



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4464

Introduced 1/21/2022, by Rep. Frances Ann Hurley, Michael Kelly and Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-118	from Ch. 95 1/2, par. 1-118
625 ILCS 5/2-123.5 new	
625 ILCS 5/3-118	from Ch. 95 1/2, par. 3-118
625 ILCS 5/3-403	from Ch. 95 1/2, par. 3-403
625 ILCS 5/3-600	from Ch. 95 1/2, par. 3-600
625 ILCS 5/3-804	from Ch. 95 1/2, par. 3-804
625 ILCS 5/3-804.01	
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3

Amends the Illinois Vehicle Code. Includes catalytic converters in the definition of "essential parts". Provides that the Secretary of State shall release personally identifying information and highly restricted personal information on vehicle files, registration files, and disabled parking placards and plates files only to specified individuals. Adds licensed salvage dealers to the list of persons to whom a salvage certificate may be assigned to. Provides that a registration permit for 90 days may be provided for a fee of \$27 (instead of \$13, plus 1/10 of the flat weight tax). Provides that, if prior military service is required as a condition for the issuance of a special license plate, an applicant who served in the armed forces or, if applicable, the surviving spouse of a deceased person who served in the armed forces, shall be eligible for a special license plate only if the armed forces member was discharged or separated under honorable conditions. Provides that antique vehicle and expanded-use antique vehicle plates may be issued only to vehicles used for noncommercial purposes. Provides that a municipality or county may issue a fine, penalty, or suspension for a vehicular standing or parking violation, a vehicle compliance violation, an automated traffic law violation, or an automated speed enforcement system violation only for a violation that occurred after January 1, 2003.

LRB102 22336 RAM 31473 b

1 AN ACT concerning transportation.

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 Sections 1-118, 3-118, 3-403, 3-600, 3-804, 3-804.01,
6 and 11-208.3 and by adding Section 2-123.5 as follows:

7 (625 ILCS 5/1-118) (from Ch. 95 1/2, par. 1-118)

8 Sec. 1-118. Essential parts. All integral and body parts
9 of a vehicle of a type required to be registered hereunder, the
10 removal, alteration or substitution of which would tend to
11 conceal the identity of the vehicle or substantially alter its
12 appearance, model, type or mode of operation. "Essential
13 parts" includes the following: vehicle hulks, shells, chassis,
14 frames, front end assemblies (which may consist of headlight,
15 grill, fenders and hood), front clip (front end assembly with
16 cowl attached), rear clip (which may consist of quarter
17 panels, fenders, floor and top), doors, hatchbacks, fenders,
18 cabs, cab clips, cowls, hoods, trunk lids, deck lids, bed,
19 front bumper, rear bumper, transmissions, seats, engines,
20 catalytic converters, and similar parts. "Essential parts"
21 also includes fairings, fuel tanks, and forks of motorcycles.
22 "Essential parts" shall also include stereo radios.

23 An essential part which does not have affixed to it an

1 identification number as defined in Section 1-129 adopts the
2 identification number of the vehicle to which such part is
3 affixed, installed or mounted.

4 "Essential parts" does not include an engine,
5 transmission, or a rear axle that is used in a glider kit.

6 (Source: P.A. 99-748, eff. 8-5-16; 100-409, eff. 8-25-17;
7 100-863, eff. 8-14-18.)

8 (625 ILCS 5/2-123.5 new)

9 Sec. 2-123.5. Confidentiality of vehicle records.

10 Notwithstanding any other provision of this Code, the
11 Secretary of State shall maintain personally identifying
12 information and highly restricted personal information on
13 vehicle files, registration files, and disabled parking
14 placards and plates files. The information in these records
15 shall be confidential and shall not be disclosed except to the
16 following persons:

17 (1) the individual owner or applicant, upon written
18 request;

19 (2) officers and employees of the Secretary of State
20 who need access to the stored images for purposes of
21 issuing ownership documents for vehicles and controlling
22 vehicle registrations or disabled parking placards and
23 plates;

24 (3) law enforcement officials for a lawful civil or
25 criminal law enforcement investigation;

