



Rep. Stephanie A. Kifowit

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LRB100 13743 LNS 38857 a

1 AMENDMENT TO HOUSE BILL 4090

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4090, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Municipal Code is amended by  
6 changing Sections 1-2.1-8, 1-2.2-55 and by adding Section  
7 11-80-2b as follows:

8 (65 ILCS 5/1-2.1-8)

9 Sec. 1-2.1-8. Enforcement of judgment.

10 (a) Any fine, other sanction, or costs imposed, or part of  
11 any fine, other sanction, or costs imposed, remaining unpaid  
12 after the exhaustion of or the failure to exhaust judicial  
13 review procedures under the Illinois Administrative Review Law  
14 are a debt due and owing the municipality and may be collected  
15 in accordance with applicable law.

16 (b) After expiration of the period in which judicial review

1 under the Illinois Administrative Review Law may be sought for  
2 a final determination of a code violation, unless stayed by a  
3 court of competent jurisdiction, the findings, decision, and  
4 order of the hearing officer may be enforced in the same manner  
5 as a judgment entered by a court of competent jurisdiction.

6 (c) In any case in which a defendant has failed to comply  
7 with a judgment ordering a defendant to correct a code  
8 violation or imposing any fine or other sanction as a result of  
9 a code violation, any expenses incurred by a municipality to  
10 enforce the judgment, including, but not limited to, attorney's  
11 fees, court costs, and costs related to property demolition or  
12 foreclosure, after they are fixed by a court of competent  
13 jurisdiction or a hearing officer, shall be a debt due and  
14 owing the municipality and may be collected in accordance with  
15 applicable law. Prior to any expenses being fixed by a hearing  
16 officer pursuant to this subsection (c), the municipality shall  
17 provide notice to the defendant that states that the defendant  
18 shall appear at a hearing before the administrative hearing  
19 officer to determine whether the defendant has failed to comply  
20 with the judgment. The notice shall set the date for such a  
21 hearing, which shall not be less than 7 days from the date that  
22 notice is served. If notice is served by mail, the 7-day period  
23 shall begin to run on the date that the notice was deposited in  
24 the mail.

25 (d) Upon being recorded in the manner required by Article  
26 XII of the Code of Civil Procedure or by the Uniform Commercial

1 Code, a lien shall be imposed on the real estate or personal  
2 estate, or both, of the defendant in the amount of any debt due  
3 and owing the municipality under this Section. The lien may be  
4 enforced in the same manner as a judgment lien pursuant to a  
5 judgment of a court of competent jurisdiction.

6 (e) A hearing officer may set aside any judgment entered by  
7 default and set a new hearing date, upon a petition filed  
8 within 21 days after the issuance of the order of default, if  
9 the hearing officer determines that the petitioner's failure to  
10 appear at the hearing was for good cause or at any time if the  
11 petitioner establishes that the municipality did not provide  
12 proper service of process. If any judgment is set aside  
13 pursuant to this subsection (e), the hearing officer shall have  
14 authority to enter an order extinguishing any lien which has  
15 been recorded for any debt due and owing the municipality as a  
16 result of the vacated default judgment.

17 (f) A municipality may not collect any debt due or owing  
18 the municipality for a parking violation under Article XIII of  
19 Chapter 11 of the Illinois Vehicle Code, or a similar provision  
20 of a municipal ordinance, during any period of time that is 10  
21 or more years after the date the last notice of violation is  
22 sent to the registered owner. A home rule unit may not regulate  
23 debt collection in a manner inconsistent with this subsection  
24 (f). This subsection is a limitation under subsection (i) of  
25 Section 6 of Article VII of the Illinois Constitution on the  
26 concurrent exercise by home rule units of powers and functions

1 exercised by the State.

2 (Source: P.A. 90-516, eff. 1-1-98.)

3 (65 ILCS 5/1-2.2-55)

4 Sec. 1-2.2-55. Judgment on findings, decision, and order.

5 (a) Any fine, other sanction, or costs imposed, or part of  
6 any fine, other sanction, or costs imposed, remaining unpaid  
7 after the exhaustion of, or the failure to exhaust, judicial  
8 review procedures under the Administrative Review Law shall be  
9 a debt due and owing the municipality and, as such, may be  
10 collected in accordance with applicable law.

