



Sen. John J. Cullerton

**Filed: 5/16/2005**

09400HB0021sam004

LRB094 02432 DRH 46451 a

1 AMENDMENT TO HOUSE BILL 21

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 21, AS AMENDED, by  
3 replacing the introductory clause of Section 5 with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and  
7 adding Sections 11-208.5 and 12-610.1 as follows:

8 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

9 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
10 parking, ~~or~~ compliance, or automated traffic law violations;  
11 suspension of driving privileges.

12 (a) Upon receipt of a certified report, as prescribed by  
13 subsection (c) of this Section, from any municipality stating  
14 that the owner of a registered vehicle has: (1) failed to pay  
15 any fine or penalty due and owing as a result of 10 or more  
16 violations of a municipality's vehicular standing, parking, or  
17 compliance regulations established by ordinance pursuant to  
18 Section 11-208.3 of this Code, or (2) failed to pay any fine or  
19 penalty due and owing as a result of 5 offenses for automated  
20 traffic violations as defined in Section 11-208.5, the  
21 Secretary of State shall suspend the driving privileges of such  
22 person in accordance with the procedures set forth in this  
23 Section. The Secretary shall also suspend the driving  
24 privileges of an owner of a registered vehicle upon receipt of

1 a certified report, as prescribed by subsection (f) of this  
2 Section, from any municipality stating that such person has  
3 failed to satisfy any fines or penalties imposed by final  
4 judgments for 5 or more automated traffic law violations or 10  
5 or more violations of local standing, parking, or compliance  
6 regulations after exhaustion of judicial review procedures.

7 (b) Following receipt of the certified report of the  
8 municipality as specified in this Section, the Secretary of  
9 State shall notify the person whose name appears on the  
10 certified report that the person's drivers license will be  
11 suspended at the end of a specified period of time unless the  
12 Secretary of State is presented with a notice from the  
13 municipality certifying that the fine or penalty due and owing  
14 the municipality has been paid or that inclusion of that  
15 person's name on the certified report was in error. The  
16 Secretary's notice shall state in substance the information  
17 contained in the municipality's certified report to the  
18 Secretary, and shall be effective as specified by subsection  
19 (c) of Section 6-211 of this Code.

20 (c) The report of the appropriate municipal official  
21 notifying the Secretary of State of unpaid fines or penalties  
22 pursuant to this Section shall be certified and shall contain  
23 the following:

24 (1) The name, last known address and drivers license  
25 number of the person who failed to pay the fine or penalty  
26 and the registration number of any vehicle known to be  
27 registered to such person in this State.

28 (2) The name of the municipality making the report  
29 pursuant to this Section.

30 (3) A statement that the municipality sent a notice of  
31 impending drivers license suspension as prescribed by  
32 ordinance enacted pursuant to Section 11-208.3, to the  
33 person named in the report at the address recorded with the  
34 Secretary of State; the date on which such notice was sent;

1 and the address to which such notice was sent. In a  
2 municipality with a population of 1,000,000 or more, the  
3 report shall also include a statement that the alleged  
4 violator's State vehicle registration number and vehicle  
5 make are correct as they appear on the citations.

6 (d) Any municipality making a certified report to the  
7 Secretary of State pursuant to this Section shall notify the  
8 Secretary of State, in a form prescribed by the Secretary,  
9 whenever a person named in the certified report has paid the  
10 previously reported fine or penalty or whenever the  
11 municipality determines that the original report was in error.  
12 A certified copy of such notification shall also be given upon  
13 request and at no additional charge to the person named  
14 therein. Upon receipt of the municipality's notification or  
15 presentation of a certified copy of such notification, the  
16 Secretary of State shall terminate the suspension.

17 (e) Any municipality making a certified report to the  
18 Secretary of State pursuant to this Section shall also by  
19 ordinance establish procedures for persons to challenge the  
20 accuracy of the certified report. The ordinance shall also  
21 state the grounds for such a challenge, which may be limited to  
22 (1) the person not having been the owner or lessee of the  
23 vehicle or vehicles receiving 10 or more standing, parking, or  
24 compliance violation notices or 5 or more automated traffic law  
25 violation notices on the date or dates such notices were  
26 issued; and (2) the person having already paid the fine or  
27 penalty for the 10 or more standing, parking, or compliance  
28 violations or 5 or more automated traffic law violations  
29 indicated on the certified report.

