

HB3856



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3856

Introduced 10/17/2019, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2.1-8

65 ILCS 5/1-2.2-55

65 ILCS 5/11-80-2b new

625 ILCS 5/11-208.3

from Ch. 95 1/2, par. 11-208.3

Amends the Illinois Municipal Code and the Illinois Vehicle Code. Provides that a municipality or county may not collect any debt due or owing the municipality or county for a parking violation during any period of time that is 10 or more years after the date the first notice of violation is sent to the registered owner. Limits home rule powers.

LRB101 13164 AWJ 62002 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

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

7 (65 ILCS 5/1-2.1-8)

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

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

15 (b) After expiration of the period in which judicial review
16 under the Illinois Administrative Review Law may be sought for
17 a final determination of a code violation, unless stayed by a
18 court of competent jurisdiction, the findings, decision, and
19 order of the hearing officer may be enforced in the same manner
20 as a judgment entered by a court of competent jurisdiction.

21 (c) In any case in which a defendant has failed to comply
22 with a judgment ordering a defendant to correct a code
23 violation or imposing any fine or other sanction as a result of

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

17 (d) Upon being recorded in the manner required by Article
18 XII of the Code of Civil Procedure or by the Uniform Commercial
19 Code, a lien shall be imposed on the real estate or personal
20 estate, or both, of the defendant in the amount of any debt due
21 and owing the municipality under this Section. The lien may be
22 enforced in the same manner as a judgment lien pursuant to a
23 judgment of a court of competent jurisdiction.

24 (e) A hearing officer may set aside any judgment entered by
25 default and set a new hearing date, upon a petition filed
26 within 21 days after the issuance of the order of default, if

1 the hearing officer determines that the petitioner's failure to
2 appear at the hearing was for good cause or at any time if the
3 petitioner establishes that the municipality did not provide
4 proper service of process. If any judgment is set aside
5 pursuant to this subsection (e), the hearing officer shall have
6 authority to enter an order extinguishing any lien which has
7 been recorded for any debt due and owing the municipality as a
8 result of the vacated default judgment.

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

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

21 (65 ILCS 5/1-2.2-55)

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

23 (a) Any fine, other sanction, or costs imposed, or part of
24 any fine, other sanction, or costs imposed, remaining unpaid
25 after the exhaustion of, or the failure to exhaust, judicial

1 review procedures under the Administrative Review Law shall be
2 a debt due and owing the municipality and, as such, may be
3 collected in accordance with applicable law.

4 (b) After expiration of the period within which judicial
5 review under the Administrative Review Law may be sought for a
6 final determination of the code violation, the municipality may
7 commence a proceeding in the circuit court of the county in
8 which the municipality is located for purpose of obtaining a
9 judgment on the findings, decision, and order. Nothing in this
10 Section shall prevent a municipality from consolidating
11 multiple findings, decisions, and orders against a person in
12 such a proceeding. Upon commencement of the action, the
13 municipality shall file a certified copy of the findings,
14 decision, and order, which shall be accompanied by a
15 certification that recites facts sufficient to show that the
16 findings, decision, and order was issued in accordance with
17 this Division and the applicable municipal ordinance. Service
18 of the summons and a copy of the petition may be by any method
19 provided for by Section 2-203 of the Code of Civil Procedure or
20 by certified mail, return receipt requested, provided that the
21 total amount of fines, other sanctions, and costs imposed by
22 the findings, decision, and order does not exceed \$2,500. If
23 the court is satisfied that the findings, decision, and order
24 was entered in accordance with the requirements of this
25 Division and the applicable municipal ordinance and that the
26 defendant had an opportunity for a hearing under this Division

1 and for judicial review as provided in this Division:

2 (1) The court shall render judgment in favor of the
3 municipality and against the defendant for the amount
4 indicated in the findings, decision and order, plus costs.
5 The judgment shall have the same effect and may be enforced
6 in the same manner as other judgments for the recovery of
7 money.

8 (2) The court may also issue any other orders and
9 injunctions that are requested by the municipality to
10 enforce the order of the hearing officer to correct a code
11 violation.