11 (b) After expiration of the period within which judicial  
12 review under the Administrative Review Law may be sought for a  
13 final determination of the code violation, the municipality may  
14 commence a proceeding in the circuit court of the county in  
15 which the municipality is located for purpose of obtaining a  
16 judgment on the findings, decision, and order. Nothing in this  
17 Section shall prevent a municipality from consolidating  
18 multiple findings, decisions, and orders against a person in  
19 such a proceeding. Upon commencement of the action, the  
20 municipality shall file a certified copy of the findings,  
21 decision, and order, which shall be accompanied by a  
22 certification that recites facts sufficient to show that the  
23 findings, decision, and order was issued in accordance with  
24 this Division and the applicable municipal ordinance. Service  
25 of the summons and a copy of the petition may be by any method

1 provided for by Section 2-203 of the Code of Civil Procedure or  
2 by certified mail, return receipt requested, provided that the  
3 total amount of fines, other sanctions, and costs imposed by  
4 the findings, decision, and order does not exceed \$2,500. If  
5 the court is satisfied that the findings, decision, and order  
6 was entered in accordance with the requirements of this  
7 Division and the applicable municipal ordinance and that the  
8 defendant had an opportunity for a hearing under this Division  
9 and for judicial review as provided in this Division:

10 (1) The court shall render judgment in favor of the  
11 municipality and against the defendant for the amount  
12 indicated in the findings, decision and order, plus costs.  
13 The judgment shall have the same effect and may be enforced  
14 in the same manner as other judgments for the recovery of  
15 money.

16 (2) The court may also issue any other orders and  
17 injunctions that are requested by the municipality to  
18 enforce the order of the hearing officer to correct a code  
19 violation.

20 (c) In place of a proceeding under subsection (b) of this  
21 Section, after expiration of the period in which judicial  
22 review under the Illinois Administrative Review Law may be  
23 sought for a final determination of a code violation, unless  
24 stayed by a court of competent jurisdiction, the findings,  
25 decision, and order of the hearing officer may be enforced in  
26 the same manner as a judgment entered by a court of competent

1 jurisdiction.

2 In any case in which a defendant has failed to comply with  
3 a judgment ordering a defendant to correct a code violation or  
4 imposing any fine or other sanction as a result of a code  
5 violation, any expenses incurred by a municipality to enforce  
6 the judgment, including, but not limited to, attorney's fees,  
7 court costs, and costs related to property demolition or  
8 foreclosure, after they are fixed by a court of competent  
9 jurisdiction or a hearing officer, shall be a debt due and  
10 owing the municipality and may be collected in accordance with  
11 applicable law. Prior to any expenses being fixed by a hearing  
12 officer pursuant to this subsection (c), the municipality shall  
13 provide notice to the defendant that states that the defendant  
14 shall appear at a hearing before the administrative hearing  
15 officer to determine whether the defendant has failed to comply  
16 with the judgment. The notice shall set the date for such a  
17 hearing, which shall not be less than 7 days from the date that  
18 notice is served. If notice is served by mail, the 7-day period  
19 shall begin to run on the date that the notice was deposited in  
20 the mail.

21 Upon being recorded in the manner required by Article XII  
22 of the Code of Civil Procedure or by the Uniform Commercial  
23 Code, a lien shall be imposed on the real estate or personal  
24 estate, or both, of the defendant in the amount of any debt due  
25 and owing the municipality under this Section. The lien may be  
26 enforced in the same manner as a judgment lien pursuant to a

1 judgment of a court of competent jurisdiction.

2 A hearing officer may set aside any judgment entered by  
3 default and set a new hearing date, upon a petition filed  
4 within 21 days after the issuance of the order of default, if  
5 the hearing officer determines that the petitioner's failure to  
6 appear at the hearing was for good cause or at any time if the  
7 petitioner establishes that the municipality did not provide  
8 proper service of process. If any judgment is set aside  
9 pursuant to this subsection (c), the hearing officer shall have  
10 authority to enter an order extinguishing any lien which has  
11 been recorded for any debt due and owing the municipality as a  
12 result of the vacated default judgment.