30 (f) Any municipality, other than a municipality  
31 establishing vehicular standing, parking, and compliance  
32 regulations pursuant to Section 11-208.3 or automated traffic  
33 law regulations under Section 11-208.5, may also cause a  
34 suspension of a person's drivers license pursuant to this

1 Section. Such municipality may invoke this sanction by making a  
2 certified report to the Secretary of State upon a person's  
3 failure to satisfy any fine or penalty imposed by final  
4 judgment for 10 or more violations of local standing, parking,  
5 or compliance regulations or 5 or more automated traffic law  
6 violations after exhaustion of judicial review procedures, but  
7 only if:

8 (1) the municipality complies with the provisions of  
9 this Section in all respects except in regard to enacting  
10 an ordinance pursuant to Section 11-208.3;

11 (2) the municipality has sent a notice of impending  
12 drivers license suspension as prescribed by an ordinance  
13 enacted pursuant to subsection (g) of this Section; and

14 (3) in municipalities with a population of 1,000,000  
15 or more, the municipality has verified that the alleged  
16 violator's State vehicle registration number and vehicle  
17 make are correct as they appear on the citations.

18 (g) Any municipality, other than a municipality  
19 establishing standing, parking, and compliance regulations  
20 pursuant to Section 11-208.3 or automated traffic law  
21 regulations under Section 11-208.5, may provide by ordinance  
22 for the sending of a notice of impending drivers license  
23 suspension to the person who has failed to satisfy any fine or  
24 penalty imposed by final judgment for 10 or more violations of  
25 local standing, parking, or compliance regulations or 5 or more  
26 automated traffic law violations after exhaustion of judicial  
27 review procedures. An ordinance so providing shall specify that  
28 the notice sent to the person liable for any fine or penalty  
29 shall state that failure to pay the fine or penalty owing  
30 within 45 days of the notice's date will result in the  
31 municipality notifying the Secretary of State that the person's  
32 drivers license is eligible for suspension pursuant to this  
33 Section. The notice of impending drivers license suspension  
34 shall be sent by first class United States mail, postage

1 prepaid, to the address recorded with the Secretary of State.

2 (h) An administrative hearing to contest an impending  
3 suspension or a suspension made pursuant to this Section may be  
4 had upon filing a written request with the Secretary of State.  
5 The filing fee for this hearing shall be \$20, to be paid at the  
6 time the request is made. A municipality which files a  
7 certified report with the Secretary of State pursuant to this  
8 Section shall reimburse the Secretary for all reasonable costs  
9 incurred by the Secretary as a result of the filing of the  
10 report, including but not limited to the costs of providing the  
11 notice required pursuant to subsection (b) and the costs  
12 incurred by the Secretary in any hearing conducted with respect  
13 to the report pursuant to this subsection and any appeal from  
14 such a hearing.

15 (i) The provisions of this Section shall apply on and  
16 after January 1, 1988.

17 (j) For purposes of this Section, the term "compliance  
18 violation" is defined as in Section 11-208.3.

19 (Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98; 90-481,  
20 eff. 8-17-97.)

21 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

27 1. Regulating the standing or parking of vehicles,  
28 except as limited by Section 11-1306 of this Act;

29 2. Regulating traffic by means of police officers or  
30 traffic control signals;

31 3. Regulating or prohibiting processions or  
32 assemblages on the highways;

33 4. Designating particular highways as one-way

1 highways and requiring that all vehicles thereon be moved  
2 in one specific direction;

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

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

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

14 8. Regulating the operation of bicycles and requiring  
15 the registration and licensing of same, including the  
16 requirement of a registration fee;

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

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

21 11. Prohibiting U-turns;

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

24 13. Prohibiting parking during snow removal  
25 operation;

