in this Section:

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

19 An automated speed enforcement system is a system, located
20 in a safety zone which is under the jurisdiction of a
21 municipality or county, that produces a recorded image of a
22 motor vehicle's violation of a provision of this Code or a
23 local ordinance and is designed to obtain a clear recorded
24 image of the vehicle and the vehicle's license plate. The

1 recorded image must also display the time, date, and location
2 of the violation.

3 "Owner" means the person or entity to whom the vehicle is
4 registered.

5 "Recorded image" means images recorded by an automated
6 speed enforcement system on:

7 (1) 2 or more photographs;

8 (2) 2 or more microphotographs;

9 (3) 2 or more electronic images; or

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

14 "Safety zone" means an area that is within one-eighth of a
15 mile from the nearest property line of any public or private
16 elementary or secondary school, or from the nearest property
17 line of any facility, area, or land owned by a school district
18 that is used for educational purposes approved by the Illinois
19 State Board of Education, not including school district
20 headquarters or administrative buildings. In municipalities
21 with more than 40,000 but less than 1,000,000 inhabitants and
22 counties with more than 100,000 but less than 3,000,000
23 inhabitants the term "safety zone" shall not include property
24 owned by a park district or roadways adjacent to property owned
25 by a park district unless that property or roadway is also
26 adjacent to property owned by a school district that is used

1 for educational purposes approved by the State Board of
2 Education, not including school district headquarters or
3 administrative buildings. In municipalities with 1,000,000 or
4 more inhabitants and counties with 3,000,000 or more
5 inhabitants a A safety zone also includes an area that is
6 within one-eighth of a mile from the nearest property line of
7 any facility, area, or land owned by a park district used for
8 recreational purposes. However, if any portion of a roadway is
9 within either one-eighth mile radius, the safety zone also
10 shall include the roadway extended to the furthest portion of
11 the next furthest intersection. In municipalities with a
12 population of 1,000,000 or more inhabitants the ~~The~~ term
13 "safety zone" does not include any portion of the roadway known
14 as Lake Shore Drive or any controlled access highway with 8 or
15 more lanes of traffic.

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

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

25 (ii) if the safety zone is based upon the property line
26 of any facility, area, or land owned by a park district, no

1 earlier than one hour prior to the time that the facility,
2 area, or land is open to the public or other patrons, and
3 no later than one hour after the facility, area, or land is
4 closed to the public or other patrons.

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

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

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

20 (2) if the recorded speed is more than 10 miles per
21 hour over the legal speed limit, a civil penalty not
22 exceeding \$100, plus an additional penalty of not more than
23 \$100 for failure to pay the original penalty in a timely
24 manner. In addition to the fine imposed under this
25 paragraph (2), an additional fee of \$5 shall be imposed for
26 every \$50, or fraction thereof, of fine imposed by the

1 municipality or county. The municipality or county shall
2 pay the money received from the additional fee to the
3 pension fund that law enforcement officers employed by the
4 municipality or county contribute to, within 30 days of
5 receipt of the money.

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

22 (d) The net proceeds that a municipality or county receives
23 from civil penalties imposed under an automated speed
24 enforcement system, after deducting all non-personnel and
25 personnel costs associated with the operation and maintenance
26 of such system, shall be expended or obligated by the

1 municipality for the following purposes:

2 (i) public safety initiatives to ensure safe passage
3 around schools, and to provide police protection and
4 surveillance around schools and parks, including but not
5 limited to: (1) personnel costs; and (2) non-personnel
6 costs such as construction and maintenance of public safety
7 infrastructure and equipment;

8 (ii) initiatives to improve pedestrian and traffic
9 safety;

10 (iii) construction and maintenance of infrastructure
11 within the municipality or county, including but not
12 limited to roads and bridges; and

13 (iv) after school programs.