13 (d) A municipality may not collect any debt due or owing  
14 the municipality for a parking violation under Article XIII of  
15 Chapter 11 of the Illinois Vehicle Code, or a similar provision  
16 of a municipal ordinance, during any period of time that is 10  
17 or more years after the date the last notice of violation is  
18 sent to the registered owner.

19 (Source: P.A. 99-293, eff. 8-6-15.)

20 (65 ILCS 5/11-80-2b new)

21 Sec. 11-80-2b. Parking violation debt collection. The  
22 corporate authorities of a municipality may not collect any  
23 debt due or owing the municipality for a parking violation  
24 under Article XIII of Chapter 11 of the Illinois Vehicle Code,  
25 or a similar provision of a municipal ordinance, during any

1 period of time that is 10 or more years after the date the last  
2 notice of violation is sent to the registered owner. A home  
3 rule unit may not regulate debt collection in a manner  
4 inconsistent with this Section. This Section is a limitation  
5 under subsection (i) of Section 6 of Article VII of the  
6 Illinois Constitution on the concurrent exercise by home rule  
7 units of powers and functions exercised by the State.

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Section 11-208.3 as follows:

10 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

11 Sec. 11-208.3. Administrative adjudication of violations  
12 of traffic regulations concerning the standing, parking, or  
13 condition of vehicles, automated traffic law violations, and  
14 automated speed enforcement system violations.

15 (a) Any municipality or county may provide by ordinance for  
16 a system of administrative adjudication of vehicular standing  
17 and parking violations and vehicle compliance violations as  
18 described in this subsection, automated traffic law violations  
19 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and  
20 automated speed enforcement system violations as defined in  
21 Section 11-208.8. The administrative system shall have as its  
22 purpose the fair and efficient enforcement of municipal or  
23 county regulations through the administrative adjudication of  
24 automated speed enforcement system or automated traffic law



1 violations and violations of municipal or county ordinances  
2 regulating the standing and parking of vehicles, the condition  
3 and use of vehicle equipment, and the display of municipal or  
4 county wheel tax licenses within the municipality's or county's  
5 borders. The administrative system shall only have authority to  
6 adjudicate civil offenses carrying fines not in excess of \$500  
7 or requiring the completion of a traffic education program, or  
8 both, that occur after the effective date of the ordinance  
9 adopting such a system under this Section. For purposes of this  
10 Section, "compliance violation" means a violation of a  
11 municipal or county regulation governing the condition or use  
12 of equipment on a vehicle or governing the display of a  
13 municipal or county wheel tax license.

14 (b) Any ordinance establishing a system of administrative  
15 adjudication under this Section shall provide for:

16 (1) A traffic compliance administrator authorized to  
17 adopt, distribute and process parking, compliance, and  
18 automated speed enforcement system or automated traffic  
19 law violation notices and other notices required by this  
20 Section, collect money paid as fines and penalties for  
21 violation of parking and compliance ordinances and  
22 automated speed enforcement system or automated traffic  
23 law violations, and operate an administrative adjudication  
24 system. The traffic compliance administrator also may make  
25 a certified report to the Secretary of State under Section  
26 6-306.5.

1           (2) A parking, standing, compliance, automated speed  
2 enforcement system, or automated traffic law violation  
3 notice that shall specify the date, time, and place of  
4 violation of a parking, standing, compliance, automated  
5 speed enforcement system, or automated traffic law  
6 regulation; the particular regulation violated; any  
7 requirement to complete a traffic education program; the  
8 fine and any penalty that may be assessed for late payment  
9 or failure to complete a required traffic education  
10 program, or both, when so provided by ordinance; the  
11 vehicle make and state registration number; and the  
12 identification number of the person issuing the notice.  
13 With regard to automated speed enforcement system or  
14 automated traffic law violations, vehicle make shall be  
15 specified on the automated speed enforcement system or  
16 automated traffic law violation notice if the make is  
17 available and readily discernible. With regard to  
18 municipalities or counties with a population of 1 million  
19 or more, it shall be grounds for dismissal of a parking  
20 violation if the state registration number or vehicle make  
21 specified is incorrect. The violation notice shall state  
22 that the completion of any required traffic education  
23 program, the payment of any indicated fine, and the payment  
24 of any applicable penalty for late payment or failure to  
25 complete a required traffic education program, or both,  
26 shall operate as a final disposition of the violation. The

1 notice also shall contain information as to the  
2 availability of a hearing in which the violation may be  
3 contested on its merits. The violation notice shall specify  
4 the time and manner in which a hearing may be had.