12 (c) In place of a proceeding under subsection (b) of this
13 Section, after expiration of the period in which judicial
14 review under the Illinois Administrative Review Law may be
15 sought for a final determination of a code violation, unless
16 stayed by a court of competent jurisdiction, the findings,
17 decision, and order of the hearing officer may be enforced in
18 the same manner as a judgment entered by a court of competent
19 jurisdiction.

20 In any case in which a defendant has failed to comply with
21 a judgment ordering a defendant to correct a code violation or
22 imposing any fine or other sanction as a result of a code
23 violation, any expenses incurred by a municipality to enforce
24 the judgment, including, but not limited to, attorney's fees,
25 court costs, and costs related to property demolition or
26 foreclosure, after they are fixed by a court of competent

1 jurisdiction or a hearing officer, shall be a debt due and
2 owing the municipality and may be collected in accordance with
3 applicable law. Prior to any expenses being fixed by a hearing
4 officer pursuant to this subsection (c), the municipality shall
5 provide notice to the defendant that states that the defendant
6 shall appear at a hearing before the administrative hearing
7 officer to determine whether the defendant has failed to comply
8 with the judgment. The notice shall set the date for such a
9 hearing, which shall not be less than 7 days from the date that
10 notice is served. If notice is served by mail, the 7-day period
11 shall begin to run on the date that the notice was deposited in
12 the mail.

13 Upon being recorded in the manner required by Article XII
14 of the Code of Civil Procedure or by the Uniform Commercial
15 Code, a lien shall be imposed on the real estate or personal
16 estate, or both, of the defendant in the amount of any debt due
17 and owing the municipality under this Section. The lien may be
18 enforced in the same manner as a judgment lien pursuant to a
19 judgment of a court of competent jurisdiction.

20 A hearing officer may set aside any judgment entered by
21 default and set a new hearing date, upon a petition filed
22 within 21 days after the issuance of the order of default, if
23 the hearing officer determines that the petitioner's failure to
24 appear at the hearing was for good cause or at any time if the
25 petitioner establishes that the municipality did not provide
26 proper service of process. If any judgment is set aside

1 pursuant to this subsection (c), the hearing officer shall have
2 authority to enter an order extinguishing any lien which has
3 been recorded for any debt due and owing the municipality as a
4 result of the vacated default judgment.

5 (d) A municipality may not collect any debt due or owing
6 the municipality for a parking violation under Article XIII of
7 Chapter 11 of the Illinois Vehicle Code, or a similar provision
8 of a municipal ordinance, during any period of time that is 10
9 or more years after the date the last notice of violation is
10 sent to the registered owner. A home rule municipality may not
11 regulate debt collection in a manner inconsistent with this
12 Section. This Section is a limitation under subsection (i) of
13 Section 6 of Article VII of the Illinois Constitution on the
14 concurrent exercise by home rule units of powers and functions
15 exercised by the State.

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

17 (65 ILCS 5/11-80-2b new)

18 Sec. 11-80-2b. Parking violation debt collection. The
19 corporate authorities of a municipality may not collect any
20 debt due or owing the municipality for a parking violation
21 under Article XIII of Chapter 11 of the Illinois Vehicle Code,
22 or a similar provision of a municipal ordinance, during any
23 period of time that is 10 or more years after the date the last
24 notice of violation is sent to the registered owner. A home
25 rule municipality may not regulate debt collection in a manner

1 inconsistent with this Section. This Section is a limitation
2 under subsection (i) of Section 6 of Article VII of the
3 Illinois Constitution on the concurrent exercise by home rule
4 units of powers and functions exercised by the State.

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

7 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

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

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

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

24 (2) A parking, standing, compliance, automated speed
25 enforcement system, or automated traffic law violation
26 notice that shall specify or include the date, time, and

