



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4090

by Rep. Stephanie A. Kifowit

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 5 or more years after the date the first notice of violation is sent to the registered owner.

LRB100 13743 AXK 28456 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 5
13 or more years after the date the first notice of violation is
14 sent to the registered owner. A home rule unit may not regulate
15 debt collection in a manner inconsistent with this subsection
16 (f). This subsection is a limitation under subsection (i) of
17 Section 6 of Article VII of the Illinois Constitution on the
18 concurrent exercise by home rule units of powers and functions
19 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 5
9 or more years after the date the first notice of violation is
10 sent to the registered owner.

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

12 (65 ILCS 5/11-80-2b new)

13 Sec. 11-80-2b. Parking violation debt collection. The
14 corporate authorities of a municipality may not collect any
15 debt due or owing the municipality for a parking violation
16 under Article XIII of Chapter 11 of the Illinois Vehicle Code,
17 or a similar provision of a municipal ordinance, during any
18 period of time that is 5 or more years after the date the first
19 notice of violation is sent to the registered owner. A home
20 rule unit may not regulate debt collection in a manner
21 inconsistent with this Section. This Section is a limitation
22 under subsection (i) of Section 6 of Article VII of the
23 Illinois Constitution on the concurrent exercise by home rule
24 units of powers and functions exercised by the State.

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

3 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

4 Sec. 11-208.3. Administrative adjudication of violations
5 of traffic regulations concerning the standing, parking, or
6 condition of vehicles, automated traffic law violations, and
7 automated speed enforcement system violations.

8 (a) Any municipality or county may provide by ordinance for
9 a system of administrative adjudication of vehicular standing
10 and parking violations and vehicle compliance violations as
11 described in this subsection, automated traffic law violations
12 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
13 automated speed enforcement system violations as defined in
14 Section 11-208.8. The administrative system shall have as its
15 purpose the fair and efficient enforcement of municipal or
16 county regulations through the administrative adjudication of
17 automated speed enforcement system or automated traffic law
18 violations and violations of municipal or county ordinances
19 regulating the standing and parking of vehicles, the condition
20 and use of vehicle equipment, and the display of municipal or
21 county wheel tax licenses within the municipality's or county's
22 borders. The administrative system shall only have authority to
23 adjudicate civil offenses carrying fines not in excess of \$500
24 or requiring the completion of a traffic education program, or
25 both, that occur after the effective date of the ordinance

1 adopting such a system under this Section. For purposes of this
2 Section, "compliance violation" means a violation of a
3 municipal or county regulation governing the condition or use
4 of equipment on a vehicle or governing the display of a
5 municipal or county wheel tax license.

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

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

19 (2) A parking, standing, compliance, automated speed
20 enforcement system, or automated traffic law violation
21 notice that shall specify the date, time, and place of
22 violation of a parking, standing, compliance, automated
23 speed enforcement system, or automated traffic law
24 regulation; the particular regulation violated; any
25 requirement to complete a traffic education program; the
26 fine and any penalty that may be assessed for late payment

1 or failure to complete a required traffic education
2 program, or both, when so provided by ordinance; the
3 vehicle make and state registration number; and the
4 identification number of the person issuing the notice.
5 With regard to automated speed enforcement system or
6 automated traffic law violations, vehicle make shall be
7 specified on the automated speed enforcement system or
8 automated traffic law violation notice if the make is
9 available and readily discernible. With regard to
10 municipalities or counties with a population of 1 million
11 or more, it shall be grounds for dismissal of a parking
12 violation if the state registration number or vehicle make
13 specified is incorrect. The violation notice shall state
14 that the completion of any required traffic education
15 program, the payment of any indicated fine, and the payment
16 of any applicable penalty for late payment or failure to
17 complete a required traffic education program, or both,
18 shall operate as a final disposition of the violation. The
19 notice also shall contain information as to the
20 availability of a hearing in which the violation may be
21 contested on its merits. The violation notice shall specify
22 the time and manner in which a hearing may be had.