5 (3) Service of the parking, standing, or compliance  
6 violation notice by affixing the original or a facsimile of  
7 the notice to an unlawfully parked vehicle or by handing  
8 the notice to the operator of a vehicle if he or she is  
9 present and service of an automated speed enforcement  
10 system or automated traffic law violation notice by mail to  
11 the address of the registered owner or lessee of the cited  
12 vehicle as recorded with the Secretary of State or the  
13 lessor of the motor vehicle within 30 days after the  
14 Secretary of State or the lessor of the motor vehicle  
15 notifies the municipality or county of the identity of the  
16 owner or lessee of the vehicle, but not later than 90 days  
17 after the violation, except that in the case of a lessee of  
18 a motor vehicle, service of an automated traffic law  
19 violation notice may occur no later than 210 days after the  
20 violation. A person authorized by ordinance to issue and  
21 serve parking, standing, and compliance violation notices  
22 shall certify as to the correctness of the facts entered on  
23 the violation notice by signing his or her name to the  
24 notice at the time of service or in the case of a notice  
25 produced by a computerized device, by signing a single  
26 certificate to be kept by the traffic compliance

1 administrator attesting to the correctness of all notices  
2 produced by the device while it was under his or her  
3 control. In the case of an automated traffic law violation,  
4 the ordinance shall require a determination by a technician  
5 employed or contracted by the municipality or county that,  
6 based on inspection of recorded images, the motor vehicle  
7 was being operated in violation of Section 11-208.6,  
8 11-208.9, or 11-1201.1 or a local ordinance. If the  
9 technician determines that the vehicle entered the  
10 intersection as part of a funeral procession or in order to  
11 yield the right-of-way to an emergency vehicle, a citation  
12 shall not be issued. In municipalities with a population of  
13 less than 1,000,000 inhabitants and counties with a  
14 population of less than 3,000,000 inhabitants, the  
15 automated traffic law ordinance shall require that all  
16 determinations by a technician that a motor vehicle was  
17 being operated in violation of Section 11-208.6, 11-208.9,  
18 or 11-1201.1 or a local ordinance must be reviewed and  
19 approved by a law enforcement officer or retired law  
20 enforcement officer of the municipality or county issuing  
21 the violation. In municipalities with a population of  
22 1,000,000 or more inhabitants and counties with a  
23 population of 3,000,000 or more inhabitants, the automated  
24 traffic law ordinance shall require that all  
25 determinations by a technician that a motor vehicle was  
26 being operated in violation of Section 11-208.6, 11-208.9,

1 or 11-1201.1 or a local ordinance must be reviewed and  
2 approved by a law enforcement officer or retired law  
3 enforcement officer of the municipality or county issuing  
4 the violation or by an additional fully-trained reviewing  
5 technician who is not employed by the contractor who  
6 employs the technician who made the initial determination.  
7 In the case of an automated speed enforcement system  
8 violation, the ordinance shall require a determination by a  
9 technician employed by the municipality, based upon an  
10 inspection of recorded images, video or other  
11 documentation, including documentation of the speed limit  
12 and automated speed enforcement signage, and documentation  
13 of the inspection, calibration, and certification of the  
14 speed equipment, that the vehicle was being operated in  
15 violation of Article VI of Chapter 11 of this Code or a  
16 similar local ordinance. If the technician determines that  
17 the vehicle speed was not determined by a calibrated,  
18 certified speed equipment device based upon the speed  
19 equipment documentation, or if the vehicle was an emergency  
20 vehicle, a citation may not be issued. The automated speed  
21 enforcement ordinance shall require that all  
22 determinations by a technician that a violation occurred be  
23 reviewed and approved by a law enforcement officer or  
24 retired law enforcement officer of the municipality  
25 issuing the violation or by an additional fully trained  
26 reviewing technician who is not employed by the contractor

