



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### SB2894

Introduced 1/24/2024, by Sen. Patrick J. Joyce

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-43010

65 ILCS 5/1-2.1-2

65 ILCS 5/1-2.2-5

625 ILCS 5/11-208

625 ILCS 5/11-208.3

from Ch. 95 1/2, par. 11-208

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

Amends the Counties Code and the Illinois Municipal Code. Provides that "system of administrative adjudication" means the adjudication of any violation of a municipal or county ordinance, except for any offense under the Illinois Vehicle Code or a similar offense that is not included in specified provisions of the Illinois Vehicle Code (rather than except for any offense under the Illinois Vehicle Code or a similar offense). Amends the Illinois Vehicle Code. Provides that a municipality or county may adopt an ordinance limiting the width of vehicles, the height of vehicles, and the length of vehicles on roadways and to enforce violations of specified provisions of the Code or a similar provision of a local ordinance. Makes conforming changes.

LRB103 37030 AWJ 67145 b

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 Counties Code is amended by changing  
5 Section 5-43010 as follows:

6 (55 ILCS 5/5-43010)

7 Sec. 5-43010. Administrative adjudication of code and  
8 ordinance violations; definitions.

9 (a) Any county may provide by ordinance for a system of  
10 administrative adjudication of county code violations to the  
11 extent permitted by the Illinois Constitution.

12 (b) Any county may provide by ordinance for a system of  
13 administrative adjudication of violations of ordinances  
14 enacted by a participating unit of local government only  
15 where: (i) the unit of local government is engaging in  
16 governmental activities or providing services within the  
17 boundaries of the county; (ii) the unit of local government  
18 has no system of administrative adjudication; and (iii) the  
19 violation occurred within the boundaries of the county.

20 (c) As used in this Division:

21 "Participating unit of local government" means a unit of  
22 local government which has entered into an intergovernmental  
23 agreement or contract with a county for the administrative

1 adjudication of violations of its ordinances by the county  
2 pursuant to this Division.

3 "System of administrative adjudication" means the  
4 adjudication of any violation of a county ordinance or of a  
5 participating unit of local government's ordinance, except for  
6 (i) proceedings not within the statutory or the home rule  
7 authority of counties or a participating unit of local  
8 government; and (ii) any offense under the Illinois Vehicle  
9 Code (or a similar offense that is not included in Section  
10 11-208.3 ~~a traffic regulation governing the movement of~~  
11 ~~vehicles and except for any reportable offense under Section~~  
12 ~~6-204~~ of the Illinois Vehicle Code).

13 "Unit of local government" has the meaning as defined in  
14 the Illinois Constitution of 1970 and also includes a  
15 not-for-profit corporation organized for the purpose of  
16 conducting public business including, but not limited to, the  
17 Northeast Illinois Regional Commuter Railroad Corporation.  
18 (Source: P.A. 99-754, eff. 1-1-17.)

19 Section 10. The Illinois Municipal Code is amended by  
20 changing Sections 1-2.1-2 and 1-2.2-5 as follows:

21 (65 ILCS 5/1-2.1-2)

22 Sec. 1-2.1-2. Administrative adjudication of municipal  
23 code violations. Any municipality may provide by ordinance  
24 for a system of administrative adjudication of municipal code

1 violations to the extent permitted by the Illinois  
2 Constitution. A "system of administrative adjudication" means  
3 the adjudication of any violation of a municipal ordinance,  
4 except for (i) proceedings not within the statutory or the  
5 home rule authority of municipalities; and (ii) any offense  
6 under the Illinois Vehicle Code or a similar offense that is  
7 not included in Section 11-208.3 ~~a traffic regulation~~  
8 ~~governing the movement of vehicles and except for any~~  
9 ~~reportable offense under Section 6-204~~ of the Illinois Vehicle  
10 Code.