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

24 (f) The notice required under subsection (e) of this
25 Section shall include:

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

1 vehicle;

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

4 (3) the violation charged;

5 (4) the date, time, and location where the violation
6 occurred;

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

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

10 (7) a statement that recorded images are evidence of a
11 violation of a speed restriction;

12 (8) a warning that failure to pay the civil penalty or
13 to contest liability in a timely manner is an admission of
14 liability and may result in a suspension of the driving
15 privileges of the registered owner of the vehicle;

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

18 (A) paying the fine; or

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

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

24 (g) If a person charged with a traffic violation, as a
25 result of an automated speed enforcement system, does not pay
26 the fine or successfully contest the civil penalty resulting

1 from that violation, the Secretary of State shall suspend the
2 driving privileges of the registered owner of the vehicle under
3 Section 6-306.5 of this Code for failing to pay any fine or
4 penalty due and owing, or both, as a result of a combination of
5 5 violations of the automated speed enforcement system or the
6 automated traffic law under Section 11-208.6 of this Code.

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

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

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

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

26 (2) that the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer for a
2 speeding violation occurring within one-eighth of a mile
3 and 15 minutes of the violation that was recorded by the
4 system; and

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

7 (k) To demonstrate that the motor vehicle or the
8 registration plates were stolen before the violation occurred
9 and were not under the control or possession of the owner at
10 the time of the violation, the owner must submit proof that a
11 report concerning the stolen motor vehicle or registration
12 plates was filed with a law enforcement agency in a timely
13 manner.

14 (l) A roadway equipped with an automated speed enforcement
15 system shall be posted with a sign conforming to the national
16 Manual on Uniform Traffic Control Devices that is visible to
17 approaching traffic stating that vehicle speeds are being
18 photo-enforced and indicating the speed limit. The
19 municipality or county shall install such additional signage as
20 it determines is necessary to give reasonable notice to drivers
21 as to where automated speed enforcement systems are installed.

22 (m) A roadway where a new automated speed enforcement
23 system is installed shall be posted with signs providing 30
24 days notice of the use of a new automated speed enforcement
25 system prior to the issuance of any citations through the
26 automated speed enforcement system.

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

6 (o) A municipality or county shall make a certified report
7 to the Secretary of State pursuant to Section 6-306.5 of this
8 Code whenever a registered owner of a vehicle has failed to pay
9 any fine or penalty due and owing as a result of a combination
10 of 5 offenses for automated speed or traffic law enforcement
11 system violations.

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

22 Upon the provision of information by the lessor pursuant to
23 this subsection, the municipality or county may issue the
24 violation to the lessee of the vehicle in the same manner as it
25 would issue a violation to a registered owner of a vehicle
26 pursuant to this Section, and the lessee may be held liable for

1 the violation.

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

6 (r) A municipality or county operating an automated speed
7 enforcement system shall conduct a statistical analysis to
8 assess the safety impact of the system. The statistical
9 analysis shall be based upon the best available crash, traffic,
10 and other data, and shall cover a period of time before and
11 after installation of the system sufficient to provide a
12 statistically valid comparison of safety impact. The
13 statistical analysis shall be consistent with professional
14 judgment and acceptable industry practice. The statistical
15 analysis also shall be consistent with the data required for
16 valid comparisons of before and after conditions and shall be
17 conducted within a reasonable period following the
18 installation of the automated traffic law enforcement system.
19 The statistical analysis required by this subsection shall be
20 made available to the public and shall be published on the
21 website of the municipality.

22 (s) In municipalities with more than 40,000 but less than
23 1,000,000 inhabitants and counties with more than 100,000 but
24 less than 3,000,000 inhabitants, if the municipality or county
25 enacts an ordinance allowing the installation and operation of
26 automated traffic law enforcement systems under this Section,

1 these automated traffic law enforcement systems shall not be
2 used within a safety zone that lies within the boundaries of a
3 school district without the majority approval of the school
4 board for that school district. The municipality or county
5 shall be responsible for entering into contracts with vendors
6 for the installation, maintenance, and operation of the
7 automated speed enforcement system. The terms and conditions of
8 any contract entered into under this subsection (s) shall be
9 between the municipality or county and the vendor.
10 Administration and enforcement of the automated speed
11 enforcement system shall be the responsibility of the
12 municipality or county. This Section applies only to
13 municipalities with a population of 1,000,000 or more
14 inhabitants.

15 (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12; 98-463,
16 eff. 8-16-13.)