26 14. Imposing fines in accordance with Section  
27 11-1301.3 as penalties for use of any parking place  
28 reserved for persons with disabilities, as defined by  
29 Section 1-159.1, or disabled veterans by any person using a  
30 motor vehicle not bearing registration plates specified in  
31 Section 11-1301.1 or a special decal or device as defined  
32 in Section 11-1301.2 as evidence that the vehicle is  
33 operated by or for a person with disabilities or disabled  
34 veteran;

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

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

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

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

14           (d) The provisions of this Code shall not be deemed to  
15 prevent local authorities within the reasonable exercise of  
16 their police power from prohibiting, on private property, the  
17 unauthorized use of parking spaces reserved for persons with  
18 disabilities.

19           (e) No unit of local government, including a home rule  
20 unit, may enact or enforce an ordinance that applies only to  
21 motorcycles if the principal purpose for that ordinance is to  
22 restrict the access of motorcycles to any highway or portion of  
23 a highway for which federal or State funds have been used for  
24 the planning, design, construction, or maintenance of that  
25 highway. No unit of local government, including a home rule  
26 unit, may enact an ordinance requiring motorcycle users to wear  
27 protective headgear. Nothing in this subsection (e) shall  
28 affect the authority of a unit of local government to regulate  
29 motorcycles for traffic control purposes or in accordance with  
30 Section 12-602 of this Code. No unit of local government,  
31 including a home rule unit, may regulate motorcycles in a  
32 manner inconsistent with this Code. This subsection (e) is a  
33 limitation under subsection (i) of Section 6 of Article VII of  
34 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.

2 (f) A municipality or county may enact an ordinance  
3 providing for an automated traffic law enforcement system to  
4 enforce violations of Section 11-306 of this Code or a similar  
5 provision of a local ordinance.

6 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;  
7 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

8 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

9 Sec. 11-208.3. Administrative adjudication of violations  
10 of traffic regulations concerning the standing, parking, or  
11 condition of vehicles and automated traffic law violations.

12 (a) Any municipality may provide by ordinance for a system  
13 of administrative adjudication of vehicular standing and  
14 parking violations and vehicle compliance violations as  
15 defined in this subsection, and automated traffic law  
16 violations as defined in Section 11-208.5. The administrative  
17 system shall have as its purpose the fair and efficient  
18 enforcement of municipal regulations through the  
19 administrative adjudication of automated traffic law  
20 violations and violations of municipal ordinances regulating  
21 the standing and parking of vehicles, the condition and use of  
22 vehicle equipment, and the display of municipal wheel tax  
23 licenses within the municipality's borders. The administrative  
24 system shall only have authority to adjudicate civil offenses  
25 carrying fines not in excess of \$250 that occur after the  
26 effective date of the ordinance adopting such a system under  
27 this Section. For purposes of this Section, "compliance  
28 violation" means a violation of a municipal regulation  
29 governing the condition or use of equipment on a vehicle or  
30 governing the display of a municipal wheel tax license.

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

33 (1) A traffic compliance administrator authorized to



1 adopt, distribute and process parking, ~~and~~ compliance, and  
2 automated traffic law violation notices and other notices  
3 required by this Section, collect money paid as fines and  
4 penalties for violation of parking and compliance  
5 ordinances and automated traffic law violations, and  
6 operate an administrative adjudication system. The traffic  
7 compliance administrator also may make a certified report  
8 to the Secretary of State under Section 6-306.5.

9 (2) A parking, standing, ~~or~~ compliance, or automated  
10 traffic law violation notice that shall specify the date,  
11 time, and place of violation of a parking, standing, ~~or~~  
12 compliance, or automated traffic law regulation; the  
13 particular regulation violated; the fine and any penalty  
14 that may be assessed for late payment, when so provided by  
15 ordinance; the vehicle make and state registration number;  
16 and the identification number of the person issuing the  
17 notice. With regard to municipalities with a population of  
18 1 million or more, it shall be grounds for dismissal of a  
19 parking violation if the State registration number or  
20 vehicle make specified is incorrect. The violation notice  
21 shall state that the payment of the indicated fine, and of  
22 any applicable penalty for late payment, shall operate as a  
23 final 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 which  
27 a hearing may be had.