1 who employs the technician who made the initial  
2 determination. Routine and independent calibration of the  
3 speeds produced by automated speed enforcement systems and  
4 equipment shall be conducted annually by a qualified  
5 technician. Speeds produced by an automated speed  
6 enforcement system shall be compared with speeds produced  
7 by lidar or other independent equipment. Radar or lidar  
8 equipment shall undergo an internal validation test no less  
9 frequently than once each week. Qualified technicians  
10 shall test loop based equipment no less frequently than  
11 once a year. Radar equipment shall be checked for accuracy  
12 by a qualified technician when the unit is serviced, when  
13 unusual or suspect readings persist, or when deemed  
14 necessary by a reviewing technician. Radar equipment shall  
15 be checked with the internal frequency generator and the  
16 internal circuit test whenever the radar is turned on.  
17 Technicians must be alert for any unusual or suspect  
18 readings, and if unusual or suspect readings of a radar  
19 unit persist, that unit shall immediately be removed from  
20 service and not returned to service until it has been  
21 checked by a qualified technician and determined to be  
22 functioning properly. Documentation of the annual  
23 calibration results, including the equipment tested, test  
24 date, technician performing the test, and test results,  
25 shall be maintained and available for use in the  
26 determination of an automated speed enforcement system

1 violation and issuance of a citation. The technician  
2 performing the calibration and testing of the automated  
3 speed enforcement equipment shall be trained and certified  
4 in the use of equipment for speed enforcement purposes.  
5 Training on the speed enforcement equipment may be  
6 conducted by law enforcement, civilian, or manufacturer's  
7 personnel and if applicable may be equivalent to the  
8 equipment use and operations training included in the Speed  
9 Measuring Device Operator Program developed by the  
10 National Highway Traffic Safety Administration (NHTSA).  
11 The vendor or technician who performs the work shall keep  
12 accurate records on each piece of equipment the technician  
13 calibrates and tests. As used in this paragraph,  
14 "fully-trained reviewing technician" means a person who  
15 has received at least 40 hours of supervised training in  
16 subjects which shall include image inspection and  
17 interpretation, the elements necessary to prove a  
18 violation, license plate identification, and traffic  
19 safety and management. In all municipalities and counties,  
20 the automated speed enforcement system or automated  
21 traffic law ordinance shall require that no additional fee  
22 shall be charged to the alleged violator for exercising his  
23 or her right to an administrative hearing, and persons  
24 shall be given at least 25 days following an administrative  
25 hearing to pay any civil penalty imposed by a finding that  
26 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a

1 similar local ordinance has been violated. The original or  
2 a facsimile of the violation notice or, in the case of a  
3 notice produced by a computerized device, a printed record  
4 generated by the device showing the facts entered on the  
5 notice, shall be retained by the traffic compliance  
6 administrator, and shall be a record kept in the ordinary  
7 course of business. A parking, standing, compliance,  
8 automated speed enforcement system, or automated traffic  
9 law violation notice issued, signed and served in  
10 accordance with this Section, a copy of the notice, or the  
11 computer generated record shall be prima facie correct and  
12 shall be prima facie evidence of the correctness of the  
13 facts shown on the notice. The notice, copy, or computer  
14 generated record shall be admissible in any subsequent  
15 administrative or legal proceedings.

16 (4) An opportunity for a hearing for the registered  
17 owner of the vehicle cited in the parking, standing,  
18 compliance, automated speed enforcement system, or  
19 automated traffic law violation notice in which the owner  
20 may contest the merits of the alleged violation, and during  
21 which formal or technical rules of evidence shall not  
22 apply; provided, however, that under Section 11-1306 of  
23 this Code the lessee of a vehicle cited in the violation  
24 notice likewise shall be provided an opportunity for a  
25 hearing of the same kind afforded the registered owner. The  
26 hearings shall be recorded, and the person conducting the



1 hearing on behalf of the traffic compliance administrator  
2 shall be empowered to administer oaths and to secure by  
3 subpoena both the attendance and testimony of witnesses and  
4 the production of relevant books and papers. Persons  
5 appearing at a hearing under this Section may be  
6 represented by counsel at their expense. The ordinance may  
7 also provide for internal administrative review following  
8 the decision of the hearing officer.

