

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-208.9 as follows:

(625 ILCS 5/11-208.9)

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

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

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and

the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

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

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

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

(d) For each violation of a provision of this Code or a local ordinance recorded by an automated traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle, who shall be liable for the violation unless otherwise provided in this Section ~~as the alleged violator~~. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after

~~the Secretary of State notifies~~ the municipality or county confirms ~~of~~ the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

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

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

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

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

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

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

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

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

(A) paying the fine; or

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

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

(e-5) There shall be a rebuttable presumption that a school bus was stopped for the purpose of receiving or discharging pupils and that the visual signals as specified in Sections 12-803 and 12-805 were in operation on the school bus when recorded images produced by an automated traffic law enforcement system show:

(1) an activated stop signal arm; and

(2) an electronic indicator indicating activation of school bus visual signals.

(f) (Blank).

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

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

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

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

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

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

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

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

(j) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or

lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a mandatory civil penalty of \$300 ~~not exceeding \$150~~ for a first time violation or \$1,000 ~~\$500~~ for a second or subsequent violation, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle, but may be recorded by the municipality or county for the purpose of determining if a person is subject to the higher fine for a second or subsequent offense.

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

(m) A municipality or county that has one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting a list of

school districts using school buses equipped with an automated traffic law enforcement system on the municipality or county website. School districts that have one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting that information on their websites.

(n) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact in each school district using school buses equipped with an automated traffic law enforcement system following installation of the system and every 2 years thereafter. A municipality or county operating an automated speed enforcement system before the effective date of this amendatory Act of the 103rd General Assembly shall conduct a statistical analysis to assess the safety impact of the system by no later than one year after the effective date of this amendatory Act of the 103rd General Assembly and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions

and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If a statistical analysis indicates that there has been an increase in the rate of crashes at the approach to school buses monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes involving school buses equipped with an automated traffic law enforcement system.

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

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

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

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

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

(q) (Blank).

(r) After a municipality or county enacts an ordinance providing for automated traffic law enforcement systems under

this Section, each school district within that municipality or county's jurisdiction may implement an automated traffic law enforcement system under this Section. The elected school board for that district must approve the implementation of an automated traffic law enforcement system. The school district shall be responsible for entering into a contract, approved by the elected school board of that district, with vendors for the installation, maintenance, and operation of the automated traffic law enforcement system. The school district must enter into an intergovernmental agreement, approved by the elected school board of that district, with the municipality or county with jurisdiction over that school district for the administration of the automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

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

or deny the county or municipality's application for that permit, approval, or other authorization within 90 days after its receipt.

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

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

(Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)