1 (4) an individual making a request pursuant to a
2 court-authorized subpoena or court order;

3 (5) a State or local governmental entity;

4 (6) an entity or individual pursuant to an agreement
5 with the Secretary to obtain vehicle and owner
6 information;

7 (7) an entity or individual that requires owner or
8 vehicle records to facilitate notice pursuant to any other
9 statutory procedures, including, but not limited to, the
10 Labor and Storage Lien Act, the Labor and Storage (Small
11 Amount) Lien Act, and any procedure set forth in Chapter
12 3, 4, or 18 of this Code;

13 (8) a verified executor of an estate, trustee of a
14 trust, or individual who has a power of attorney or
15 guardianship over another individual; and

16 (9) any other entity that the Secretary may allow by
17 rule.

18 (625 ILCS 5/3-118) (from Ch. 95 1/2, par. 3-118)

19 Sec. 3-118. Application for salvage or junking
20 certificate; contents.

21 (a) An application for a salvage certificate or junking
22 certificate shall be made upon the forms prescribed by the
23 Secretary of State and contain:

24 1. The name and address of the owner;

25 2. A description of the vehicle including, so far as

1 the following data exists: its make, year-model,
2 identifying number, type of body, whether new or used;

3 3. The date of purchase by applicant; and

4 4. Any further information reasonably required by the
5 Secretary of State.

6 (b) The application for salvage certificate must also
7 contain the current odometer reading and that the stated
8 odometer reading is one of the following: actual mileage, not
9 the actual mileage or mileage is in excess of its mechanical
10 limits.

11 (b-5) Each application for a salvage certificate for a
12 motor vehicle shall be verified by the National Motor Vehicle
13 Title Information System (NMVTIS) for a vehicle history report
14 prior to the Secretary issuing a salvage certificate.

15 (c) A salvage certificate may be assigned to any person
16 licensed under this Act as a rebuilder, automotive parts
17 recycler, salvage dealer as defined in subsection (a) of
18 Section 3-117.3, or scrap processor, or to an out-of-state
19 salvage vehicle buyer. A salvage certificate for a vehicle
20 that has come from a police impoundment may be assigned to a
21 municipal fire department. A junking certificate may be
22 assigned to anyone. The provisions for reassignment by dealers
23 under paragraph (a) of Section 3-113 shall apply to salvage
24 certificates, except as provided in Section 3-117.2. A salvage
25 certificate may be reassigned to one other person to whom a
26 salvage certificate may be assigned pursuant to this Section.

1 (Source: P.A. 99-414, eff. 8-20-15.)

2 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

3 (Text of Section before amendment by P.A. 102-154)

4 Sec. 3-403. Trip and Short-term permits.

5 (a) The Secretary of State may issue a short-term permit
6 to operate a nonregistered first or second division vehicle
7 within the State of Illinois for a period of not more than 7
8 days. Any second division vehicle operating on such permit may
9 operate only on empty weight. The fee for the short-term
10 permit shall be \$6 for permits purchased on or before June 30,
11 2003 and \$10 for permits purchased on or after July 1, 2003.
12 For short-term permits purchased on or after July 1, 2003, \$4
13 of the fee collected for the purchase of each permit shall be
14 deposited into the General Revenue Fund.

15 This permit may also be issued to operate an unladen
16 registered vehicle which is suspended under the Vehicle
17 Emissions Inspection Law and allow it to be driven on the roads
18 and highways of the State in order to be repaired or when
19 travelling to and from an emissions inspection station.

20 (b) The Secretary of State may, subject to reciprocal
21 agreements, arrangements or declarations made or entered into
22 pursuant to Section 3-402, 3-402.4 or by rule, provide for and
23 issue registration permits for the use of Illinois highways by
24 vehicles of the second division on an occasional basis or for a
25 specific and special short-term use, in compliance with rules

1 and regulations promulgated by the Secretary of State, and
2 upon payment of the prescribed fee as follows:

3 One-trip permits. A registration permit for one trip, or
4 one round-trip into and out of Illinois, for a period not to
5 exceed 72 consecutive hours or 3 calendar days may be
6 provided, for a fee as prescribed in Section 3-811.

