

1 AN ACT in relation to vehicles.

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

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

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations
8 of traffic regulations concerning the standing, parking, or
9 condition of vehicles.

10 (a) Any municipality may provide by ordinance for a
11 system of administrative adjudication of vehicular standing
12 and parking violations and vehicle compliance violations as
13 defined in this subsection. The administrative system shall
14 have as its purpose the fair and efficient enforcement of
15 municipal regulations through the administrative adjudication
16 of violations of municipal ordinances regulating the standing
17 and parking of vehicles, the condition and use of vehicle
18 equipment, and the display of municipal wheel tax licenses
19 within the municipality's borders. The administrative system
20 shall ~~only~~ have authority to adjudicate civil offenses
21 carrying fines not in excess of ~~\$500~~ \$250 that occur after
22 the effective date of the ordinance adopting such a system
23 under this Section. For purposes of this Section, "compliance
24 violation" means a violation of a municipal regulation
25 governing the condition or use of equipment on a vehicle or
26 governing the display of a municipal wheel tax license.

27 (a-1) Any municipality may provide by ordinance for a
28 system of administrative adjudication of parking violations
29 committed in its central business district that adversely
30 affect the security of its residents or have the potential to
31 compromise security in its central business district. The

1 administrative system has authority to adjudicate the
2 following parking violations committed in the municipality's
3 central business district:

- 4 (1) parking within 15 feet of a fire hydrant;
- 5 (2) parking in a designated parking tow zone;
- 6 (3) parking in a designated no parking zone; and
- 7 (4) parking in a parking zone which requires person
8 with disabilities license plates or a person with
9 disabilities parking decal or device.

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

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

22 (2) A parking, standing, or compliance violation
23 notice that shall specify the date, time, and place of
24 violation of a parking, standing, or compliance
25 regulation; the particular regulation violated; the fine
26 and any penalty that may be assessed for late payment,
27 when so provided by ordinance; the vehicle make and state
28 registration number; and the identification number of the
29 person issuing the notice. With regard to municipalities
30 with a population of 1 million or more, it shall be
31 grounds for dismissal of a parking violation if the State
32 registration number or vehicle make specified is
33 incorrect. The violation notice shall state that the
34 payment of the indicated fine, and of any applicable

1 penalty for late payment, shall operate as a final
2 disposition of the violation. The notice also shall
3 contain information as to the availability of a hearing
4 in which the violation may be contested on its merits.
5 The violation notice shall specify the time and manner in
6 which a hearing may be had.

7 (3) Service of the parking, standing, or compliance
8 violation notice by affixing the original or a facsimile
9 of the notice to an unlawfully parked vehicle or by
10 handing the notice to the operator of a vehicle if he or
11 she is present. A person authorized by ordinance to
12 issue and serve parking, standing, and compliance
13 violation notices shall certify as to the correctness of
14 the facts entered on the violation notice by signing his
15 or her name to the notice at the time of service or in
16 the case of a notice produced by a computerized device,
17 by signing a single certificate to be kept by the traffic
18 compliance administrator attesting to the correctness of
19 all notices produced by the device while it was under his
20 or her control. The original or a facsimile of the
21 violation notice or, in the case of a notice produced by
22 a computerized device, a printed record generated by the
23 device showing the facts entered on the notice, shall be
24 retained by the traffic compliance administrator, and
25 shall be a record kept in the ordinary course of
26 business. A parking, standing, or compliance violation
27 notice issued, signed and served in accordance with this
28 Section, a copy of the notice, or the computer generated
29 record shall be prima facie correct and shall be prima
30 facie evidence of the correctness of the facts shown on
31 the notice. The notice, copy, or computer generated
32 record shall be admissible in any subsequent
33 administrative or legal proceedings.

34 (4) An opportunity for a hearing for the registered

1 owner of the vehicle cited in the parking, standing, or
2 compliance violation notice in which the owner may
3 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.
9 The hearings shall be recorded, and the person conducting
10 the hearing on behalf of the traffic compliance
11 administrator shall be empowered to administer oaths and
12 to secure by subpoena both the attendance and testimony
13 of witnesses and the production of relevant books and
14 papers. Persons appearing at a hearing under this
15 Section may be represented by counsel at their expense.
16 The ordinance may also provide for internal
17 administrative review following the decision of the
18 hearing officer.