1 place of violation of a parking, standing, compliance,
2 automated speed enforcement system, or automated traffic
3 law regulation; the particular regulation violated; any
4 requirement to complete a traffic education program; the
5 fine and any penalty that may be assessed for late payment
6 or failure to complete a required traffic education
7 program, or both, when so provided by ordinance; the
8 vehicle make or a photograph of the vehicle; the state
9 registration number of the vehicle; and the identification
10 number of the person issuing the notice. With regard to
11 automated speed enforcement system or automated traffic
12 law violations, vehicle make shall be specified on the
13 automated speed enforcement system or automated traffic
14 law violation notice if the notice does not include a
15 photograph of the vehicle and the make is available and
16 readily discernible. With regard to municipalities or
17 counties with a population of 1 million or more, it shall
18 be grounds for dismissal of a parking violation if the
19 state registration number or vehicle make specified is
20 incorrect. The violation notice shall state that the
21 completion of any required traffic education program, the
22 payment of any indicated fine, and the payment of any
23 applicable penalty for late payment or failure to complete
24 a required traffic education program, or both, shall
25 operate as a final disposition of the violation. The notice
26 also shall contain information as to the availability of a

1 hearing in which the violation may be contested on its
2 merits. The violation notice shall specify the time and
3 manner in which a hearing may be had.

4 (3) Service of a parking, standing, or compliance
5 violation notice by: (i) affixing the original or a
6 facsimile of the notice to an unlawfully parked or standing
7 vehicle; (ii) handing the notice to the operator of a
8 vehicle if he or she is present; or (iii) mailing the
9 notice to the address of the registered owner or lessee of
10 the cited vehicle as recorded with the Secretary of State
11 or the lessor of the motor vehicle within 30 days after the
12 Secretary of State or the lessor of the motor vehicle
13 notifies the municipality or county of the identity of the
14 owner or lessee of the vehicle, but not later than 90 days
15 after date of the violation, except that in the case of a
16 lessee of a motor vehicle, service of a parking, standing,
17 or compliance violation notice may occur no later than 210
18 days after the violation; and service of an automated speed
19 enforcement system or automated traffic law violation
20 notice by mail to the address of the registered owner or
21 lessee of the cited vehicle as recorded with the Secretary
22 of State or the lessor of the motor vehicle within 30 days
23 after the Secretary of State or the lessor of the motor
24 vehicle notifies the municipality or county of the identity
25 of the owner or lessee of the vehicle, but not later than
26 90 days after the violation, except that in the case of a

1 lessee of a motor vehicle, service of an automated traffic
2 law violation notice may occur no later than 210 days after
3 the violation. A person authorized by ordinance to issue
4 and serve parking, standing, and compliance violation
5 notices shall certify as to the correctness of the facts
6 entered on the violation notice by signing his or her name
7 to the notice at the time of service or in the case of a
8 notice produced by a computerized device, by signing a
9 single certificate to be kept by the traffic compliance
10 administrator attesting to the correctness of all notices
11 produced by the device while it was under his or her
12 control. In the case of an automated traffic law violation,
13 the ordinance shall require a determination by a technician
14 employed or contracted by the municipality or county that,
15 based on inspection of recorded images, the motor vehicle
16 was being operated in violation of Section 11-208.6,
17 11-208.9, or 11-1201.1 or a local ordinance. If the
18 technician determines that the vehicle entered the
19 intersection as part of a funeral procession or in order to
20 yield the right-of-way to an emergency vehicle, a citation
21 shall not be issued. In municipalities with a population of
22 less than 1,000,000 inhabitants and counties with a
23 population of less than 3,000,000 inhabitants, the
24 automated 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. In municipalities with a population of
5 1,000,000 or more inhabitants and counties with a
6 population of 3,000,000 or more inhabitants, the automated
7 traffic law ordinance shall require that all
8 determinations by a technician that a motor vehicle was
9 being operated in violation of Section 11-208.6, 11-208.9,
10 or 11-1201.1 or a local ordinance must be reviewed and
11 approved by a law enforcement officer or retired law
12 enforcement officer of the municipality or county issuing
13 the violation or by an additional fully-trained reviewing
14 technician who is not employed by the contractor who
15 employs the technician who made the initial determination.
16 In the case of an automated speed enforcement system
17 violation, the ordinance shall require a determination by a
18 technician employed by the municipality, based upon an
19 inspection of recorded images, video or other
20 documentation, including documentation of the speed limit
21 and automated speed enforcement signage, and documentation
22 of the inspection, calibration, and certification of the
23 speed equipment, that the vehicle was being operated in
24 violation of Article VI of Chapter 11 of this Code or a
25 similar local ordinance. If the technician determines that
26 the vehicle speed was not determined by a calibrated,