7 One-Month permits. A registration permit for 30 days may
8 be provided for a fee of \$13 for registration plus 1/10 of the
9 flat weight tax. The minimum fee for such permit shall be \$31.

10 In-transit permits. A registration permit for one trip may
11 be provided for vehicles in transit by the driveaway or
12 towaway method and operated by a transporter in compliance
13 with the Illinois Motor Carrier of Property Law, for a fee as
14 prescribed in Section 3-811.

15 Illinois Temporary Apportionment Authorization Permits. An
16 apportionment authorization permit for forty-five days for the
17 immediate operation of a vehicle upon application for and
18 prior to receiving apportioned credentials or interstate
19 credentials from the State of Illinois. The fee for such
20 permit shall be \$3.

21 Illinois Temporary Prorate Authorization Permit. A prorate
22 authorization permit for forty-five days for the immediate
23 operation of a vehicle upon application for and prior to
24 receiving prorate credentials or interstate credentials from
25 the State of Illinois. The fee for such permit shall be \$3.

26 (c) The Secretary of State shall promulgate by such rule

1 or regulation, schedules of fees and taxes for such permits
2 and in computing the amount or amounts due, may round off such
3 amount to the nearest full dollar amount.

4 (d) The Secretary of State shall further prescribe the
5 form of application and permit and may require such
6 information and data as necessary and proper, including
7 confirming the status or identity of the applicant and the
8 vehicle in question.

9 (e) Rules or regulations promulgated by the Secretary of
10 State under this Section shall provide for reasonable and
11 proper limitations and restrictions governing the application
12 for and issuance and use of permits, and shall provide for the
13 number of permits per vehicle or per applicant, so as to
14 preclude evasion of annual registration requirements as may be
15 required by this Act.

16 (f) Any permit under this Section is subject to suspension
17 or revocation under this Act, and in addition, any such permit
18 is subject to suspension or revocation should the Secretary of
19 State determine that the vehicle identified in any permit
20 should be properly registered in Illinois. In the event any
21 such permit is suspended or revoked, the permit is then null
22 and void, may not be re-instated, nor is a refund therefor
23 available. The vehicle identified in such permit may not
24 thereafter be operated in Illinois without being properly
25 registered as provided in this Chapter.

26 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

1 (Text of Section after amendment by P.A. 102-154)

2 Sec. 3-403. Trip and Short-term permits.

3 (a) The Secretary of State may issue a short-term permit
4 to operate a nonregistered first or second division vehicle
5 within the State of Illinois for a period of not more than 7
6 days. Any second division vehicle operating on such permit may
7 operate only on empty weight. The fee for the short-term
8 permit shall be \$6 for permits purchased on or before June 30,
9 2003 and \$10 for permits purchased on or after July 1, 2003.
10 For short-term permits purchased on or after July 1, 2003, \$4
11 of the fee collected for the purchase of each permit shall be
12 deposited into the General Revenue Fund.

13 This permit may also be issued to operate an unladen
14 registered vehicle which is suspended under the Vehicle
15 Emissions Inspection Law and allow it to be driven on the roads
16 and highways of the State in order to be repaired or when
17 traveling to and from an emissions inspection station.

18 (b) The Secretary of State may, subject to reciprocal
19 agreements, arrangements or declarations made or entered into
20 pursuant to Section 3-402, 3-402.4 or by rule, provide for and
21 issue registration permits for the use of Illinois highways by
22 vehicles of the second division on an occasional basis or for a
23 specific and special short-term use, in compliance with rules
24 and regulations promulgated by the Secretary of State, and
25 upon payment of the prescribed fee as follows:

1 One-trip permits. A registration permit for one trip, or
2 one round-trip into and out of Illinois, for a period not to
3 exceed 72 consecutive hours or 3 calendar days may be
4 provided, for a fee as prescribed in Section 3-811.

