



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2988

Introduced 2/18/2016, by Sen. John M. Sullivan

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.8

Amends the Illinois Vehicle Code. Allows counties with a population of less than 3,000,000 and municipalities of 1,000,000 or less inhabitants to establish automated speed enforcement systems in safety zones. Defines the term, "safety zone". Provides that the net proceeds from civil penalties imposed under an automated speed enforcement system shall be divided equally between the municipality or county and the school district in which the automated speed enforcement system is located. Provides that municipalities with less than 1,000,000 inhabitants and counties with less than 3,000,000 inhabitants may not use automated traffic law enforcement systems within a school safety zone 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.

LRB099 17752 AXK 44635 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 Vehicle Code is amended by changing  
5 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 the  
15 vehicle's registration plate while the driver is violating  
16 Article VI of Chapter 11 of this Code or a similar provision of  
17 a local ordinance.

18 An automated speed enforcement system is a system, located  
19 in a safety zone which is under the jurisdiction of a  
20 municipality or county, that produces a recorded image of a  
21 motor vehicle's violation of a provision of this Code or a  
22 local ordinance and is designed to obtain a clear recorded  
23 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 less than 1,000,000 inhabitants and in counties with less  
22 than 3,000,000 inhabitants the term "safety zone" shall not  
23 include property owned by a park district or roadways adjacent  
24 to property owned by a park district unless that property or  
25 roadway is also adjacent to property owned by a school district  
26 that is used for educational purposes approved by the State

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

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

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

24 (ii) if the safety zone is based upon the property line  
25 of any facility, area, or land owned by a park district, no  
26 earlier than one hour prior to the time that the facility,

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

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

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

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

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

24 A penalty may not be imposed under this Section if the  
25 driver of the motor vehicle received a Uniform Traffic Citation  
26 from a police officer for a speeding violation occurring within

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

14 (d) The net proceeds ~~that a municipality receives~~ from  
15 civil penalties imposed under an automated speed enforcement  
16 system, after deducting all non-personnel and personnel costs  
17 associated with the operation and maintenance of such system,  
18 shall be divided equally between the municipality or county and  
19 the school district in which the automated speed enforcement  
20 system is located. The net proceeds shall be expended or  
21 obligated by the municipality, county, or school district for  
22 the following purposes:

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

1 costs such as construction and maintenance of public safety  
2 infrastructure and equipment;

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

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

8 (iv) after school programs.

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

19 (f) The notice required under subsection (e) of this  
20 Section shall include:

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

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

25 (3) the violation charged;

26 (4) the date, time, and location where the violation

1 occurred;

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

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

5 (7) a statement that recorded images are evidence of a  
6 violation of a speed restriction;

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

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

13 (A) paying the fine; or

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

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

19 (g) If a person charged with a traffic violation, as a  
20 result of an automated speed enforcement system, does not pay  
21 the fine or successfully contest the civil penalty resulting  
22 from that violation, the Secretary of State shall suspend the  
23 driving privileges of the registered owner of the vehicle under  
24 Section 6-306.5 of this Code for failing to pay any fine or  
25 penalty due and owing, or both, as a result of a combination of  
26 5 violations of the automated speed enforcement system or the



1 automated traffic law under Section 11-208.6 of this Code.

2 (h) Based on inspection of recorded images produced by an  
3 automated speed enforcement system, a notice alleging that the  
4 violation occurred shall be evidence of the facts contained in  
5 the notice and admissible in any proceeding alleging a  
6 violation under this Section.

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

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

17 (1) that the motor vehicle or registration plates of  
18 the motor vehicle were stolen before the violation occurred  
19 and not under the control or in the possession of the owner  
20 at the time of the violation;

21 (2) that the driver of the motor vehicle received a  
22 Uniform Traffic Citation from a police officer for a  
23 speeding violation occurring within one-eighth of a mile  
24 and 15 minutes of the violation that was recorded by the  
25 system; and

26 (3) any other evidence or issues provided by municipal

1           or county ordinance.

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

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

17           (m) A roadway where a new automated speed enforcement  
18 system is installed shall be posted with signs providing 30  
19 days notice of the use of a new automated speed enforcement  
20 system prior to the issuance of any citations through the  
21 automated speed enforcement system.

22           (n) The compensation paid for an automated speed  
23 enforcement system must be based on the value of the equipment  
24 or the services provided and may not be based on the number of  
25 traffic citations issued or the revenue generated by the  
26 system.

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

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

17 Upon the provision of information by the lessor pursuant to  
18 this subsection, the municipality or county 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) A municipality or county using an automated speed  
24 enforcement system must provide notice to drivers by publishing  
25 the locations of all safety zones where system equipment is  
26 installed on the website of the municipality or county.

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

17 (r-5) In municipalities with less than 1,000,000  
18 inhabitants and in counties with less than 3,000,000  
19 inhabitants, if an ordinance is enacted allowing the  
20 installation and operation of automated traffic law  
21 enforcement systems under this Section, the systems shall not  
22 be used in a school safety zone without the majority approval  
23 of the school board of that school district. The municipality  
24 or county shall be responsible for entering into contracts with  
25 vendors for the installation, maintenance, and operation of the  
26 automated speed enforcement system. The terms and conditions of

1 any contract entered into under this subsection (r-5) shall be  
2 between the municipality or county and the vendor.  
3 Administration and enforcement shall be the responsibility of  
4 the municipality or county.

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

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