



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 21

2 AMENDMENT NO. _____. Amend House Bill 21, AS AMENDED, by
3 replacing everything after the enacting clause 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 Section 11-208.5 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 violator. 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.)

4 (625 ILCS 5/1-105.5 rep.)

5 Section 10. The Illinois Vehicle Code is amended by
6 repealing Section 1-105.5.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."