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

12 (65 ILCS 5/1-2.2-5)

13 Sec. 1-2.2-5. Definitions. As used in this Division,  
14 unless the context requires otherwise:

15 "Code" means any municipal ordinance except for (i)  
16 building code violations that must be adjudicated pursuant to  
17 Division 31.1 of Article 11 of this Act and (ii) any offense  
18 under the Illinois Vehicle Code or a similar offense that is  
19 not included in Section 11-208.3 ~~a traffic regulation~~  
20 ~~governing the movement of vehicles and except for any~~  
21 ~~reportable offense under Section 6-204~~ of the Illinois Vehicle  
22 Code.

23 "Hearing officer" means a municipal employee or an officer  
24 or agent of a municipality, other than a law enforcement  
25 officer, whose duty it is to:

1 (1) preside at an administrative hearing called to  
2 determine whether or not a code violation exists;

3 (2) hear testimony and accept evidence from all interested  
4 parties relevant to the existence of a code violation;

5 (3) preserve and authenticate the transcript and record of  
6 the hearing and all exhibits and evidence introduced at the  
7 hearing; and

8 (4) issue and sign a written finding, decision, and order  
9 stating whether a code violation exists.

10 (Source: P.A. 90-777, eff. 1-1-99.)

11 Section 15. The Illinois Vehicle Code is amended by  
12 changing Sections 11-208 and 11-208.3 as follows:

13 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

14 Sec. 11-208. Powers of local authorities.

15 (a) The provisions of this Code shall not be deemed to  
16 prevent local authorities with respect to streets and highways  
17 under their jurisdiction and within the reasonable exercise of  
18 the police power from:

19 1. Regulating the standing or parking of vehicles,  
20 except as limited by Sections 11-1306 and 11-1307 of this  
21 Act;

22 2. Regulating traffic by means of police officers or  
23 traffic control signals;

24 3. Regulating or prohibiting processions or

1           assemblages on the highways; and certifying persons to  
2           control traffic for processions or assemblages;

3           4. Designating particular highways as one-way highways  
4           and requiring that all vehicles thereon be moved in one  
5           specific direction;

6           5. Regulating the speed of vehicles in public parks  
7           subject to the limitations set forth in Section 11-604;

8           6. Designating any highway as a through highway, as  
9           authorized in Section 11-302, and requiring that all  
10          vehicles stop before entering or crossing the same or  
11          designating any intersection as a stop intersection or a  
12          yield right-of-way intersection and requiring all vehicles  
13          to stop or yield the right-of-way at one or more entrances  
14          to such intersections;

15          7. Restricting the use of highways as authorized in  
16          Chapter 15;

17          8. Regulating the operation of mobile carrying  
18          devices, bicycles, low-speed electric bicycles, and  
19          low-speed gas bicycles, and requiring the registration and  
20          licensing of same, including the requirement of a  
21          registration fee;

22          9. Regulating or prohibiting the turning of vehicles  
23          or specified types of vehicles at intersections;

24          10. Altering the speed limits as authorized in Section  
25          11-604;

26          11. Prohibiting U-turns;

1           12. Prohibiting pedestrian crossings at other than  
2 designated and marked crosswalks or at intersections;

3           13. Prohibiting parking during snow removal operation;

4           14. Imposing fines in accordance with Section  
5 11-1301.3 as penalties for use of any parking place  
6 reserved for persons with disabilities, as defined by  
7 Section 1-159.1, or veterans with disabilities by any  
8 person using a motor vehicle not bearing registration  
9 plates specified in Section 11-1301.1 or a special decal  
10 or device as defined in Section 11-1301.2 as evidence that  
11 the vehicle is operated by or for a person with  
12 disabilities or a veteran with a disability;

13           15. Adopting such other traffic regulations as are  
14 specifically authorized by this Code; or

15           16. Enforcing the provisions of subsection (f) of  
16 Section 3-413 of this Code or a similar local ordinance.

17           (b) No ordinance or regulation enacted under paragraph 1,  
18 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be  
19 effective until signs giving reasonable notice of such local  
20 traffic regulations are posted.