28 (3) Service of the parking, standing, or compliance  
29 violation notice by affixing the original or a facsimile of  
30 the notice to an unlawfully parked vehicle or by handing  
31 the notice to the operator of a vehicle if he or she is  
32 present and service of an automated traffic law violation  
33 notice by mail to the address of the registered owner of  
34 the cited vehicle as recorded with the Secretary of State

1       within 30 days after the violation. A person authorized by  
2 ordinance to issue and serve parking, standing, ~~and~~  
3 compliance, or automated traffic law violation notices  
4 shall certify as to the correctness of the facts entered on  
5 the violation notice by signing his or her name to the  
6 notice at the time of service or in the case of a notice  
7 produced by a computerized device, by signing a single  
8 certificate to be kept by the traffic compliance  
9 administrator attesting to the correctness of all notices  
10 produced by the device while it was under his or her  
11 control. In the case of an automated traffic law violation,  
12 the ordinance shall require a signed statement by a  
13 technician employed by the municipality or county that,  
14 based on inspection of recorded images, the motor vehicle  
15 was being operated in violation of Section 11-208.5. If the  
16 technician determines that the vehicle entered the  
17 intersection as part of a funeral procession or in order to  
18 yield the right-of-way to an emergency vehicle, a citation  
19 may not be issued. The original or a facsimile of the  
20 violation notice or, in the case of a notice produced by a  
21 computerized device, a printed record generated by the  
22 device showing the facts entered on the notice, shall be  
23 retained by the traffic compliance administrator, and  
24 shall be a record kept in the ordinary course of business.  
25 A parking, standing, ~~or~~ compliance, or automated traffic  
26 law violation notice issued, signed and served in  
27 accordance with this Section, a copy of the notice, or the  
28 computer generated record shall be prima facie correct and  
29 shall be prima facie evidence of the correctness of the  
30 facts shown on the notice. The notice, copy, or computer  
31 generated record shall be admissible in any subsequent  
32 administrative or legal proceedings.

33           (4) An opportunity for a hearing for the registered  
34 owner of the vehicle cited in the parking, standing, ~~or~~

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

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

27 (i) A second notice of violation. This notice  
28 shall specify the date and location of the violation  
29 cited in the parking, standing, ~~or~~ compliance, or  
30 automated traffic law violation notice, the particular  
31 regulation violated, the vehicle make and state  
32 registration number, the fine and any penalty that may  
33 be assessed for late payment when so provided by  
34 ordinance, the availability of a hearing in which the

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

15 (ii) A notice of final determination of parking,  
16 standing, ~~or~~ compliance, or automated traffic law  
17 violation liability. This notice shall be sent  
18 following a final determination of parking, standing,  
19 ~~or~~ compliance, or automated traffic law violation  
20 liability and the conclusion of judicial review  
21 procedures taken under this Section. The notice shall  
22 state that the unpaid fine or penalty is a debt due and  
23 owing the municipality. The notice shall contain  
24 warnings that failure to pay any fine or penalty due  
25 and owing the municipality within the time specified  
26 may result in the municipality's filing of a petition  
27 in the Circuit Court to have the unpaid fine or penalty  
28 rendered a judgment as provided by this Section, or may  
29 result in suspension of the person's drivers license  
30 for failure to pay fines or penalties for 10 or more  
31 parking violations under Section 6-306.5 or 5 more  
32 automated traffic law violations under Section  
33 11-208.5.

34 (6) A Notice of impending drivers license suspension.

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

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

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

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

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

20 (10) A schedule of civil fines for violations of  
21 vehicular standing, parking, ~~and~~ compliance, and automated  
22 traffic law regulations enacted by ordinance pursuant to  
23 this Section, and a schedule of penalties for late payment  
24 of the fines, provided, however, that the total amount of  
25 the fine and penalty for any one violation shall not exceed  
26 \$250.