1 certified speed equipment device based upon the speed
2 equipment documentation, or if the vehicle was an emergency
3 vehicle, a citation may not be issued. The automated speed
4 enforcement ordinance shall require that all
5 determinations by a technician that a violation occurred be
6 reviewed and approved by a law enforcement officer or
7 retired law enforcement officer of the municipality
8 issuing the violation or by an additional fully trained
9 reviewing technician who is not employed by the contractor
10 who employs the technician who made the initial
11 determination. Routine and independent calibration of the
12 speeds produced by automated speed enforcement systems and
13 equipment shall be conducted annually by a qualified
14 technician. Speeds produced by an automated speed
15 enforcement system shall be compared with speeds produced
16 by lidar or other independent equipment. Radar or lidar
17 equipment shall undergo an internal validation test no less
18 frequently than once each week. Qualified technicians
19 shall test loop based equipment no less frequently than
20 once a year. Radar equipment shall be checked for accuracy
21 by a qualified technician when the unit is serviced, when
22 unusual or suspect readings persist, or when deemed
23 necessary by a reviewing technician. Radar equipment shall
24 be checked with the internal frequency generator and the
25 internal circuit test whenever the radar is turned on.
26 Technicians must be alert for any unusual or suspect

1 readings, and if unusual or suspect readings of a radar
2 unit persist, that unit shall immediately be removed from
3 service and not returned to service until it has been
4 checked by a qualified technician and determined to be
5 functioning properly. Documentation of the annual
6 calibration results, including the equipment tested, test
7 date, technician performing the test, and test results,
8 shall be maintained and available for use in the
9 determination of an automated speed enforcement system
10 violation and issuance of a citation. The technician
11 performing the calibration and testing of the automated
12 speed enforcement equipment shall be trained and certified
13 in the use of equipment for speed enforcement purposes.
14 Training on the speed enforcement equipment may be
15 conducted by law enforcement, civilian, or manufacturer's
16 personnel and if applicable may be equivalent to the
17 equipment use and operations training included in the Speed
18 Measuring Device Operator Program developed by the
19 National Highway Traffic Safety Administration (NHTSA).
20 The vendor or technician who performs the work shall keep
21 accurate records on each piece of equipment the technician
22 calibrates and tests. As used in this paragraph,
23 "fully-trained reviewing technician" means a person who
24 has received at least 40 hours of supervised training in
25 subjects which shall include image inspection and
26 interpretation, the elements necessary to prove a

1 violation, license plate identification, and traffic
2 safety and management. In all municipalities and counties,
3 the automated speed enforcement system or automated
4 traffic law ordinance shall require that no additional fee
5 shall be charged to the alleged violator for exercising his
6 or her right to an administrative hearing, and persons
7 shall be given at least 25 days following an administrative
8 hearing to pay any civil penalty imposed by a finding that
9 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
10 similar local ordinance has been violated. The original or
11 a facsimile of the violation notice or, in the case of a
12 notice produced by a computerized device, a printed record
13 generated by the device showing the facts entered on the
14 notice, shall be retained by the traffic compliance
15 administrator, and shall be a record kept in the ordinary
16 course of business. A parking, standing, compliance,
17 automated speed enforcement system, or automated traffic
18 law violation notice issued, signed and served in
19 accordance with this Section, a copy of the notice, or the
20 computer generated record shall be prima facie correct and
21 shall be prima facie evidence of the correctness of the
22 facts shown on the notice. The notice, copy, or computer
23 generated record shall be admissible in any subsequent
24 administrative or legal proceedings.

25 (4) An opportunity for a hearing for the registered
26 owner of the vehicle cited in the parking, standing,

1 compliance, automated speed enforcement system, or
2 automated traffic law violation notice in which the owner
3 may contest the merits of the alleged violation, and during
4 which formal or technical rules of evidence shall not
5 apply; provided, however, that under Section 11-1306 of
6 this Code the lessee of a vehicle cited in the violation
7 notice likewise shall be provided an opportunity for a
8 hearing of the same kind afforded the registered owner. The
9 hearings shall be recorded, and the person conducting the
10 hearing on behalf of the traffic compliance administrator
11 shall be empowered to administer oaths and to secure by
12 subpoena both the attendance and testimony of witnesses and
13 the production of relevant books and papers. Persons
14 appearing at a hearing under this Section may be
15 represented by counsel at their expense. The ordinance may
16 also provide for internal administrative review following
17 the decision of the hearing officer.