5 Three-month permits. A registration permit for 90 days may
6 be provided for a fee of \$27 ~~\$13~~ for registration ~~plus 1/10 of~~
7 ~~the flat weight tax.~~

8 In-transit permits. A registration permit for one trip may
9 be provided for vehicles in transit by the driveaway or
10 towaway method and operated by a transporter in compliance
11 with the Illinois Motor Carrier of Property Law, for a fee as
12 prescribed in Section 3-811.

13 Illinois Temporary Apportionment Authorization Permits. An
14 apportionment authorization permit for forty-five days for the
15 immediate operation of a vehicle upon application for and
16 prior to receiving apportioned credentials or interstate
17 credentials from the State of Illinois. The fee for such
18 permit shall be \$3.

19 Illinois Temporary Prorate Authorization Permit. A prorate
20 authorization permit for forty-five days for the immediate
21 operation of a vehicle upon application for and prior to
22 receiving prorate credentials or interstate credentials from
23 the State of Illinois. The fee for such permit shall be \$3.

24 (c) The Secretary of State shall promulgate by such rule
25 or regulation, schedules of fees and taxes for such permits
26 and in computing the amount or amounts due, may round off such

1 amount to the nearest full dollar amount.

2 (d) The Secretary of State shall further prescribe the
3 form of application and permit and may require such
4 information and data as necessary and proper, including
5 confirming the status or identity of the applicant and the
6 vehicle in question.

7 (e) Rules or regulations promulgated by the Secretary of
8 State under this Section shall provide for reasonable and
9 proper limitations and restrictions governing the application
10 for and issuance and use of permits, and shall provide for the
11 number of permits per vehicle or per applicant, so as to
12 preclude evasion of annual registration requirements as may be
13 required by this Act.

14 (f) Any permit under this Section is subject to suspension
15 or revocation under this Act, and in addition, any such permit
16 is subject to suspension or revocation should the Secretary of
17 State determine that the vehicle identified in any permit
18 should be properly registered in Illinois. In the event any
19 such permit is suspended or revoked, the permit is then null
20 and void, may not be re-instated, nor is a refund therefor
21 available. The vehicle identified in such permit may not
22 thereafter be operated in Illinois without being properly
23 registered as provided in this Chapter.

24 (Source: P.A. 102-154, eff. 1-1-22.)

25 (625 ILCS 5/3-600) (from Ch. 95 1/2, par. 3-600)

1 Sec. 3-600. Requirements for issuance of special plates.

2 (a) The Secretary of State shall issue only special plates
3 that have been authorized by the General Assembly. Except as
4 provided in subsection (a-5), the Secretary of State shall not
5 issue a series of special plates, or Universal special plates
6 associated with an organization authorized to issue decals for
7 Universal special plates, unless applications, as prescribed
8 by the Secretary, have been received for 2,000 plates of that
9 series. Where a special plate is authorized by law to raise
10 funds for a specific civic group, charitable entity, or other
11 identified organization, or when the civic group, charitable
12 entity, or organization is authorized to issue decals for
13 Universal special license plates, and where the Secretary of
14 State has not received the required number of applications to
15 issue that special plate within 2 years of the effective date
16 of the Public Act authorizing the special plate or decal, the
17 Secretary of State's authority to issue the special plate or a
18 Universal special plate associated with that decal is
19 nullified. All applications for special plates shall be on a
20 form designated by the Secretary and shall be accompanied by
21 any civic group's, charitable entity's, or other identified
22 fundraising organization's portion of the additional fee
23 associated with that plate or decal. All fees collected under
24 this Section are non-refundable and shall be deposited in the
25 special fund as designated in the enabling legislation,
26 regardless of whether the plate or decal is produced. Upon the

1 adoption of this amendatory Act of the 99th General Assembly,
2 no further special license plates shall be authorized by the
3 General Assembly unless that special license plate is
4 authorized under subsection (a-5) of this Section.

5 (a-5) If the General Assembly authorizes the issuance of a
6 special plate that recognizes the applicant's military service
7 or receipt of a military medal or award, the Secretary may
8 immediately begin issuing that special plate.

9 (b) The Secretary of State, upon issuing a new series of
10 special license plates, shall notify all law enforcement
11 officials of the design, color and other special features of
12 the special license plate series.