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

30 (c) Any municipality establishing vehicular standing,  
31 parking, ~~and~~ compliance, and automated traffic law regulations  
32 under this Section may also provide by ordinance for a program  
33 of vehicle immobilization for the purpose of facilitating  
34 enforcement of those regulations. The program of vehicle

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

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

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

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

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

29 (d) Judicial review of final determinations of parking,  
30 standing, ~~and~~ and automated traffic law violations  
31 and final administrative decisions issued after hearings  
32 regarding vehicle immobilization and impoundment made under  
33 this Section shall be subject to the provisions of the  
34 Administrative Review Law.

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

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



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

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

11 (625 ILCS 5/11-208.5 new)

12 Sec. 11-208.5. Automated traffic law enforcement system.

13 (a) As used in this Section, "automated traffic law  
14 enforcement system" means a device with one or more motor  
15 vehicle sensors working in conjunction with a red light signal  
16 to produce recorded images of motor vehicles entering an  
17 intersection against a red signal indication in violation of  
18 Section 11-306 of this Code or a similar provision of a local  
19 ordinance.

20 An automated traffic law enforcement system is a system in  
21 a municipality or county operated by a governmental agency, in  
22 cooperation with a law enforcement agency, that produces a  
23 recorded image of a motor vehicle's violation of a provision of  
24 this Code or a local ordinance and is designed to obtain a  
25 clear recorded image of the vehicle and the vehicle's license  
26 plate. The recorded image must also display the time, date, and  
27 location of the violation.

28 (b) As used in this Section, "recorded images" means  
29 images recorded by an automated traffic law enforcement system  
30 on:

31 (1) 2 or more photographs;

32 (2) 2 or more microphotographs;

33 (3) 2 or more electronic images; or

1           (4) a videotape showing the motor vehicle and, on at  
2           least one image or portion of tape, clearly identifying the  
3           registration plate number of the motor vehicle.

4           (c) For each violation of a provision of this Code or a  
5           local ordinance recorded by an automatic traffic law  
6           enforcement system, the local law enforcement agency having  
7           jurisdiction shall issue a written citation and a notice of the  
8           violation to the registered owner of the vehicle as the alleged  
9           violation. The citation and notice shall be delivered to the  
10           registered owner of the vehicle, by mail, within 30 days of the  
11           violation.

12           The citation shall include:

13           (1) the name and address of the registered owner of  
14           the vehicle;

15           (2) the registration number of the motor vehicle  
16           involved in the violation;

17           (3) the violation charged;

18           (4) the location where the violation occurred;

19           (5) the date and time of the violation;

20           (6) a copy of the recorded images;

21           (7) the amount of the civil penalty imposed and the  
22           date by which the civil penalty should be paid;

23           (8) a signed statement by a technician employed by the  
24           agency that, based on inspection of recorded images, the  
25           motor vehicle was being operated in violation of an  
26           automated traffic law enforcement system;

27           (9) a statement that recorded images are evidence of a  
28           violation of a red light signal; and

29           (10) a warning that failure to pay the civil penalty  
30           or to contest liability in a timely manner is an admission  
31           of liability and may result in a suspension of the driving  
32           privileges of the registered owner of the vehicle.

33           (d) The citation issued to the registered owner of the  
34           vehicle shall be accompanied by a written notice, the contents

1 of which is set forth in subsection (e) of this Section,  
2 explaining how the registered owner of the vehicle can elect to  
3 proceed by either paying the civil penalty or challenging the  
4 issuance of the citation.

5 (e) The written notice explaining the alleged violator's  
6 rights and obligations must include the following text:

7 "You have been served with the accompanying citation and  
8 cited with having violated Section 11-208.5 of the Illinois  
9 Vehicle Code. You can elect to proceed by:

10 1. paying the fine; or

11 2. challenging the issuance of the citation in  
12 court."

13 (f) If a person charged with a traffic violation, as a  
14 result of an automated traffic law enforcement system, does not  
15 pay or successfully contest the civil penalty resulting from  
16 that violation, the Secretary of State shall suspend the  
17 driving privileges of the registered owner of the vehicle under  
18 Section 6-306.5 of this Code for failing to pay any fine or  
19 penalty due and owing as a result of 5 violations of the  
20 automated traffic law enforcement system.