18 (5) Service of additional notices, sent by first class
19 United States mail, postage prepaid, to the address of the
20 registered owner of the cited vehicle as recorded with the
21 Secretary of State or, if any notice to that address is
22 returned as undeliverable, to the last known address
23 recorded in a United States Post Office approved database,
24 or, under Section 11-1306 or subsection (p) of Section
25 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
26 of this Code, to the lessee of the cited vehicle at the

1 last address known to the lessor of the cited vehicle at
2 the time of lease or, if any notice to that address is
3 returned as undeliverable, to the last known address
4 recorded in a United States Post Office approved database.
5 The service shall be deemed complete as of the date of
6 deposit in the United States mail. The notices shall be in
7 the following sequence and shall include but not be limited
8 to the information specified herein:

9 (i) A second notice of parking, standing, or
10 compliance violation if the first notice of the
11 violation was issued by affixing the original or a
12 facsimile of the notice to the unlawfully parked
13 vehicle or by handing the notice to the operator. This
14 notice shall specify or include the date and location
15 of the violation cited in the parking, standing, or
16 compliance violation notice, the particular regulation
17 violated, the vehicle make or a photograph of the
18 vehicle, the state registration number of the vehicle,
19 any requirement to complete a traffic education
20 program, the fine and any penalty that may be assessed
21 for late payment or failure to complete a traffic
22 education program, or both, when so provided by
23 ordinance, the availability of a hearing in which the
24 violation may be contested on its merits, and the time
25 and manner in which the hearing may be had. The notice
26 of violation shall also state that failure to complete

1 a required traffic education program, to pay the
2 indicated fine and any applicable penalty, or to appear
3 at a hearing on the merits in the time and manner
4 specified, will result in a final determination of
5 violation liability for the cited violation in the
6 amount of the fine or penalty indicated, and that, upon
7 the occurrence of a final determination of violation
8 liability for the failure, and the exhaustion of, or
9 failure to exhaust, available administrative or
10 judicial procedures for review, any incomplete traffic
11 education program or any unpaid fine or penalty, or
12 both, will constitute a debt due and owing the
13 municipality or county.

14 (ii) A notice of final determination of parking,
15 standing, compliance, automated speed enforcement
16 system, or automated traffic law violation liability.
17 This notice shall be sent following a final
18 determination of parking, standing, compliance,
19 automated speed enforcement system, or automated
20 traffic law violation liability and the conclusion of
21 judicial review procedures taken under this Section.
22 The notice shall state that the incomplete traffic
23 education program or the unpaid fine or penalty, or
24 both, is a debt due and owing the municipality or
25 county. The notice shall contain warnings that failure
26 to complete any required traffic education program or

1 to pay any fine or penalty due and owing the
2 municipality or county, or both, within the time
3 specified may result in the municipality's or county's
4 filing of a petition in the Circuit Court to have the
5 incomplete traffic education program or unpaid fine or
6 penalty, or both, rendered a judgment as provided by
7 this Section, or may result in suspension of the
8 person's drivers license for failure to complete a
9 traffic education program or to pay fines or penalties,
10 or both, for 10 or more parking violations under
11 Section 6-306.5, or a combination of 5 or more
12 automated traffic law violations under Section
13 11-208.6 or 11-208.9 or automated speed enforcement
14 system violations under Section 11-208.8.

15 (6) A notice of impending drivers license suspension.

16 This notice shall be sent to the person liable for failure
17 to complete a required traffic education program or to pay
18 any fine or penalty that remains due and owing, or both, on
19 10 or more parking violations or combination of 5 or more
20 unpaid automated speed enforcement system or automated
21 traffic law violations. The notice shall state that failure
22 to complete a required traffic education program or to pay
23 the fine or penalty owing, or both, within 45 days of the
24 notice's date will result in the municipality or county
25 notifying the Secretary of State that the person is
26 eligible for initiation of suspension proceedings under

1 Section 6-306.5 of this Code. The notice shall also state
2 that the person may obtain a photostatic copy of an
3 original ticket imposing a fine or penalty by sending a
4 self addressed, stamped envelope to the municipality or
5 county along with a request for the photostatic copy. The
6 notice of impending drivers license suspension shall be
7 sent by first class United States mail, postage prepaid, to
8 the address recorded with the Secretary of State or, if any
9 notice to that address is returned as undeliverable, to the
10 last known address recorded in a United States Post Office
11 approved database.