19 (5) Service of additional notices, sent by first
20 class United States mail, postage prepaid, to the address
21 of the registered owner of the cited vehicle as recorded
22 with the Secretary of State or, under Section 11-1306 of
23 this Code, to the lessee of the cited vehicle at the last
24 address known to the lessor of the cited vehicle at the
25 time of lease. The service shall be deemed complete as
26 of the date of deposit in the United States mail. The
27 notices shall be in the following sequence and shall
28 include but not be limited to the information specified
29 herein:

30 (i) A second notice of violation. This notice
31 shall specify the date and location of the violation
32 cited in the parking, standing, or compliance
33 violation notice, the particular regulation
34 violated, the vehicle make and state registration

1 number, the fine and any penalty that may be
2 assessed for late payment when so provided by
3 ordinance, the availability of a hearing in which
4 the violation may be contested on its merits, and
5 the time and manner in which the hearing may be had.
6 The notice of violation shall also state that
7 failure either to pay the indicated fine and any
8 applicable penalty, or to appear at a hearing on the
9 merits in the time and manner specified, will result
10 in a final determination of violation liability for
11 the cited violation in the amount of the fine or
12 penalty indicated, and that, upon the occurrence of
13 a final determination of violation liability for the
14 failure, and the exhaustion of, or failure to
15 exhaust, available administrative or judicial
16 procedures for review, any unpaid fine or penalty
17 will constitute a debt due and owing the
18 municipality.

19 (ii) A notice of final determination of
20 parking, standing, or compliance violation
21 liability. This notice shall be sent following a
22 final determination of parking, standing, or
23 compliance violation liability and the conclusion of
24 judicial review procedures taken under this Section.
25 The notice shall state that the unpaid fine or
26 penalty is a debt due and owing the municipality.
27 The notice shall contain warnings that failure to
28 pay any fine or penalty due and owing the
29 municipality within the time specified may result in
30 the municipality's filing of a petition in the
31 Circuit Court to have the unpaid fine or penalty
32 rendered a judgment as provided by this Section, or
33 may result in suspension of the person's drivers
34 license for failure to pay fines or penalties for 10

1 or more parking violations under Section 6-306.5.

2 (6) A Notice of impending drivers license
3 suspension. This notice shall be sent to the person
4 liable for any fine or penalty that remains due and owing
5 on 10 or more parking violations. The notice shall state
6 that failure to pay the fine or penalty owing within 45
7 days of the notice's date will result in the municipality
8 notifying the Secretary of State that the person is
9 eligible for initiation of suspension proceedings under
10 Section 6-306.5 of this Code. The notice shall also state
11 that the person may obtain a photostatic copy of an
12 original ticket imposing a fine or penalty by sending a
13 self addressed, stamped envelope to the municipality
14 along with a request for the photostatic copy. The
15 notice of impending drivers license suspension shall be
16 sent by first class United States mail, postage prepaid,
17 to the address recorded with the Secretary of State.

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

31 (8) A petition to set aside a determination of
32 parking, standing, or compliance violation liability that
33 may be filed by a person owing an unpaid fine or penalty.
34 The petition shall be filed with and ruled upon by the

1 traffic compliance administrator in the manner and within
2 the time specified by ordinance. The grounds for the
3 petition may be limited to: (A) the person not having
4 been the owner or lessee of the cited vehicle on the date
5 the violation notice was issued, (B) the person having
6 already paid the fine or penalty for the violation in
7 question, and (C) excusable failure to appear at or
8 request a new date for a hearing. With regard to
9 municipalities with a population of 1 million or more, it
10 shall be grounds for dismissal of a parking violation if
11 the State registration number or vehicle make specified
12 is incorrect. After the determination of parking,
13 standing, or compliance violation liability has been set
14 aside upon a showing of just cause, the registered owner
15 shall be provided with a hearing on the merits for that
16 violation.

17 (9) Procedures for non-residents. Procedures by
18 which persons who are not residents of the municipality
19 may contest the merits of the alleged violation without
20 attending a hearing.

