

SB3603



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3603

Introduced 2/9/2024, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

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 Illinois Vehicle Code. Provides that a municipality, county, or township may enact an ordinance providing for administrative and civil fines to enforce violations of provisions concerning fleeing or attempting to elude a peace officer or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation. Makes corresponding changes.

LRB103 38536 MXP 68672 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208 and 11-208.3 as follows:

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

12 1. Regulating the standing or parking of vehicles,
13 except as limited by Sections 11-1306 and 11-1307 of this
14 Act;

15 2. Regulating traffic by means of police officers or
16 traffic control signals;

17 3. Regulating or prohibiting processions or
18 assemblages on the highways; and certifying persons to
19 control traffic for processions or assemblages;

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

23 5. Regulating the speed of vehicles in public parks

1 subject to the limitations set forth in Section 11-604;

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

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

11 8. Regulating the operation of mobile carrying
12 devices, bicycles, low-speed electric bicycles, and
13 low-speed gas bicycles, and requiring the registration and
14 licensing of same, including the requirement of a
15 registration fee;

16 9. Regulating or prohibiting the turning of vehicles
17 or specified types of vehicles at intersections;

18 10. Altering the speed limits as authorized in Section
19 11-604;

20 11. Prohibiting U-turns;

21 12. Prohibiting pedestrian crossings at other than
22 designated and marked crosswalks or at intersections;

23 13. Prohibiting parking during snow removal operation;

24 14. Imposing fines in accordance with Section
25 11-1301.3 as penalties for use of any parking place
26 reserved for persons with disabilities, as defined by

1 Section 1-159.1, or veterans with disabilities by any
2 person using a motor vehicle not bearing registration
3 plates specified in Section 11-1301.1 or a special decal
4 or device as defined in Section 11-1301.2 as evidence that
5 the vehicle is operated by or for a person with
6 disabilities or a veteran with a disability;

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

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

11 (b) No ordinance or regulation enacted under paragraph 1,
12 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be
13 effective until signs giving reasonable notice of such local
14 traffic regulations are posted.

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

20 (d) The provisions of this Code shall not be deemed to
21 prevent local authorities within the reasonable exercise of
22 their police power from prohibiting, on private property, the
23 unauthorized use of parking spaces reserved for persons with
24 disabilities.

25 (e) No unit of local government, including a home rule
26 unit, may enact or enforce an ordinance that applies only to

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

16 (e-5) The City of Chicago may enact an ordinance providing
17 for a noise monitoring system upon any portion of the roadway
18 known as Lake Shore Drive. Twelve months after the
19 installation of the noise monitoring system, and any time
20 after the first report as the City deems necessary, the City of
21 Chicago shall prepare a noise monitoring report with the data
22 collected from the system and shall, upon request, make the
23 report available to the public. For purposes of this
24 subsection (e-5), "noise monitoring system" means an automated
25 noise monitor capable of recording noise levels 24 hours per
26 day and 365 days per year with computer equipment sufficient

1 to process the data.

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

20 (f) A municipality or county designated in Section
21 11-208.6 may enact an ordinance providing for an automated
22 traffic law enforcement system to enforce violations of this
23 Code or a similar provision of a local ordinance and imposing
24 liability on a registered owner or lessee of a vehicle used in
25 such a violation.

26 (g) A municipality or county, as provided in Section

1 11-1201.1, may enact an ordinance providing for an automated
2 traffic law enforcement system to enforce violations of
3 Section 11-1201 of this Code or a similar provision of a local
4 ordinance and imposing liability on a registered owner of a
5 vehicle used in such a violation.

6 (h) A municipality designated in Section 11-208.8 may
7 enact an ordinance providing for an automated speed
8 enforcement system to enforce violations of Article VI of
9 Chapter 11 of this Code or a similar provision of a local
10 ordinance.

11 (i) A municipality or county designated in Section
12 11-208.9 may enact an ordinance providing for an automated
13 traffic law enforcement system to enforce violations of
14 Section 11-1414 of this Code or a similar provision of a local
15 ordinance and imposing liability on a registered owner or
16 lessee of a vehicle used in such a violation.

17 (j) A municipality, county, or township may enact an
18 ordinance providing for administrative and civil fines to
19 enforce violations of Section 11-204 of the Illinois Vehicle
20 Code or a similar provision of a local ordinance and imposing
21 liability on a registered owner or lessee of a vehicle used in
22 such a violation.

23 (Source: P.A. 100-209, eff. 1-1-18; 100-257, eff. 8-22-17;
24 100-352, eff. 6-1-18; 100-863, eff. 8-14-18; 101-123, eff.
25 7-26-19.)

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, and other
6 violations of the Illinois Vehicle Code.