23 (3) Service of the parking, standing, or compliance
24 violation notice by affixing the original or a facsimile of
25 the notice to an unlawfully parked vehicle or by handing
26 the notice to the operator of a vehicle if he or she is

1 present and service of an automated speed enforcement
2 system or automated traffic law violation notice by mail to
3 the address of the registered owner or lessee of the cited
4 vehicle as recorded with the Secretary of State or the
5 lessor of the motor vehicle within 30 days after the
6 Secretary of State or the lessor of the motor vehicle
7 notifies the municipality or county of the identity of the
8 owner or lessee of the vehicle, but not later than 90 days
9 after the violation, except that in the case of a lessee of
10 a motor vehicle, service of an automated traffic law
11 violation notice may occur no later than 210 days after the
12 violation. A person authorized by ordinance to issue and
13 serve parking, standing, and compliance violation notices
14 shall certify as to the correctness of the facts entered on
15 the violation notice by signing his or her name to the
16 notice at the time of service or in the case of a notice
17 produced by a computerized device, by signing a single
18 certificate to be kept by the traffic compliance
19 administrator attesting to the correctness of all notices
20 produced by the device while it was under his or her
21 control. In the case of an automated traffic law violation,
22 the ordinance shall require a determination by a technician
23 employed or contracted by the municipality or county that,
24 based on inspection of recorded images, the motor vehicle
25 was being operated in violation of Section 11-208.6,
26 11-208.9, or 11-1201.1 or a local ordinance. If the

1 technician determines that the vehicle entered the
2 intersection as part of a funeral procession or in order to
3 yield the right-of-way to an emergency vehicle, a citation
4 shall not be issued. In municipalities with a population of
5 less than 1,000,000 inhabitants and counties with a
6 population of less than 3,000,000 inhabitants, the
7 automated 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. In municipalities with a population of
14 1,000,000 or more inhabitants and counties with a
15 population of 3,000,000 or more inhabitants, the automated
16 traffic law ordinance shall require that all
17 determinations by a technician that a motor vehicle was
18 being operated in violation of Section 11-208.6, 11-208.9,
19 or 11-1201.1 or a local ordinance must be reviewed and
20 approved by a law enforcement officer or retired law
21 enforcement officer of the municipality or county issuing
22 the violation or by an additional fully-trained reviewing
23 technician who is not employed by the contractor who
24 employs the technician who made the initial determination.
25 In the case of an automated speed enforcement system
26 violation, the ordinance shall require a determination by a

1 technician employed by the municipality, based upon an
2 inspection of recorded images, video or other
3 documentation, including documentation of the speed limit
4 and automated speed enforcement signage, and documentation
5 of the inspection, calibration, and certification of the
6 speed equipment, that the vehicle was being operated in
7 violation of Article VI of Chapter 11 of this Code or a
8 similar local ordinance. If the technician determines that
9 the vehicle speed was not determined by a calibrated,
10 certified speed equipment device based upon the speed
11 equipment documentation, or if the vehicle was an emergency
12 vehicle, a citation may not be issued. The automated speed
13 enforcement ordinance shall require that all
14 determinations by a technician that a violation occurred be
15 reviewed and approved by a law enforcement officer or
16 retired law enforcement officer of the municipality
17 issuing the violation or by an additional fully trained
18 reviewing technician who is not employed by the contractor
19 who employs the technician who made the initial
20 determination. Routine and independent calibration of the
21 speeds produced by automated speed enforcement systems and
22 equipment shall be conducted annually by a qualified
23 technician. Speeds produced by an automated speed
24 enforcement system shall be compared with speeds produced
25 by lidar or other independent equipment. Radar or lidar
26 equipment shall undergo an internal validation test no less

1 frequently than once each week. Qualified technicians
2 shall test loop based equipment no less frequently than
3 once a year. Radar equipment shall be checked for accuracy
4 by a qualified technician when the unit is serviced, when
5 unusual or suspect readings persist, or when deemed
6 necessary by a reviewing technician. Radar equipment shall
7 be checked with the internal frequency generator and the
8 internal circuit test whenever the radar is turned on.
9 Technicians must be alert for any unusual or suspect
10 readings, and if unusual or suspect readings of a radar
11 unit persist, that unit shall immediately be removed from
12 service and not returned to service until it has been
13 checked by a qualified technician and determined to be
14 functioning properly. Documentation of the annual
15 calibration results, including the equipment tested, test
16 date, technician performing the test, and test results,
17 shall be maintained and available for use in the
18 determination of an automated speed enforcement system
19 violation and issuance of a citation. The technician
20 performing the calibration and testing of the automated
21 speed enforcement equipment shall be trained and certified
22 in the use of equipment for speed enforcement purposes.
23 Training on the speed enforcement equipment may be
24 conducted by law enforcement, civilian, or manufacturer's
25 personnel and if applicable may be equivalent to the
26 equipment use and operations training included in the Speed