9 (5) Service of additional notices, sent by first class  
10 United States mail, postage prepaid, to the address of the  
11 registered owner of the cited vehicle as recorded with the  
12 Secretary of State or, if any notice to that address is  
13 returned as undeliverable, to the last known address  
14 recorded in a United States Post Office approved database,  
15 or, under Section 11-1306 or subsection (p) of Section  
16 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8  
17 of this Code, to the lessee of the cited vehicle at the  
18 last address known to the lessor of the cited vehicle at  
19 the time of lease or, if any notice to that address is  
20 returned as undeliverable, to the last known address  
21 recorded in a United States Post Office approved database.  
22 The service shall be deemed complete as of the date of  
23 deposit in the United States mail. The notices shall be in  
24 the following sequence and shall include but not be limited  
25 to the information specified herein:

26 (i) A second notice of parking, standing, or

1 compliance violation. This notice shall specify the  
2 date and location of the violation cited in the  
3 parking, standing, or compliance violation notice, the  
4 particular regulation violated, the vehicle make and  
5 state registration number, any requirement to complete  
6 a traffic education program, the fine and any penalty  
7 that may be assessed for late payment or failure to  
8 complete a traffic education program, or both, when so  
9 provided by ordinance, the availability of a hearing in  
10 which the violation may be contested on its merits, and  
11 the time and manner in which the hearing may be had.  
12 The notice of violation shall also state that failure  
13 to complete a required traffic education program, to  
14 pay the indicated fine and any applicable penalty, or  
15 to appear at a hearing on the merits in the time and  
16 manner specified, will result in a final determination  
17 of violation liability for the cited violation in the  
18 amount of the fine or penalty indicated, and that, upon  
19 the occurrence of a final determination of violation  
20 liability for the failure, and the exhaustion of, or  
21 failure to exhaust, available administrative or  
22 judicial procedures for review, any incomplete traffic  
23 education program or any unpaid fine or penalty, or  
24 both, will constitute a debt due and owing the  
25 municipality or county.

26 (ii) A notice of final determination of parking,

1 standing, compliance, automated speed enforcement  
2 system, or automated traffic law violation liability.  
3 This notice shall be sent following a final  
4 determination of parking, standing, compliance,  
5 automated speed enforcement system, or automated  
6 traffic law violation liability and the conclusion of  
7 judicial review procedures taken under this Section.  
8 The notice shall state that the incomplete traffic  
9 education program or the unpaid fine or penalty, or  
10 both, is a debt due and owing the municipality or  
11 county. The notice shall contain warnings that failure  
12 to complete any required traffic education program or  
13 to pay any fine or penalty due and owing the  
14 municipality or county, or both, within the time  
15 specified may result in the municipality's or county's  
16 filing of a petition in the Circuit Court to have the  
17 incomplete traffic education program or unpaid fine or  
18 penalty, or both, rendered a judgment as provided by  
19 this Section, or may result in suspension of the  
20 person's drivers license for failure to complete a  
21 traffic education program or to pay fines or penalties,  
22 or both, for 10 or more parking violations under  
23 Section 6-306.5, or a combination of 5 or more  
24 automated traffic law violations under Section  
25 11-208.6 or 11-208.9 or automated speed enforcement  
26 system violations under Section 11-208.8.

1           (6) A notice of impending drivers license suspension.  
2           This notice shall be sent to the person liable for failure  
3           to complete a required traffic education program or to pay  
4           any fine or penalty that remains due and owing, or both, on  
5           10 or more parking violations or combination of 5 or more  
6           unpaid automated speed enforcement system or automated  
7           traffic law violations. The notice shall state that failure  
8           to complete a required traffic education program or to pay  
9           the fine or penalty owing, or both, within 45 days of the  
10          notice's date will result in the municipality or county  
11          notifying the Secretary of State that the person is  
12          eligible for initiation of suspension proceedings under  
13          Section 6-306.5 of this Code. The notice shall also state  
14          that the person may obtain a photostatic copy of an  
15          original ticket imposing a fine or penalty by sending a  
16          self addressed, stamped envelope to the municipality or  
17          county along with a request for the photostatic copy. The  
18          notice of impending drivers license suspension shall be  
19          sent by first class United States mail, postage prepaid, to  
20          the address recorded with the Secretary of State or, if any  
21          notice to that address is returned as undeliverable, to the  
22          last known address recorded in a United States Post Office  
23          approved database.