13 (c) This Section shall not apply to the Secretary of
14 State's discretion as established in Section 3-611.

15 (d) If a law authorizing a special license plate provides
16 that the sponsoring organization is to designate a charitable
17 entity as the recipient of the funds from the sale of that
18 license plate, the designated charitable entity must be in
19 compliance with the registration and reporting requirements of
20 the Charitable Trust Act and the Solicitation for Charity Act.
21 In addition, the charitable entity must annually provide the
22 Secretary of State's office a letter of compliance issued by
23 the Illinois Attorney General's office verifying the entity is
24 in compliance with the Acts.

25 In the case of a law in effect before the effective date of
26 this amendatory Act of the 97th General Assembly, the name of

1 the charitable entity which is to receive the funds shall be
2 provided to the Secretary of State within one year after the
3 effective date of this amendatory Act of the 97th General
4 Assembly. In the case of a law that takes effect on or after
5 the effective date of this amendatory Act of the 97th General
6 Assembly, the name of the charitable entity which is to
7 receive the funds shall be provided to the Secretary of State
8 within one year after the law takes effect. If the
9 organization fails to designate an appropriate charitable
10 entity within the one-year period, or if the designated
11 charitable entity fails to annually provide the Secretary of
12 State a letter of compliance issued by the Illinois Attorney
13 General's office, any funds collected from the sale of plates
14 authorized for that organization and not previously disbursed
15 shall be transferred to the General Revenue Fund, and the
16 special plates shall be discontinued.

17 (e) If fewer than 1,000 sets of any special license plate
18 authorized by law and issued by the Secretary of State are
19 actively registered for 2 consecutive calendar years, the
20 Secretary of State may discontinue the issuance of that
21 special license plate or require that special license plate to
22 be exchanged for Universal special plates with appropriate
23 decals.

24 (f) Where special license plates have been discontinued
25 pursuant to subsection (d) or (e) of this Section, or when the
26 special license plates are required to be exchanged for

1 Universal special plates under subsection (e) of this Section,
2 all previously issued plates of that type shall be recalled.
3 Owners of vehicles which were registered with recalled plates
4 shall not be charged a reclassification or registration
5 sticker replacement plate fee upon the issuance of new plates
6 for those vehicles.

7 (g) Any special plate that is authorized to be issued for
8 motorcycles may also be issued for autocycles.

9 (h) The Secretary may use alternating numeric and
10 alphabetical characters when issuing a special registration
11 plate authorized under this Chapter.

12 (i) The Secretary of State may issue digital registration
13 plates and stickers in accordance with this Section and
14 Section 3-401.5.

15 (j) If prior military service is required as a condition
16 for the issuance of a special license plate, an applicant who
17 served in the armed forces or, if applicable, the surviving
18 spouse of a deceased person who served in the armed forces,
19 shall be eligible for a special license plate only if the armed
20 forces member was discharged or separated under honorable
21 conditions.

22 (Source: P.A. 100-956, eff. 1-1-19; 101-395, eff. 8-16-19.)

23 (625 ILCS 5/3-804) (from Ch. 95 1/2, par. 3-804)
24 Sec. 3-804. Antique vehicles.

25 (a) The owner of an antique vehicle may register such

1 vehicle for a fee not to exceed \$13 for a 2-year antique plate,
2 if the vehicle is used for noncommercial purposes. The
3 application for registration must be accompanied by an
4 affirmation of the owner that such vehicle will be driven on
5 the highway only for the purpose of going to and returning from
6 an antique auto show or an exhibition, or for servicing or
7 demonstration and also affirming that the mechanical
8 condition, physical condition, brakes, lights, glass and
9 appearance of such vehicle is the same or as safe as originally
10 equipped. The Secretary may, in his discretion prescribe that
11 antique vehicle plates be issued for a definite or an
12 indefinite term, such term to correspond to the term of
13 registration plates issued generally, as provided in Section
14 3-414.1. In no event may the registration fee for antique
15 vehicles exceed \$6 per registration year. Any person
16 requesting antique plates under this Section may also apply to
17 have vanity or personalized plates as provided under Section
18 3-405.1.