21 (10) A schedule of civil fines for violations of
22 vehicular standing, parking, and compliance regulations
23 enacted by ordinance pursuant to this Section, and a
24 schedule of penalties for late payment of the fines,
25 provided, however, that the total amount of the fine and
26 penalty for any one violation, other than a violation to
27 which subsection (a-1) applies, shall not exceed \$500
28 \$250.

29 (11) Other provisions as are necessary and proper
30 to carry into effect the powers granted and purposes
31 stated in this Section.

32 (c) Any municipality establishing vehicular standing,
33 parking, and compliance regulations under this Section may
34 also provide by ordinance for a program of vehicle

1 immobilization for the purpose of facilitating enforcement of
2 those regulations. The program of vehicle immobilization
3 shall provide for immobilizing any eligible vehicle upon the
4 public way by presence of a restraint in a manner to prevent
5 operation of the vehicle. Any ordinance establishing a
6 program of vehicle immobilization under this Section shall
7 provide:

8 (1) Criteria for the designation of vehicles
9 eligible for immobilization. A vehicle shall be eligible
10 for immobilization when the registered owner of the
11 vehicle has accumulated the number of unpaid final
12 determinations of parking, standing, or compliance
13 violation liability as determined by ordinance.

14 (2) A notice of impending vehicle immobilization
15 and a right to a hearing to challenge the validity of the
16 notice by disproving liability for the unpaid final
17 determinations of parking, standing, or compliance
18 violation liability listed on the notice.

19 (3) The right to a prompt hearing after a vehicle
20 has been immobilized or subsequently towed without
21 payment of the outstanding fines and penalties on
22 parking, standing, or compliance violations for which
23 final determinations have been issued. An order issued
24 after the hearing is a final administrative decision
25 within the meaning of Section 3-101 of the Code of Civil
26 Procedure.

27 (4) A post immobilization and post-towing notice
28 advising the registered owner of the vehicle of the right
29 to a hearing to challenge the validity of the
30 impoundment.

31 (d) Judicial review of final determinations of parking,
32 standing, and compliance violations and final administrative
33 decisions issued after hearings regarding vehicle
34 immobilization and impoundment made under this Section shall

1 be subject to the provisions of the Administrative Review
2 Law.

3 (e) Any fine, penalty, or part of any fine or any
4 penalty remaining unpaid after the exhaustion of, or the
5 failure to exhaust, administrative remedies created under
6 this Section and the conclusion of any judicial review
7 procedures shall be a debt due and owing the municipality
8 and, as such, may be collected in accordance with applicable
9 law. Payment in full of any fine or penalty resulting from a
10 standing, parking, or compliance violation shall constitute a
11 final disposition of that violation.

12 (f) After the expiration of the period within which
13 judicial review may be sought for a final determination of
14 parking, standing, or compliance violation, the municipality
15 may commence a proceeding in the Circuit Court for purposes
16 of obtaining a judgment on the final determination of
17 violation. Nothing in this Section shall prevent a
18 municipality from consolidating multiple final determinations
19 of parking, standing, or compliance violation against a
20 person in a proceeding. Upon commencement of the action, the
21 municipality shall file a certified copy of the final
22 determination of parking, standing, or compliance violation,
23 which shall be accompanied by a certification that recites
24 facts sufficient to show that the final determination of
25 violation was issued in accordance with this Section and the
26 applicable municipal ordinance. Service of the summons and a
27 copy of the petition may be by any method provided by Section
28 2-203 of the Code of Civil Procedure or by certified mail,
29 return receipt requested, provided that the total amount of
30 fines and penalties for final determinations of parking,
31 standing, or compliance violations does not exceed \$3,500
32 \$2500. If the court is satisfied that the final
33 determination of parking, standing, or compliance violation
34 was entered in accordance with the requirements of this

1 Section and the applicable municipal ordinance, and that the
2 registered owner or the lessee, as the case may be, had an
3 opportunity for an administrative hearing and for judicial
4 review as provided in this Section, the court shall render
5 judgment in favor of the municipality and against the
6 registered owner or the lessee for the amount indicated in
7 the final determination of parking, standing, or compliance
8 violation, plus costs. The judgment shall have the same
9 effect and may be enforced in the same manner as other
10 judgments for the recovery of money.

11 (Source: P.A. 92-695, eff. 1-1-03.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.