24          (7) Final determinations of violation liability. A  
25          final determination of violation liability shall occur  
26          following failure to complete the required traffic

1 education program or to pay the fine or penalty, or both,  
2 after a hearing officer's determination of violation  
3 liability and the exhaustion of or failure to exhaust any  
4 administrative review procedures provided by ordinance.  
5 Where a person fails to appear at a hearing to contest the  
6 alleged violation in the time and manner specified in a  
7 prior mailed notice, the hearing officer's determination  
8 of violation liability shall become final: (A) upon denial  
9 of a timely petition to set aside that determination, or  
10 (B) upon expiration of the period for filing the petition  
11 without a filing having been made.

12 (8) A petition to set aside a determination of parking,  
13 standing, compliance, automated speed enforcement system,  
14 or automated traffic law violation liability that may be  
15 filed by a person owing an unpaid fine or penalty. A  
16 petition to set aside a determination of liability may also  
17 be filed by a person required to complete a traffic  
18 education program. The petition shall be filed with and  
19 ruled upon by the traffic compliance administrator in the  
20 manner and within the time specified by ordinance. The  
21 grounds for the petition may be limited to: (A) the person  
22 not having been the owner or lessee of the cited vehicle on  
23 the date the violation notice was issued, (B) the person  
24 having already completed the required traffic education  
25 program or paid the fine or penalty, or both, for the  
26 violation in question, and (C) excusable failure to appear

1 at or request a new date for a hearing. With regard to  
2 municipalities or counties with a population of 1 million  
3 or more, it shall be grounds for dismissal of a parking  
4 violation if the state registration number, or vehicle make  
5 if specified, is incorrect. After the determination of  
6 parking, standing, compliance, automated speed enforcement  
7 system, or automated traffic law violation liability has  
8 been set aside upon a showing of just cause, the registered  
9 owner shall be provided with a hearing on the merits for  
10 that violation.

11 (9) Procedures for non-residents. Procedures by which  
12 persons who are not residents of the municipality or county  
13 may contest the merits of the alleged violation without  
14 attending a hearing.

15 (10) A schedule of civil fines for violations of  
16 vehicular standing, parking, compliance, automated speed  
17 enforcement system, or automated traffic law regulations  
18 enacted by ordinance pursuant to this Section, and a  
19 schedule of penalties for late payment of the fines or  
20 failure to complete required traffic education programs,  
21 provided, however, that the total amount of the fine and  
22 penalty for any one violation shall not exceed \$250, except  
23 as provided in subsection (c) of Section 11-1301.3 of this  
24 Code.

25 (11) Other provisions as are necessary and proper to  
26 carry into effect the powers granted and purposes stated in

1           this Section.

2           (c) Any municipality or county establishing vehicular  
3 standing, parking, compliance, automated speed enforcement  
4 system, or automated traffic law regulations under this Section  
5 may also provide by ordinance for a program of vehicle  
6 immobilization for the purpose of facilitating enforcement of  
7 those regulations. The program of vehicle immobilization shall  
8 provide for immobilizing any eligible vehicle upon the public  
9 way by presence of a restraint in a manner to prevent operation  
10 of the vehicle. Any ordinance establishing a program of vehicle  
11 immobilization under this Section shall provide:

12           (1) Criteria for the designation of vehicles eligible  
13 for immobilization. A vehicle shall be eligible for  
14 immobilization when the registered owner of the vehicle has  
15 accumulated the number of incomplete traffic education  
16 programs or unpaid final determinations of parking,  
17 standing, compliance, automated speed enforcement system,  
18 or automated traffic law violation liability, or both, as  
19 determined by ordinance.

20           (2) A notice of impending vehicle immobilization and a  
21 right to a hearing to challenge the validity of the notice  
22 by disproving liability for the incomplete traffic  
23 education programs or unpaid final determinations of  
24 parking, standing, compliance, automated speed enforcement  
25 system, or automated traffic law violation liability, or  
26 both, listed on the notice.

1           (3) The right to a prompt hearing after a vehicle has  
2           been immobilized or subsequently towed without the  
3           completion of the required traffic education program or  
4           payment of the outstanding fines and penalties on parking,  
5           standing, compliance, automated speed enforcement system,  
6           or automated traffic law violations, or both, for which  
7           final determinations have been issued. An order issued  
8           after the hearing is a final administrative decision within  
9           the meaning of Section 3-101 of the Code of Civil  
10          Procedure.