7 (a) Any municipality, ~~or~~ county, or township may provide
8 by ordinance for a system of administrative adjudication of
9 vehicular standing and parking violations and vehicle
10 compliance violations as described in this subsection,
11 automated traffic law violations as defined in Section
12 11-208.6, 11-208.9, or 11-1201.1, and automated speed
13 enforcement system violations as defined in Section 11-208.8
14 and violations of Section 11-204 of the Illinois Vehicle Code
15 or a similar provision of a local ordinance. The
16 administrative system shall have as its purpose the fair and
17 efficient enforcement of municipal, ~~or~~ county, or township
18 regulations through the administrative adjudication of
19 automated speed enforcement system or automated traffic law
20 violations and violations of municipal, ~~or~~ county, or township
21 ordinances regulating the standing and parking of vehicles,
22 the condition and use of vehicle equipment, ~~and~~ the display of
23 municipal or county wheel tax licenses within the
24 municipality's or county's borders, and other violations of
25 the Illinois Vehicle Code. The administrative system shall
26 only have authority to adjudicate civil offenses carrying

1 fines not in excess of \$500 or requiring the completion of a
2 traffic education program, or both, that occur after the
3 effective date of the ordinance adopting such a system under
4 this Section. For purposes of this Section, "compliance
5 violation" means a violation of a municipal or county
6 regulation governing the condition or use of equipment on a
7 vehicle or governing the display of a municipal or county
8 wheel tax license.

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

11 (1) A traffic compliance administrator authorized to
12 adopt, distribute, and process parking, compliance, and
13 automated speed enforcement system or automated traffic
14 law violation notices and other notices required by this
15 Section, collect money paid as fines and penalties for
16 violation of parking and compliance ordinances, ~~and~~
17 automated speed enforcement system or automated traffic
18 law violations, and other violations of the Illinois
19 Vehicle Code and operate an administrative adjudication
20 system.

21 (2) A parking, standing, compliance, automated speed
22 enforcement system, ~~or~~ automated traffic law, or other
23 violation notice that shall specify or include the date,
24 time, and place of violation of a parking, standing,
25 compliance, automated speed enforcement system, ~~or~~
26 automated traffic law regulation, or other violation; the

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

1 which a hearing may be had.

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

1 automated traffic law violation notice may occur no later
2 than 210 days after the violation. A person authorized by
3 ordinance to issue and serve parking, standing, ~~and~~
4 compliance, or other violation notices shall certify as to
5 the correctness of the facts entered on the violation
6 notice by signing his or her name to the notice at the time
7 of service or, in the case of a notice produced by a
8 computerized device, by signing a single certificate to be
9 kept by the traffic compliance administrator attesting to
10 the correctness of all notices produced by the device
11 while it was under his or her control. In the case of an
12 automated traffic law violation, the ordinance shall
13 require a determination by a technician employed or
14 contracted by the municipality or county that, based on
15 inspection of recorded images, the motor vehicle was being
16 operated in violation of Section 11-208.6, 11-208.9, or
17 11-1201.1 or a local ordinance. If the technician
18 determines that the vehicle entered the intersection as
19 part of a funeral procession or in order to yield the
20 right-of-way to an emergency vehicle, a citation shall not
21 be issued. In municipalities with a population of less
22 than 1,000,000 inhabitants and counties with a population
23 of less than 3,000,000 inhabitants, the automated traffic
24 law ordinance shall require that all determinations by a
25 technician that a motor vehicle was being operated in
26 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a

1 local ordinance must be reviewed and approved by a law
2 enforcement officer or retired law enforcement officer of
3 the municipality or county issuing the violation. In
4 municipalities with a population of 1,000,000 or more
5 inhabitants and counties with a population of 3,000,000 or
6 more inhabitants, the automated traffic law ordinance
7 shall require that all determinations by a technician that
8 a motor vehicle was being operated in violation of Section
9 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
10 be reviewed and approved by a law enforcement officer or
11 retired law enforcement officer of the municipality or
12 county issuing the violation or by an additional fully
13 trained reviewing technician who is not employed by the
14 contractor who employs the technician who made the initial
15 determination. In the case of an automated speed
16 enforcement system violation, the ordinance shall require
17 a determination by a technician employed by the
18 municipality, based upon an inspection of recorded images,
19 video or other documentation, including documentation of
20 the speed limit and automated speed enforcement signage,
21 and documentation of the inspection, calibration, and
22 certification of the speed equipment, that the vehicle was
23 being operated in violation of Article VI of Chapter 11 of
24 this Code or a similar local ordinance. If the technician
25 determines that the vehicle speed was not determined by a
26 calibrated, certified speed equipment device based upon

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

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

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

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

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

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

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

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

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

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

1 traffic education program or to pay any fine or
2 penalty due and owing the municipality, ~~or~~ county, or
3 township ~~or both~~, within the time specified may result
4 in the municipality's, county's, or township's
5 ~~municipality's or county's~~ filing of a petition in the
6 Circuit Court to have the incomplete traffic education
7 program or unpaid fine or penalty, or both, rendered a
8 judgment as provided by this Section, or, where
9 applicable, may result in suspension of the person's
10 driver's license for failure to complete a traffic
11 education program.