21           (c) The provisions of this Code shall not prevent any  
22 municipality having a population of 500,000 or more  
23 inhabitants from prohibiting any person from driving or  
24 operating any motor vehicle upon the roadways of such  
25 municipality with headlamps on high beam or bright.

26           (d) The provisions of this Code shall not be deemed to

1 prevent local authorities within the reasonable exercise of  
2 their police power from prohibiting, on private property, the  
3 unauthorized use of parking spaces reserved for persons with  
4 disabilities.

5 (e) No unit of local government, including a home rule  
6 unit, may enact or enforce an ordinance that applies only to  
7 motorcycles if the principal purpose for that ordinance is to  
8 restrict the access of motorcycles to any highway or portion  
9 of a highway for which federal or State funds have been used  
10 for the planning, design, construction, or maintenance of that  
11 highway. No unit of local government, including a home rule  
12 unit, may enact an ordinance requiring motorcycle users to  
13 wear protective headgear. Nothing in this subsection (e) shall  
14 affect the authority of a unit of local government to regulate  
15 motorcycles for traffic control purposes or in accordance with  
16 Section 12-602 of this Code. No unit of local government,  
17 including a home rule unit, may regulate motorcycles in a  
18 manner inconsistent with this Code. This subsection (e) is a  
19 limitation under subsection (i) of Section 6 of Article VII of  
20 the Illinois Constitution on the concurrent exercise by home  
21 rule units of powers and functions exercised by the State.

22 (e-5) The City of Chicago may enact an ordinance providing  
23 for a noise monitoring system upon any portion of the roadway  
24 known as Lake Shore Drive. Twelve months after the  
25 installation of the noise monitoring system, and any time  
26 after the first report as the City deems necessary, the City of



1 Chicago shall prepare a noise monitoring report with the data  
2 collected from the system and shall, upon request, make the  
3 report available to the public. For purposes of this  
4 subsection (e-5), "noise monitoring system" means an automated  
5 noise monitor capable of recording noise levels 24 hours per  
6 day and 365 days per year with computer equipment sufficient  
7 to process the data.

8 (e-10) A unit of local government, including a home rule  
9 unit, may not enact an ordinance prohibiting the use of  
10 Automated Driving System equipped vehicles on its roadways.  
11 Nothing in this subsection (e-10) shall affect the authority  
12 of a unit of local government to regulate Automated Driving  
13 System equipped vehicles for traffic control purposes. No unit  
14 of local government, including a home rule unit, may regulate  
15 Automated Driving System equipped vehicles in a manner  
16 inconsistent with this Code. For purposes of this subsection  
17 (e-10), "Automated Driving System equipped vehicle" means any  
18 vehicle equipped with an Automated Driving System of hardware  
19 and software that are collectively capable of performing the  
20 entire dynamic driving task on a sustained basis, regardless  
21 of whether it is limited to a specific operational domain.  
22 This subsection (e-10) is a limitation under subsection (i) of  
23 Section 6 of Article VII of the Illinois Constitution on the  
24 concurrent exercise by home rule units of powers and functions  
25 exercised by the State.

26 (f) A municipality or county designated in Section

1 11-208.6 may enact an ordinance providing for an automated  
2 traffic law enforcement system to enforce violations of this  
3 Code or a similar provision of a local ordinance and imposing  
4 liability on a registered owner or lessee of a vehicle used in  
5 such a violation.

6 (g) A municipality or county, as provided in Section  
7 11-1201.1, may enact an ordinance providing for an automated  
8 traffic law enforcement system to enforce violations of  
9 Section 11-1201 of this Code or a similar provision of a local  
10 ordinance and imposing liability on a registered owner of a  
11 vehicle used in such a violation.

12 (h) A municipality designated in Section 11-208.8 may  
13 enact an ordinance providing for an automated speed  
14 enforcement system to enforce violations of Article VI of  
15 Chapter 11 of this Code or a similar provision of a local  
16 ordinance.

17 (i) A municipality or county designated in Section  
18 11-208.9 may enact an ordinance providing for an automated  
19 traffic law enforcement system to enforce violations of  
20 Section 11-1414 of this Code or a similar provision of a local  
21 ordinance and imposing liability on a registered owner or  
22 lessee of a vehicle used in such a violation.