21 (g) Based on inspection of recorded images produced by an  
22 automated traffic law enforcement system, a citation or a copy  
23 of a citation alleging that the violation occurred and signed  
24 by a duly authorized agent of the agency shall be evidence of  
25 the facts contained in the citation or copy and admissible in  
26 any proceeding alleging a violation under this Section.

27 (h) Recorded images made by an automatic traffic law  
28 enforcement system are confidential and shall be made available  
29 only to the alleged violator and governmental and law  
30 enforcement agencies for purposes of adjudicating a violation  
31 of this Section. Any recorded image evidencing a violation of  
32 this Section, however, is admissible in any proceeding  
33 resulting from the issuance of the citation when there is  
34 reasonable and sufficient proof of the accuracy of the camera

1 or electronic instrument recording the image. There is a  
2 rebuttable presumption that the recorded image is accurate if  
3 the camera or electronic recording instrument was in good  
4 working order at the beginning and the end of the day of the  
5 alleged offense.

6 (i) The court may consider in defense of a violation:

7 (1) that the motor vehicle or registration plates of  
8 the motor vehicle were stolen before the violation occurred  
9 and not under the control of or in the possession of the  
10 owner at the time of the violation;

11 (2) that the driver of the vehicle passed through the  
12 intersection when the light was red either (i) in order to  
13 yield the right-of-way to an emergency vehicle or (ii) as  
14 part of a funeral procession; and

15 (3) any other evidence or issues that the Court deems  
16 pertinent.

17 (j) To demonstrate that the motor vehicle or the  
18 registration plates were stolen before the violation occurred  
19 and were not under the control or possession of the owner at  
20 the time of the violation, the owner must submit proof that a  
21 police report concerning the stolen motor vehicle or  
22 registration plates was filed in a timely manner.

23 (k) Unless the driver of the motor vehicle received a  
24 Uniform Traffic Citation from a police officer at the time of  
25 the violation, the motor vehicle owner is subject to a civil  
26 penalty not exceeding \$500 if the motor vehicle is recorded by  
27 an automated traffic law enforcement system. A violation for  
28 which a civil penalty is imposed under this Section is not a  
29 violation of a traffic regulation governing the movement of  
30 vehicles and may not be recorded on the driving record of the  
31 owner of the vehicle.

32 (l) An intersection equipped with an automated traffic  
33 law enforcement system must be posted with a sign visible to  
34 approaching traffic indicating that the intersection is being

1 monitored by an automated traffic law enforcement system.

2 (m) The compensation paid for an automated traffic law  
3 enforcement system must be based on the value of the equipment  
4 or the services provided and may not be based on the number of  
5 traffic citations issued or the revenue generated by the  
6 system.

7 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

8 Sec. 11-306. Traffic-control signal legend. Whenever  
9 traffic is controlled by traffic-control signals exhibiting  
10 different colored lights or color lighted arrows, successively  
11 one at a time or in combination, only the colors green, red and  
12 yellow shall be used, except for special pedestrian signals  
13 carrying a word legend, and the lights shall indicate and apply  
14 to drivers of vehicles and pedestrians as follows:

15 (a) Green indication.

16 1. Vehicular traffic facing a circular green signal  
17 may proceed straight through or turn right or left unless a  
18 sign at such place prohibits either such turn. Vehicular  
19 traffic, including vehicles turning right or left, shall  
20 yield the right of way to other vehicles and to pedestrians  
21 lawfully within the intersection or an adjacent crosswalk  
22 at the time such signal is exhibited.

23 2. Vehicular traffic facing a green arrow signal,  
24 shown alone or in combination with another indication, may  
25 cautiously enter the intersection only to make the movement  
26 indicated by such arrow, or such other movement as is  
27 permitted by other indications shown at the same time. Such  
28 vehicular traffic shall yield the right of way to  
29 pedestrians lawfully within an adjacent crosswalk and to  
30 other traffic lawfully using the intersection.