19 (b) Any person who is the registered owner of an antique
20 vehicle may display a historical license plate from or
21 representing the model year of the vehicle, furnished by such
22 person, in lieu of the current and valid Illinois antique
23 vehicle plates issued thereto, provided that valid and current
24 Illinois antique vehicle plates and registration card issued
25 to such antique vehicle are simultaneously carried within such
26 vehicle and are available for inspection.

1 (Source: P.A. 91-37, eff. 7-1-99.)

2 (625 ILCS 5/3-804.01)

3 Sec. 3-804.01. Expanded-use antique vehicles.

4 (a) The owner of a motor vehicle that is more than 25 years
5 of age or a bona fide replica thereof may register the vehicle
6 as an expanded-use antique vehicle, if the vehicle is used for
7 noncommercial purposes. In addition to the appropriate
8 registration and renewal fees, the fee for expanded-use
9 antique vehicle registration and renewal, except as provided
10 under subsection (d), shall be \$45 per year. The application
11 for registration must be accompanied by an affirmation of the
12 owner that:

13 (1) from January 1 through the last day of February
14 and from December 1 through December 31, the vehicle will
15 be driven on the highways only for the purpose of going to
16 and returning from an antique auto show or an exhibition,
17 or for servicing or demonstration; and

18 (2) the mechanical condition, physical condition,
19 brakes, lights, glass, and appearance of such vehicle is
20 the same or as safe as originally equipped.

21 From March 1 through November 30, a vehicle registered as
22 an expanded-use antique vehicle may be driven on the highways
23 without being subject to the restrictions set forth in
24 subdivision (1). The Secretary may prescribe, in the
25 Secretary's discretion, that expanded-use antique vehicle

1 plates be issued for a definite or an indefinite term, such
2 term to correspond to the term of registration plates issued
3 generally, as provided in Section 3-414.1. Any person
4 requesting expanded-use antique vehicle plates under this
5 Section may also apply to have vanity or personalized plates
6 as provided under Section 3-405.1.

7 (b) Any person who is the registered owner of an
8 expanded-use antique vehicle may display a historical license
9 plate from or representing the model year of the vehicle,
10 furnished by such person, in lieu of the current and valid
11 Illinois expanded-use antique vehicle plates issued thereto,
12 provided that the valid and current Illinois expanded-use
13 antique vehicle plates and registration card issued to the
14 expanded-use antique vehicle are simultaneously carried within
15 the vehicle and are available for inspection.

16 (c) The Secretary may credit a pro-rated portion of a fee
17 previously paid for an antique vehicle registration under
18 Section 3-804 to an owner who applies to have that vehicle
19 registered as an expanded-use antique vehicle instead of an
20 antique vehicle.

21 (d) The Secretary may make a version of the registration
22 plate authorized under this Section in a form appropriate for
23 motorcycles. In addition to the required registration and
24 renewal fees, the fee for motorcycle expanded-use antique
25 vehicle registration and renewal shall be \$23 per year.

26 (Source: P.A. 102-438, eff. 8-20-21.)

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

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

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

1 "compliance violation" means a violation of a municipal or
2 county regulation governing the condition or use of equipment
3 on a vehicle or governing the display of a municipal or county
4 wheel tax license.

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

7 (1) A traffic compliance administrator authorized to
8 adopt, distribute, and process parking, compliance, and
9 automated speed enforcement system or automated traffic
10 law violation notices and other notices required by this
11 Section, collect money paid as fines and penalties for
12 violation of parking and compliance ordinances and
13 automated speed enforcement system or automated traffic
14 law violations, and operate an administrative adjudication
15 system.