23 (j) A municipality or county may adopt an ordinance  
24 limiting the width of vehicles on roadways pursuant to Section  
25 15-102, the height of vehicles on roadways pursuant to Section  
26 15-103, or the length of vehicles on roadways pursuant to

1 Section 15-107 and to enforce violations of Sections 15-102,  
2 15-103, and 15-107 of this Code or a similar provision of a  
3 local ordinance.

4 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;  
5 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.  
6 7-26-19.)

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

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

13 (a) Any municipality or county may provide by ordinance  
14 for a system of administrative adjudication of vehicular  
15 standing and parking violations, ~~and~~ vehicle compliance  
16 violations as described in this subsection, violations of  
17 Section 15-102, violations of Section 15-103, violations of  
18 Section 15-107, automated traffic law violations as defined in  
19 Section 11-208.6, 11-208.9, or 11-1201.1, and automated speed  
20 enforcement system violations as defined in Section 11-208.8.  
21 The administrative system shall have as its purpose the fair  
22 and efficient enforcement of municipal or county regulations  
23 through the administrative adjudication of automated speed  
24 enforcement system or automated traffic law violations and  
25 violations of municipal or county ordinances regulating the

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

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

16 (1) A traffic compliance administrator authorized to  
17 adopt, distribute, and process notices regarding parking  
18 violations, compliance violations, width, height, or  
19 length of vehicle violations, and automated speed  
20 enforcement system or automated traffic law violations  
21 ~~violation notices~~ and other notices of violations required  
22 by this Section; ~~it~~ collect money paid as fines and  
23 penalties for violation of parking and compliance  
24 ordinances, violation of width, height, or length of  
25 vehicle ordinances, and automated speed enforcement system  
26 or automated traffic law violations; ~~it~~ and operate an

1 administrative adjudication system.

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

1 that the completion of any required traffic education  
2 program, the payment of any indicated fine, and the  
3 payment of any applicable penalty for late payment or  
4 failure to complete a required traffic education program,  
5 or both, shall operate as a final disposition of the  
6 violation. The notice also shall contain information as to  
7 the availability of a hearing in which the violation may  
8 be contested on its merits. The violation notice shall  
9 specify the time and manner in which a hearing may be had.

10 (3) Service of a parking violation notice, standing  
11 violation notice, width, height, or length of vehicle  
12 violation notice, or compliance violation notice by: (i)  
13 affixing the original or a facsimile of the notice to an  
14 unlawfully parked or standing vehicle; (ii) handing the  
15 notice to the operator of a vehicle if he or she is  
16 present; or (iii) mailing the notice to the address of the  
17 registered owner or lessee of the cited vehicle as  
18 recorded with the Secretary of State or the lessor of the  
19 motor vehicle within 30 days after the Secretary of State  
20 or the lessor of the motor vehicle notifies the  
21 municipality or county of the identity of the owner or  
22 lessee of the vehicle, but not later than 90 days after the  
23 date of the violation, except that, in the case of a lessee  
24 of a motor vehicle, service of a parking violation notice,  
25 standing violation notice, width, height, or length of  
26 vehicle violation notice, or compliance violation notice

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

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



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

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

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

1 administrator, and shall be a record kept in the ordinary  
2 course of business. A parking violation notice, standing  
3 violation notice, compliance violation notice, width,  
4 height, or length of vehicle violation notice, automated  
5 speed enforcement system violation notice, or automated  
6 traffic law violation notice issued, signed, and served in  
7 accordance with this Section, a copy of the notice, or the  
8 computer-generated record shall be prima facie correct and  
9 shall be prima facie evidence of the correctness of the  
10 facts shown on the notice. The notice, copy, or  
11 computer-generated record shall be admissible in any  
12 subsequent administrative or legal proceedings.