12 (7) Final determinations of violation liability. A
13 final determination of violation liability shall occur
14 following failure to complete the required traffic
15 education program or to pay the fine or penalty, or both,
16 after a hearing officer's determination of violation
17 liability and the exhaustion of or failure to exhaust any
18 administrative review procedures provided by ordinance.
19 Where a person fails to appear at a hearing to contest the
20 alleged violation in the time and manner specified in a
21 prior mailed notice, the hearing officer's determination
22 of violation liability shall become final: (A) upon denial
23 of a timely petition to set aside that determination, or
24 (B) upon expiration of the period for filing the petition
25 without a filing having been made.

26 (8) A petition to set aside a determination of parking,

1 standing, compliance, automated speed enforcement system,
2 or automated traffic law violation liability that may be
3 filed by a person owing an unpaid fine or penalty. A
4 petition to set aside a determination of liability may also
5 be filed by a person required to complete a traffic
6 education program. The petition shall be filed with and
7 ruled upon by the traffic compliance administrator in the
8 manner and within the time specified by ordinance. The
9 grounds for the petition may be limited to: (A) the person
10 not having been the owner or lessee of the cited vehicle on
11 the date the violation notice was issued, (B) the person
12 having already completed the required traffic education
13 program or paid the fine or penalty, or both, for the
14 violation in question, and (C) excusable failure to appear
15 at or request a new date for a hearing. With regard to
16 municipalities or counties with a population of 1 million
17 or more, it shall be grounds for dismissal of a parking
18 violation if the state registration number or vehicle make,
19 only if specified in the violation notice, is incorrect.
20 After the determination of parking, standing, compliance,
21 automated speed enforcement system, or automated traffic
22 law violation liability has been set aside upon a showing
23 of just cause, the registered owner shall be provided with
24 a hearing on the merits for that violation.

25 (9) Procedures for non-residents. Procedures by which
26 persons who are not residents of the municipality or county

1 may contest the merits of the alleged violation without
2 attending a hearing.

3 (10) A schedule of civil fines for violations of
4 vehicular standing, parking, compliance, automated speed
5 enforcement system, or automated traffic law regulations
6 enacted by ordinance pursuant to this Section, and a
7 schedule of penalties for late payment of the fines or
8 failure to complete required traffic education programs,
9 provided, however, that the total amount of the fine and
10 penalty for any one violation shall not exceed \$250, except
11 as provided in subsection (c) of Section 11-1301.3 of this
12 Code.

13 (11) Other provisions as are necessary and proper to
14 carry into effect the powers granted and purposes stated in
15 this Section.

16 (c) Any municipality or county establishing vehicular
17 standing, parking, compliance, automated speed enforcement
18 system, or automated traffic law regulations under this Section
19 may also provide by ordinance for a program of vehicle
20 immobilization for the purpose of facilitating enforcement of
21 those regulations. The program of vehicle immobilization shall
22 provide for immobilizing any eligible vehicle upon the public
23 way by presence of a restraint in a manner to prevent operation
24 of the vehicle. Any ordinance establishing a program of vehicle
25 immobilization under this Section shall provide:

26 (1) Criteria for the designation of vehicles eligible

1 for immobilization. A vehicle shall be eligible for
2 immobilization when the registered owner of the vehicle has
3 accumulated the number of incomplete traffic education
4 programs or unpaid final determinations of parking,
5 standing, compliance, automated speed enforcement system,
6 or automated traffic law violation liability, or both, as
7 determined by ordinance.

8 (2) A notice of impending vehicle immobilization and a
9 right to a hearing to challenge the validity of the notice
10 by disproving liability for the incomplete traffic
11 education programs or unpaid final determinations of
12 parking, standing, compliance, automated speed enforcement
13 system, or automated traffic law violation liability, or
14 both, listed on the notice.