16 (2) A parking, standing, compliance, automated speed
17 enforcement system, or automated traffic law violation
18 notice that shall specify or include the date, time, and
19 place of violation of a parking, standing, compliance,
20 automated speed enforcement system, or automated traffic
21 law regulation; the particular regulation violated; any
22 requirement to complete a traffic education program; the
23 fine and any penalty that may be assessed for late payment
24 or failure to complete a required traffic education
25 program, or both, when so provided by ordinance; the
26 vehicle make or a photograph of the vehicle; the state

1 registration number of the vehicle; and the identification
2 number of the person issuing the notice. With regard to
3 automated speed enforcement system or automated traffic
4 law violations, vehicle make shall be specified on the
5 automated speed enforcement system or automated traffic
6 law violation notice if the notice does not include a
7 photograph of the vehicle and the make is available and
8 readily discernible. With regard to municipalities or
9 counties with a population of 1 million or more, it shall
10 be grounds for dismissal of a parking violation if the
11 state registration number or vehicle make specified is
12 incorrect. The violation notice shall state that the
13 completion of any required traffic education program, the
14 payment of any indicated fine, and the payment of any
15 applicable penalty for late payment or failure to complete
16 a required traffic education program, or both, shall
17 operate as a final disposition of the violation. The
18 notice also shall contain information as to the
19 availability of a hearing in which the violation may be
20 contested on its merits. The violation notice shall
21 specify the time and manner in which a hearing may be had.

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

1 notice to the address of the registered owner or lessee of
2 the cited vehicle as recorded with the Secretary of State
3 or the lessor of the motor vehicle within 30 days after the
4 Secretary of State or the lessor of the motor vehicle
5 notifies the municipality or county of the identity of the
6 owner or lessee of the vehicle, but not later than 90 days
7 after the date of the violation, except that in the case of
8 a lessee of a motor vehicle, service of a parking,
9 standing, or compliance violation notice may occur no
10 later than 210 days after the violation; and service of an
11 automated speed enforcement system or automated traffic
12 law violation notice by mail to the address of the
13 registered owner or lessee of the cited vehicle as
14 recorded with the Secretary of State or the lessor of the
15 motor vehicle within 30 days after the Secretary of State
16 or the lessor of the motor vehicle notifies the
17 municipality or county of the identity of the owner or
18 lessee of the vehicle, but not later than 90 days after the
19 violation, except that in the case of a lessee of a motor
20 vehicle, service of an automated traffic law violation
21 notice may occur no later than 210 days after the
22 violation. A person authorized by ordinance to issue and
23 serve parking, standing, and compliance violation notices
24 shall certify as to the correctness of the facts entered
25 on the violation notice by signing his or her name to the
26 notice at the time of service or, in the case of a notice

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

1 determinations by a technician that a motor vehicle was
2 being operated in violation of Section 11-208.6, 11-208.9,
3 or 11-1201.1 or a local ordinance must be reviewed and
4 approved by a law enforcement officer or retired law
5 enforcement officer of the municipality or county issuing
6 the violation or by an additional fully trained reviewing
7 technician who is not employed by the contractor who
8 employs the technician who made the initial determination.
9 In the case of an automated speed enforcement system
10 violation, the ordinance shall require a determination by
11 a technician employed by the municipality, based upon an
12 inspection of recorded images, video or other
13 documentation, including documentation of the speed limit
14 and automated speed enforcement signage, and documentation
15 of the inspection, calibration, and certification of the
16 speed equipment, that the vehicle was being operated in
17 violation of Article VI of Chapter 11 of this Code or a
18 similar local ordinance. If the technician determines that
19 the vehicle speed was not determined by a calibrated,
20 certified speed equipment device based upon the speed
21 equipment documentation, or if the vehicle was an
22 emergency vehicle, a citation may not be issued. The
23 automated speed enforcement ordinance shall require that
24 all determinations by a technician that a violation
25 occurred be reviewed and approved by a law enforcement
26 officer or retired law enforcement officer of the

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

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

1 least 25 days following an administrative hearing to pay
2 any civil penalty imposed by a finding that Section
3 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
4 local ordinance has been violated. The original or a
5 facsimile of the violation notice or, in the case of a
6 notice produced by a computerized device, a printed record
7 generated by the device showing the facts entered on the
8 notice, shall be retained by the traffic compliance
9 administrator, and shall be a record kept in the ordinary
10 course of business. A parking, standing, compliance,
11 automated speed enforcement system, or automated traffic
12 law violation notice issued, signed, and served in
13 accordance with this Section, a copy of the notice, or the
14 computer-generated record shall be prima facie correct and
15 shall be prima facie evidence of the correctness of the
16 facts shown on the notice. The notice, copy, or
17 computer-generated record shall be admissible in any
18 subsequent administrative or legal proceedings.