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

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

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

25 (i) A second notice of parking violation, standing  
26 violation, width, height, or length of vehicle

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

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

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

1           have the incomplete traffic education program or  
2           unpaid fine or penalty, or both, rendered a judgment  
3           as provided by this Section, or, where applicable, may  
4           result in suspension of the person's driver's license  
5           for failure to complete a traffic education program.

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

25          (7) Final determinations of violation liability. A  
26          final determination of violation liability shall occur



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

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

1 having already completed the required traffic education  
2 program or paid the fine or penalty, or both, for the  
3 violation in question, and (C) excusable failure to appear  
4 at or request a new date for a hearing. With regard to  
5 municipalities or counties with a population of 1 million  
6 or more, it shall be grounds for dismissal of a parking  
7 violation if the state registration number or vehicle  
8 make, only if specified in the violation notice, is  
9 incorrect. After the final determination of liability for  
10 the parking violation, standing violation, width, height,  
11 or length of vehicle violation, compliance violation,  
12 automated speed enforcement system violation, or automated  
13 traffic law violation ~~liability~~ has been set aside upon a  
14 showing of just cause, the registered owner shall be  
15 provided with a hearing on the merits for that violation.

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

20 (10) A schedule of civil fines for violations of  
21 vehicular standing regulations, parking regulations,  
22 width, height, or length of vehicle regulations,  
23 compliance regulations, automated speed enforcement system  
24 regulations, or automated traffic law regulations enacted  
25 by ordinance pursuant to this Section, and a schedule of  
26 penalties for late payment of the fines or failure to

1 complete required traffic education programs, provided,  
2 however, that the total amount of the fine and penalty for  
3 any one violation shall not exceed \$250, except as  
4 provided in subsection (c) of Section 11-1301.3 of this  
5 Code.

6 (11) Other provisions as are necessary and proper to  
7 carry into effect the powers granted and purposes stated  
8 in this Section.

9 (b-5) An automated speed enforcement system or automated  
10 traffic law ordinance adopted under this Section by a  
11 municipality or county shall require that the determination to  
12 issue a citation be vested solely with the municipality or  
13 county and that such authority may not be delegated to any  
14 vendor retained by the municipality or county. Any contract or  
15 agreement violating such a provision in the ordinance is null  
16 and void.

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

1 under this Section shall provide:

2 (1) Criteria for the designation of vehicles eligible  
3 for immobilization. A vehicle shall be eligible for  
4 immobilization when the registered owner of the vehicle  
5 has accumulated the number of incomplete traffic education  
6 programs or unpaid final determinations of liability for a  
7 parking violation, standing violation, width, height, or  
8 length of vehicle violation, compliance violation,  
9 automated speed enforcement system violation, or automated  
10 traffic law violation ~~liability~~, or both, as determined by  
11 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 liability for a parking violation, standing violation,  
17 width, height, or length of vehicle violation, compliance  
18 violation, automated speed enforcement system violation,  
19 or automated traffic law violation ~~liability~~, or both,  
20 listed on the notice.

21 (3) The right to a prompt hearing after a vehicle has  
22 been immobilized or subsequently towed without the  
23 completion of the required traffic education program or  
24 payment of the outstanding fines and penalties on parking  
25 violations, standing violations, width, height, or length  
26 of vehicle violations, compliance violations, automated

1 speed enforcement system violations, or automated traffic  
2 law violations, or both, for which final determinations  
3 have been issued. An order issued after the hearing is a  
4 final administrative decision within the meaning of  
5 Section 3-101 of the Code of Civil Procedure.

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

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

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

1 compliance violation, automated speed enforcement system  
2 violation, or automated traffic law violation shall constitute  
3 a final disposition of that violation.

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

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

26 (g) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

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

9 (h) Notwithstanding any other provision of law to the  
10 contrary, a person shall not be liable for violations, fees,  
11 fines, or penalties under this Section during the period in  
12 which the motor vehicle was stolen or hijacked, as indicated  
13 in a report to the appropriate law enforcement agency filed in  
14 a timely manner.

15 (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;  
16 103-364, eff. 7-28-23.)