1 Measuring Device Operator Program developed by the
2 National Highway Traffic Safety Administration (NHTSA).
3 The vendor or technician who performs the work shall keep
4 accurate records on each piece of equipment the technician
5 calibrates and tests. As used in this paragraph,
6 "fully-trained reviewing technician" means a person who
7 has received at least 40 hours of supervised training in
8 subjects which shall include image inspection and
9 interpretation, the elements necessary to prove a
10 violation, license plate identification, and traffic
11 safety and management. In all municipalities and counties,
12 the automated speed enforcement system or automated
13 traffic law ordinance shall require that no additional fee
14 shall be charged to the alleged violator for exercising his
15 or her right to an administrative hearing, and persons
16 shall be given at least 25 days following an administrative
17 hearing to pay any civil penalty imposed by a finding that
18 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
19 similar local ordinance has been violated. The original or
20 a facsimile of the violation notice or, in the case of a
21 notice produced by a computerized device, a printed record
22 generated by the device showing the facts entered on the
23 notice, shall be retained by the traffic compliance
24 administrator, and shall be a record kept in the ordinary
25 course of business. A parking, standing, compliance,
26 automated speed enforcement system, or automated traffic

1 law violation notice issued, signed and served in
2 accordance with this Section, a copy of the notice, or the
3 computer generated record shall be prima facie correct and
4 shall be prima facie evidence of the correctness of the
5 facts shown on the notice. The notice, copy, or computer
6 generated record shall be admissible in any subsequent
7 administrative or legal proceedings.

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

1 (5) Service of additional notices, sent by first class
2 United States mail, postage prepaid, to the address of the
3 registered owner of the cited vehicle as recorded with the
4 Secretary of State or, if any notice to that address is
5 returned as undeliverable, to the last known address
6 recorded in a United States Post Office approved database,
7 or, under Section 11-1306 or subsection (p) of Section
8 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
9 of this Code, to the lessee of the cited vehicle at the
10 last address known to the lessor of the cited vehicle at
11 the time of lease or, if any notice to that address is
12 returned as undeliverable, to the last known address
13 recorded in a United States Post Office approved database.
14 The service shall be deemed complete as of the date of
15 deposit in the United States mail. The notices shall be in
16 the following sequence and shall include but not be limited
17 to the information specified herein:

18 (i) A second notice of parking, standing, or
19 compliance violation. This notice shall specify the
20 date and location of the violation cited in the
21 parking, standing, or compliance violation notice, the
22 particular regulation violated, the vehicle make and
23 state registration number, any requirement to complete
24 a traffic education program, the fine and any penalty
25 that may be assessed for late payment or failure to
26 complete a traffic education program, or both, when so

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

18 (ii) A notice of final determination of parking,
19 standing, compliance, automated speed enforcement
20 system, or automated traffic law violation liability.
21 This notice shall be sent following a final
22 determination of parking, standing, compliance,
23 automated speed enforcement system, or automated
24 traffic law violation liability and the conclusion of
25 judicial review procedures taken under this Section.
26 The notice shall state that the incomplete traffic

1 education program or the unpaid fine or penalty, or
2 both, is a debt due and owing the municipality or
3 county. The notice shall contain warnings that failure
4 to complete any required traffic education program or
5 to pay any fine or penalty due and owing the
6 municipality or county, or both, within the time
7 specified may result in the municipality's or county's
8 filing of a petition in the Circuit Court to have the
9 incomplete traffic education program or unpaid fine or
10 penalty, or both, rendered a judgment as provided by
11 this Section, or may result in suspension of the
12 person's drivers license for failure to complete a
13 traffic education program or to pay fines or penalties,
14 or both, for 10 or more parking violations under
15 Section 6-306.5, or a combination of 5 or more
16 automated traffic law violations under Section
17 11-208.6 or 11-208.9 or automated speed enforcement
18 system violations under Section 11-208.8.

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

20 This notice shall be sent to the person liable for failure
21 to complete a required traffic education program or to pay
22 any fine or penalty that remains due and owing, or both, on
23 10 or more parking violations or combination of 5 or more
24 unpaid automated speed enforcement system or automated
25 traffic law violations. The notice shall state that failure
26 to complete a required traffic education program or to pay

1 the fine or penalty owing, or both, within 45 days of the
2 notice's date will result in the municipality or county
3 notifying the Secretary of State that the person is
4 eligible for initiation of suspension proceedings under
5 Section 6-306.5 of this Code. The notice shall also state
6 that the person may obtain a photostatic copy of an
7 original ticket imposing a fine or penalty by sending a
8 self addressed, stamped envelope to the municipality or
9 county along with a request for the photostatic copy. The
10 notice of impending drivers license suspension shall be
11 sent by first class United States mail, postage prepaid, to
12 the address recorded with the Secretary of State or, if any
13 notice to that address is returned as undeliverable, to the
14 last known address recorded in a United States Post Office
15 approved database.