12 (6) A notice of impending driver's license suspension.
13 This notice shall be sent to the person liable for failure
14 to complete a required traffic education program. The
15 notice shall state that failure to complete a required
16 traffic education program within 45 days of the notice's
17 date will result in the municipality, ~~or~~ county, or
18 township notifying the Secretary of State that the person
19 is eligible for initiation of suspension proceedings under
20 Section 6-306.5 of this Code. The notice shall also state
21 that the person may obtain a photostatic copy of an
22 original ticket imposing a fine or penalty by sending a
23 self-addressed, stamped envelope to the municipality, ~~or~~
24 county, or township along with a request for the
25 photostatic copy. The notice of impending driver's license
26 suspension shall be sent by first class United States

1 mail, postage prepaid, to the address recorded with the
2 Secretary of State or, if any notice to that address is
3 returned as undeliverable, to the last known address
4 recorded in a United States Post Office approved database.

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

19 (8) A petition to set aside a determination of
20 parking, standing, compliance, automated speed enforcement
21 system, ~~or~~ automated traffic law, or other violation
22 liability that may be filed by a person owing an unpaid
23 fine or penalty. A petition to set aside a determination
24 of liability may also be filed by a person required to
25 complete a traffic education program. The petition shall
26 be filed with and ruled upon by the traffic compliance

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

19 (9) Procedures for non-residents. Procedures by which
20 persons who are not residents of the municipality, ~~or~~
21 county, or township may contest the merits of the alleged
22 violation without attending a hearing.

23 (10) A schedule of civil fines for violations of
24 vehicular standing, parking, compliance, automated speed
25 enforcement system, ~~or~~ automated traffic law, or other
26 regulations enacted by ordinance pursuant to this Section,

1 and a schedule of penalties for late payment of the fines
2 or failure to complete required traffic education
3 programs, provided, however, that the total amount of the
4 fine and penalty for any one violation shall not exceed
5 \$250, except as to violations of an ordinance relating to
6 Section 11-204 of the Illinois Vehicle Code, which shall
7 not exceed \$500, and except as provided in subsection (c)
8 of Section 11-1301.3 of this Code.

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

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

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

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

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

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

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

1 issued after the hearing is a final administrative
2 decision within the meaning of Section 3-101 of the Code
3 of Civil Procedure.

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

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

14 (e) Any fine, penalty, incomplete traffic education
15 program, or part of any fine or any penalty remaining unpaid
16 after the exhaustion of, or the failure to exhaust,
17 administrative remedies created under this Section and the
18 conclusion of any judicial review procedures shall be a debt
19 due and owing the municipality, ~~or~~ county, or township and, as
20 such, may be collected in accordance with applicable law.
21 Completion of any required traffic education program and
22 payment in full of any fine or penalty resulting from a
23 standing, parking, compliance, automated speed enforcement
24 system, ~~or~~ automated traffic law, or other violation shall
25 constitute a final disposition of that violation.

26 (f) After the expiration of the period within which

1 judicial review may be sought for a final determination of
2 parking, standing, compliance, automated speed enforcement
3 system, ~~or~~ automated traffic law, or other violation, the
4 municipality, ~~or~~ county, or township may commence a proceeding
5 in the Circuit Court for purposes of obtaining a judgment on
6 the final determination of violation. Nothing in this Section
7 shall prevent a municipality, ~~or~~ county, or township from
8 consolidating multiple final determinations of parking,
9 standing, compliance, automated speed enforcement system, ~~or~~
10 automated traffic law, or other violations against a person in
11 a proceeding. Upon commencement of the action, the
12 municipality, ~~or~~ county, or township shall file a certified
13 copy or record of the final determination of parking,
14 standing, compliance, automated speed enforcement system, ~~or~~
15 automated traffic law, or other violation, which shall be
16 accompanied by a certification that recites facts sufficient
17 to show that the final determination of violation was issued
18 in accordance with this Section and the applicable municipal, ~~or~~
19 county, or township ordinance. Service of the summons and a
20 copy of the petition may be by any method provided by Section
21 2-203 of the Code of Civil Procedure or by certified mail,
22 return receipt requested, provided that the total amount of
23 fines and penalties for final determinations of parking,
24 standing, compliance, automated speed enforcement system, ~~or~~
25 automated traffic law, or other violations does not exceed
26 \$2500. If the court is satisfied that the final determination

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

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

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

24 (h) Notwithstanding any other provision of law to the
25 contrary, a person shall not be liable for violations, fees,
26 fines, or penalties under this Section during the period in

1 which the motor vehicle was stolen or hijacked, as indicated
2 in a report to the appropriate law enforcement agency filed in
3 a timely manner.

4 (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;
5 103-364, eff. 7-28-23.)