11          (4) A post immobilization and post-towing notice  
12          advising the registered owner of the vehicle of the right  
13          to a hearing to challenge the validity of the impoundment.

14          (d) Judicial review of final determinations of parking,  
15          standing, compliance, automated speed enforcement system, or  
16          automated traffic law violations and final administrative  
17          decisions issued after hearings regarding vehicle  
18          immobilization and impoundment made under this Section shall be  
19          subject to the provisions of the Administrative Review Law.

20          (e) Any fine, penalty, incomplete traffic education  
21          program, or part of any fine or any penalty remaining unpaid  
22          after the exhaustion of, or the failure to exhaust,  
23          administrative remedies created under this Section and the  
24          conclusion of any judicial review procedures shall be a debt  
25          due and owing the municipality or county and, as such, may be  
26          collected in accordance with applicable law. Completion of any



1 required traffic education program and payment in full of any  
2 fine or penalty resulting from a standing, parking, compliance,  
3 automated speed enforcement system, or automated traffic law  
4 violation shall constitute a final disposition of that  
5 violation. A municipality or county may not collect any debt  
6 due or owing under this Section for a parking violation under  
7 Article XIII of this Chapter during any period of time that is  
8 10 or more years after the date the last notice of violation is  
9 sent under subsection (b) of this Section. A home rule unit may  
10 not regulate debt collection in a manner inconsistent with this  
11 subsection (e). This subsection is a limitation under  
12 subsection (i) of Section 6 of Article VII of the Illinois  
13 Constitution on the concurrent exercise by home rule units of  
14 powers and functions exercised by the State.

15 (f) After the expiration of the period within which  
16 judicial review may be sought for a final determination of  
17 parking, standing, compliance, automated speed enforcement  
18 system, or automated traffic law violation, the municipality or  
19 county may commence a proceeding in the Circuit Court for  
20 purposes of obtaining a judgment on the final determination of  
21 violation. Nothing in this Section shall prevent a municipality  
22 or county from consolidating multiple final determinations of  
23 parking, standing, compliance, automated speed enforcement  
24 system, or automated traffic law violations against a person in  
25 a proceeding. Upon commencement of the action, the municipality  
26 or county shall file a certified copy or record of the final

1 determination of parking, standing, compliance, automated  
2 speed enforcement system, or automated traffic law violation,  
3 which shall be accompanied by a certification that recites  
4 facts sufficient to show that the final determination of  
5 violation was issued in accordance with this Section and the  
6 applicable municipal or county ordinance. Service of the  
7 summons and a copy of the petition may be by any method  
8 provided by Section 2-203 of the Code of Civil Procedure or by  
9 certified mail, return receipt requested, provided that the  
10 total amount of fines and penalties for final determinations of  
11 parking, standing, compliance, automated speed enforcement  
12 system, or automated traffic law violations does not exceed  
13 \$2500. If the court is satisfied that the final determination  
14 of parking, standing, compliance, automated speed enforcement  
15 system, or automated traffic law violation was entered in  
16 accordance with the requirements of this Section and the  
17 applicable municipal or county ordinance, and that the  
18 registered owner or the lessee, as the case may be, had an  
19 opportunity for an administrative hearing and for judicial  
20 review as provided in this Section, the court shall render  
21 judgment in favor of the municipality or county and against the  
22 registered owner or the lessee for the amount indicated in the  
23 final determination of parking, standing, compliance,  
24 automated speed enforcement system, or automated traffic law  
25 violation, plus costs. The judgment shall have the same effect  
26 and may be enforced in the same manner as other judgments for

1 the recovery of money.

2 (g) The fee for participating in a traffic education  
3 program under this Section shall not exceed \$25.

4 A low-income individual required to complete a traffic  
5 education program under this Section who provides proof of  
6 eligibility for the federal earned income tax credit under  
7 Section 32 of the Internal Revenue Code or the Illinois earned  
8 income tax credit under Section 212 of the Illinois Income Tax  
9 Act shall not be required to pay any fee for participating in a  
10 required traffic education program.

11 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,  
12 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)".