16 (7) Final determinations of violation liability. A
17 final determination of violation liability shall occur
18 following failure to complete the required traffic
19 education program or to pay the fine or penalty, or both,
20 after a hearing officer's determination of violation
21 liability and the exhaustion of or failure to exhaust any
22 administrative review procedures provided by ordinance.
23 Where a person fails to appear at a hearing to contest the
24 alleged violation in the time and manner specified in a
25 prior mailed notice, the hearing officer's determination
26 of violation liability shall become final: (A) upon denial

1 of a timely petition to set aside that determination, or
2 (B) upon expiration of the period for filing the petition
3 without a filing having been made.

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

1 owner shall be provided with a hearing on the merits for
2 that violation.

3 (9) Procedures for non-residents. Procedures by which
4 persons who are not residents of the municipality or county
5 may contest the merits of the alleged violation without
6 attending a hearing.

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

17 (11) Other provisions as are necessary and proper to
18 carry into effect the powers granted and purposes stated in
19 this Section.

20 (c) Any municipality or county establishing vehicular
21 standing, parking, compliance, automated speed enforcement
22 system, or automated traffic law regulations under this Section
23 may also provide by ordinance for a program of vehicle
24 immobilization for the purpose of facilitating enforcement of
25 those regulations. The program of vehicle immobilization shall
26 provide for immobilizing any eligible vehicle upon the public

1 way by presence of a restraint in a manner to prevent operation
2 of the vehicle. Any ordinance establishing a program of vehicle
3 immobilization under this Section shall provide:

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

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

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

1 the meaning of Section 3-101 of the Code of Civil
2 Procedure.

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

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

12 (e) Any fine, penalty, incomplete traffic education
13 program, or part of any fine or any penalty remaining unpaid
14 after the exhaustion of, or the failure to exhaust,
15 administrative remedies created under this Section and the
16 conclusion of any judicial review procedures shall be a debt
17 due and owing the municipality or county and, as such, may be
18 collected in accordance with applicable law. Completion of any
19 required traffic education program and payment in full of any
20 fine or penalty resulting from a standing, parking, compliance,
21 automated speed enforcement system, or automated traffic law
22 violation shall constitute a final disposition of that
23 violation. A municipality or county may not collect any debt
24 due or owing under this Section for a parking violation under
25 Article XIII of this Chapter during any period of time that is
26 5 or more years after the date the first notice of violation is

1 sent under subsection (b) of this Section. A home rule unit may
2 not regulate debt collection in a manner inconsistent with this
3 subsection (e). This subsection is a limitation under
4 subsection (i) of Section 6 of Article VII of the Illinois
5 Constitution on the concurrent exercise by home rule units of
6 powers and functions exercised by the State.

7 (f) After the expiration of the period within which
8 judicial review may be sought for a final determination of
9 parking, standing, compliance, automated speed enforcement
10 system, or automated traffic law violation, the municipality or
11 county may commence a proceeding in the Circuit Court for
12 purposes of obtaining a judgment on the final determination of
13 violation. Nothing in this Section shall prevent a municipality
14 or county from consolidating multiple final determinations of
15 parking, standing, compliance, automated speed enforcement
16 system, or automated traffic law violations against a person in
17 a proceeding. Upon commencement of the action, the municipality
18 or county shall file a certified copy or record of the final
19 determination of parking, standing, compliance, automated
20 speed enforcement system, or automated traffic law violation,
21 which shall be accompanied by a certification that recites
22 facts sufficient to show that the final determination of
23 violation was issued in accordance with this Section and the
24 applicable municipal or county ordinance. Service of the
25 summons and a copy of the petition may be by any method
26 provided by Section 2-203 of the Code of Civil Procedure or by

1 certified mail, return receipt requested, provided that the
2 total amount of fines and penalties for final determinations of
3 parking, standing, compliance, automated speed enforcement
4 system, or automated traffic law violations does not exceed
5 \$2500. If the court is satisfied that the final determination
6 of parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violation was entered in
8 accordance with the requirements of this Section and the
9 applicable municipal or county ordinance, and that the
10 registered owner or the lessee, as the case may be, had an
11 opportunity for an administrative hearing and for judicial
12 review as provided in this Section, the court shall render
13 judgment in favor of the municipality or county and against the
14 registered owner or the lessee for the amount indicated in the
15 final determination of parking, standing, compliance,
16 automated speed enforcement system, or automated traffic law
17 violation, plus costs. The judgment shall have the same effect
18 and may be enforced in the same manner as other judgments for
19 the recovery of money.

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

22 A low-income individual required to complete a traffic
23 education program under this Section who provides proof of
24 eligibility for the federal earned income tax credit under
25 Section 32 of the Internal Revenue Code or the Illinois earned
26 income tax credit under Section 212 of the Illinois Income Tax

1 Act shall not be required to pay any fee for participating in a
2 required traffic education program.

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