31 3. Unless otherwise directed by a pedestrian-control  
32 signal, as provided in Section 11-307, pedestrians facing  
33 any green signal, except when the sole green signal is a

1 turn arrow, may proceed across the roadway within any  
2 marked or unmarked crosswalk.

3 (b) Steady yellow indication.

4 1. Vehicular traffic facing a steady circular yellow  
5 or yellow arrow signal is thereby warned that the related  
6 green movement is being terminated or that a red indication  
7 will be exhibited immediately thereafter.

8 2. Pedestrians facing a steady circular yellow or  
9 yellow arrow signal, unless otherwise directed by a  
10 pedestrian-control signal as provided in Section 11-307,  
11 are thereby advised that there is insufficient time to  
12 cross the roadway before a red indication is shown and no  
13 pedestrian shall then start to cross the roadway.

14 (c) Steady red indication.

15 1. Except as provided in paragraph 3 of this  
16 subsection (c), vehicular traffic facing a steady circular  
17 red signal alone shall stop at a clearly marked stop line,  
18 but if there is no such stop line, before entering the  
19 crosswalk on the near side of the intersection, or if there  
20 is no such crosswalk, then before entering the  
21 intersection, and shall remain standing until an  
22 indication to proceed is shown.

23 2. Except as provided in paragraph 3 of this  
24 subsection (c), vehicular traffic facing a steady red arrow  
25 signal shall not enter the intersection to make the  
26 movement indicated by the arrow and, unless entering the  
27 intersection to make a movement permitted by another  
28 signal, shall stop at a clearly marked stop line, but if  
29 there is no such stop line, before entering the crosswalk  
30 on the near side of the intersection, or if there is no  
31 such crosswalk, then before entering the intersection, and  
32 shall remain standing until an indication permitting the  
33 movement indicated by such red arrow is shown.

34 3. Except when a sign is in place prohibiting a turn

1 and local authorities by ordinance or State authorities by  
2 rule or regulation prohibit any such turn, vehicular  
3 traffic facing any steady red signal may cautiously enter  
4 the intersection to turn right, or to turn left from a  
5 one-way street into a one-way street, after stopping as  
6 required by paragraph 1 or paragraph 2 of this subsection.  
7 After stopping, the driver shall yield the right of way to  
8 any vehicle in the intersection or approaching on another  
9 roadway so closely as to constitute an immediate hazard  
10 during the time such driver is moving across or within the  
11 intersection or junction or roadways. Such driver shall  
12 yield the right of way to pedestrians within the  
13 intersection or an adjacent crosswalk.

14 4. Unless otherwise directed by a pedestrian-control  
15 signal as provided in Section 11-307, pedestrians facing a  
16 steady circular red or red arrow signal alone shall not  
17 enter the roadway.

18 ~~5. A municipality with a population of 1,000,000 or~~  
19 ~~more may enact an ordinance that provides for the use of an~~  
20 ~~automated red light enforcement system to enforce~~  
21 ~~violations of this subsection (c) that result in or involve~~  
22 ~~a motor vehicle accident, leaving the scene of a motor~~  
23 ~~vehicle accident, or reckless driving that results in~~  
24 ~~bodily injury.~~

25 ~~This paragraph 5 is subject to prosecutorial~~  
26 ~~discretion that is consistent with applicable law.~~

27 (d) In the event an official traffic control signal is  
28 erected and maintained at a place other than an intersection,  
29 the provisions of this Section shall be applicable except as to  
30 provisions which by their nature can have no application. Any  
31 stop required shall be at a traffic sign or a marking on the  
32 pavement indicating where the stop shall be made or, in the  
33 absence of such sign or marking, the stop shall be made at the  
34 signal.

1           (e) The motorman of any streetcar shall obey the above  
2 signals as applicable to vehicles.

3           (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)"; and

4           by inserting immediately below the last line of Sec. 12-610.1  
5 of Section 5 the following:

6           "(625 ILCS 5/1-105.5 rep.)

7           Section 10. The Illinois Vehicle Code is amended by  
8 repealing Section 1-105.5."