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

1 notice likewise shall be provided an opportunity for a
2 hearing of the same kind afforded the registered owner.
3 The hearings shall be recorded, and the person conducting
4 the hearing on behalf of the traffic compliance
5 administrator shall be empowered to administer oaths and
6 to secure by subpoena both the attendance and testimony of
7 witnesses and the production of relevant books and papers.
8 Persons appearing at a hearing under this Section may be
9 represented by counsel at their expense. The ordinance may
10 also provide for internal administrative review following
11 the decision of the hearing officer.

12 (5) Service of additional notices, sent by first class
13 United States mail, postage prepaid, to the address of the
14 registered owner of the cited vehicle as recorded with the
15 Secretary of State or, if any notice to that address is
16 returned as undeliverable, to the last known address
17 recorded in a United States Post Office approved database,
18 or, under Section 11-1306 or subsection (p) of Section
19 11-208.6 or 11-208.9, or subsection (p) of Section
20 11-208.8 of this Code, to the lessee of the cited vehicle
21 at the last address known to the lessor of the cited
22 vehicle at the time of lease or, if any notice to that
23 address is returned as undeliverable, to the last known
24 address recorded in a United States Post Office approved
25 database. The service shall be deemed complete as of the
26 date of deposit in the United States mail. The notices

1 shall be in the following sequence and shall include, but
2 not be limited to, the information specified herein:

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

1 upon the occurrence of a final determination of
2 violation liability for the failure, and the
3 exhaustion of, or failure to exhaust, available
4 administrative or judicial procedures for review, any
5 incomplete traffic education program or any unpaid
6 fine or penalty, or both, will constitute a debt due
7 and owing the municipality or county.

8 (ii) A notice of final determination of parking,
9 standing, compliance, automated speed enforcement
10 system, or automated traffic law violation liability.
11 This notice shall be sent following a final
12 determination of parking, standing, compliance,
13 automated speed enforcement system, or automated
14 traffic law violation liability and the conclusion of
15 judicial review procedures taken under this Section.
16 The notice shall state that the incomplete traffic
17 education program or the unpaid fine or penalty, or
18 both, is a debt due and owing the municipality or
19 county. The notice shall contain warnings that failure
20 to complete any required traffic education program or
21 to pay any fine or penalty due and owing the
22 municipality or county, or both, within the time
23 specified may result in the municipality's or county's
24 filing of a petition in the Circuit Court to have the
25 incomplete traffic education program or unpaid fine or
26 penalty, or both, rendered a judgment as provided by

1 this Section, or, where applicable, may result in
2 suspension of the person's driver's license for
3 failure to complete a traffic education program.

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

23 (7) Final determinations of violation liability. A
24 final determination of violation liability shall occur
25 following failure to complete the required traffic
26 education program or to pay the fine or penalty, or both,

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

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

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

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

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

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

1 in this Section.

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

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

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

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

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

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

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

1 required traffic education program and payment in full of any
2 fine or penalty resulting from a standing, parking,
3 compliance, automated speed enforcement system, or automated
4 traffic law violation shall constitute a final disposition of
5 that violation.

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

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

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

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

1 required traffic education program.

2 (h) A municipality or county may issue a fine, penalty, or
3 suspension for a vehicular standing or parking violation, a
4 vehicle compliance violation as described in subsection (a),
5 an automated traffic law violation under Section 11-208.6,
6 11-208.9, or 11-1201.1, or an automated speed enforcement
7 system violation as defined in Section 11-208.8 only for a
8 violation that occurred after January 1, 2003. A vehicle owner
9 who receives notice of a fine, penalty, or suspension for a
10 violation occurring before January 1, 2003 has an automatic
11 statutory defense.

12 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
13 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.