15 (3) The right to a prompt hearing after a vehicle has
16 been immobilized or subsequently towed without the
17 completion of the required traffic education program or
18 payment of the outstanding fines and penalties on parking,
19 standing, compliance, automated speed enforcement system,
20 or automated traffic law violations, or both, for which
21 final determinations have been issued. An order issued
22 after the hearing is a final administrative decision within
23 the meaning of Section 3-101 of the Code of Civil
24 Procedure.

25 (4) A post immobilization and post-towing notice
26 advising the registered owner of the vehicle of the right

1 to a hearing to challenge the validity of the impoundment.

2 (d) Judicial review of final determinations of parking,
3 standing, compliance, automated speed enforcement system, or
4 automated traffic law violations and final administrative
5 decisions issued after hearings regarding vehicle
6 immobilization and impoundment made under this Section shall be
7 subject to the provisions of the Administrative Review Law.

8 (e) Any fine, penalty, incomplete traffic education
9 program, or part of any fine or any penalty remaining unpaid
10 after the exhaustion of, or the failure to exhaust,
11 administrative remedies created under this Section and the
12 conclusion of any judicial review procedures shall be a debt
13 due and owing the municipality or county and, as such, may be
14 collected in accordance with applicable law. Completion of any
15 required traffic education program and payment in full of any
16 fine or penalty resulting from a standing, parking, compliance,
17 automated speed enforcement system, or automated traffic law
18 violation shall constitute a final disposition of that
19 violation. A municipality or county may not collect any debt
20 due or owing under this Section for a parking violation under
21 Article XIII of this Chapter during any period of time that is
22 10 or more years after the date the last notice of violation is
23 sent under subsection (b) of this Section. A home rule unit may
24 not regulate debt collection in a manner inconsistent with this
25 subsection (e). This subsection is a limitation under
26 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of
2 powers and functions exercised by the State.

3 (f) After the expiration of the period within which
4 judicial review may be sought for a final determination of
5 parking, standing, compliance, automated speed enforcement
6 system, or automated traffic law violation, the municipality or
7 county may commence a proceeding in the Circuit Court for
8 purposes of obtaining a judgment on the final determination of
9 violation. Nothing in this Section shall prevent a municipality
10 or county from consolidating multiple final determinations of
11 parking, standing, compliance, automated speed enforcement
12 system, or automated traffic law violations against a person in
13 a proceeding. Upon commencement of the action, the municipality
14 or county shall file a certified copy or record of the final
15 determination of parking, standing, compliance, automated
16 speed enforcement system, or automated traffic law violation,
17 which shall be accompanied by a certification that recites
18 facts sufficient to show that the final determination of
19 violation was issued in accordance with this Section and the
20 applicable municipal or county ordinance. Service of the
21 summons and a copy of the petition may be by any method
22 provided by Section 2-203 of the Code of Civil Procedure or by
23 certified mail, return receipt requested, provided that the
24 total amount of fines and penalties for final determinations of
25 parking, standing, compliance, automated speed enforcement
26 system, or automated traffic law violations does not exceed

1 \$2500. If the court is satisfied that the final determination
2 of parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation was entered in
4 accordance with the requirements of this Section and the
5 applicable municipal or county ordinance, and that the
6 registered owner or the lessee, as the case may be, had an
7 opportunity for an administrative hearing and for judicial
8 review as provided in this Section, the court shall render
9 judgment in favor of the municipality or county and against the
10 registered owner or the lessee for the amount indicated in the
11 final determination of parking, standing, compliance,
12 automated speed enforcement system, or automated traffic law
13 violation, plus costs. The judgment shall have the same effect
14 and may be enforced in the same manner as other judgments for
15 the recovery of money.

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

18 A low-income individual required to complete a traffic
19 education program under this Section who provides proof of
20 eligibility for the federal earned income tax credit under
21 Section 32 of the Internal Revenue Code or the Illinois earned
22 income tax credit under Section 212 of the Illinois Income Tax
23 Act shall not be required to pay any fee for participating in a
24 required traffic education program.

25 (Source: P.A. 101-32, eff. 6-28-19.)