

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-306.5 and 11-208.3 as follows:

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

7 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
8 parking, or compliance violations; suspension of driving  
9 privileges.

10 (a) Upon receipt of a certified report, as prescribed by  
11 subsection (c) of this Section, from any municipality stating  
12 that the owner of a registered vehicle has failed to pay any  
13 fine or penalty due and owing as a result of 10 or more  
14 violations of a municipality's vehicular standing, parking, or  
15 compliance regulations established by ordinance pursuant to  
16 Section 11-208.3 of this Code, the Secretary of State shall  
17 suspend the driving privileges of such person in accordance  
18 with the procedures set forth in this Section. The Secretary  
19 shall also suspend the driving privileges of an owner of a  
20 registered vehicle upon receipt of a certified report, as  
21 prescribed by subsection (f) of this Section, from any  
22 municipality stating that such person has failed to satisfy any  
23 fines or penalties imposed by final judgments for 10 or more  
24 violations of local standing, parking, or compliance  
25 regulations after exhaustion of judicial review procedures.

26 (b) Following receipt of the certified report of the  
27 municipality as specified in this Section, the Secretary of  
28 State shall notify the person whose name appears on the  
29 certified report that the person's drivers license will be  
30 suspended at the end of a specified period of time unless the  
31 Secretary of State is presented with a notice from the  
32 municipality certifying that the fine or penalty due and owing

1 the municipality has been paid or that inclusion of that  
2 person's name on the certified report was in error. The  
3 Secretary's notice shall state in substance the information  
4 contained in the municipality's certified report to the  
5 Secretary, and shall be effective as specified by subsection  
6 (c) of Section 6-211 of this Code.

7 (c) The report of the appropriate municipal official  
8 notifying the Secretary of State of unpaid fines or penalties  
9 pursuant to this Section shall be certified and shall contain  
10 the following:

11 (1) The name, last known address as recorded with the  
12 Secretary of State, as provided by the lessor of the cited  
13 vehicle at the time of lease, or as recorded in a United  
14 States Post Office approved database if any notice sent  
15 under Section 11-208.3 of this Code is returned as  
16 undeliverable, and drivers license number of the person who  
17 failed to pay the fine or penalty and the registration  
18 number of any vehicle known to be registered to such person  
19 in this State.

20 (2) The name of the municipality making the report  
21 pursuant to this Section.

22 (3) A statement that the municipality sent a notice of  
23 impending drivers license suspension as prescribed by  
24 ordinance enacted pursuant to Section 11-208.3, to the  
25 person named in the report at the address recorded with the  
26 Secretary of State or at the last address known to the  
27 lessor of the cited vehicle at the time of lease or, if any  
28 notice sent under Section 11-208.3 of this Code is returned  
29 as undeliverable, at the last known address recorded in a  
30 United States Post Office approved database; the date on  
31 which such notice was sent; and the address to which such  
32 notice was sent. In a municipality with a population of  
33 1,000,000 or more, the report shall also include a  
34 statement that the alleged violator's State vehicle  
35 registration number and vehicle make are correct as they  
36 appear on the citations.

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

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

23 (f) Any municipality, other than a municipality  
24 establishing vehicular standing, parking, and compliance  
25 regulations pursuant to Section 11-208.3, may also cause a  
26 suspension of a person's drivers license pursuant to this  
27 Section. Such municipality may invoke this sanction by making a  
28 certified report to the Secretary of State upon a person's  
29 failure to satisfy any fine or penalty imposed by final  
30 judgment for 10 or more violations of local standing, parking,  
31 or compliance regulations after exhaustion of judicial review  
32 procedures, but only if:

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

36 (2) the municipality has sent a notice of impending

1 drivers license suspension as prescribed by an ordinance  
2 enacted pursuant to subsection (g) of this Section; and

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

7 (g) Any municipality, other than a municipality  
8 establishing standing, parking, and compliance regulations  
9 pursuant to Section 11-208.3, may provide by ordinance for the  
10 sending of a notice of impending drivers license suspension to  
11 the person who has failed to satisfy any fine or penalty  
12 imposed by final judgment for 10 or more violations of local  
13 standing, parking, or compliance regulations after exhaustion  
14 of judicial review procedures. An ordinance so providing shall  
15 specify that the notice sent to the person liable for any fine  
16 or penalty shall state that failure to pay the fine or penalty  
17 owing within 45 days of the notice's date will result in the  
18 municipality notifying the Secretary of State that the person's  
19 drivers license is eligible for suspension pursuant to this  
20 Section. The notice of impending drivers license suspension  
21 shall be sent by first class United States mail, postage  
22 prepaid, to the address recorded with the Secretary of State or  
23 at the last address known to the lessor of the cited vehicle at  
24 the time of lease or, if any notice sent under Section 11-208.3  
25 of this Code is returned as undeliverable, to the last known  
26 address recorded in a United States Post Office approved  
27 database.

28 (h) An administrative hearing to contest an impending  
29 suspension or a suspension made pursuant to this Section may be  
30 had upon filing a written request with the Secretary of State.  
31 The filing fee for this hearing shall be \$20, to be paid at the  
32 time the request is made. A municipality which files a  
33 certified report with the Secretary of State pursuant to this  
34 Section shall reimburse the Secretary for all reasonable costs  
35 incurred by the Secretary as a result of the filing of the  
36 report, including but not limited to the costs of providing the

1 notice required pursuant to subsection (b) and the costs  
2 incurred by the Secretary in any hearing conducted with respect  
3 to the report pursuant to this subsection and any appeal from  
4 such a hearing.

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

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

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

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

12 Sec. 11-208.3. Administrative adjudication of violations  
13 of traffic regulations concerning the standing, parking, or  
14 condition of vehicles.

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

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

34 (1) A traffic compliance administrator authorized to  
35 adopt, distribute and process parking and compliance

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

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

26 (3) Service of the parking, standing, or compliance  
27 violation notice by affixing the original or a facsimile of  
28 the notice to an unlawfully parked vehicle or by handing  
29 the notice to the operator of a vehicle if he or she is  
30 present. A person authorized by ordinance to issue and  
31 serve parking, standing, and compliance violation notices  
32 shall certify as to the correctness of the facts entered on  
33 the violation notice by signing his or her name to the  
34 notice at the time of service or in the case of a notice  
35 produced by a computerized device, by signing a single  
36 certificate to be kept by the traffic compliance

1 administrator attesting to the correctness of all notices  
2 produced by the device while it was under his or her  
3 control. The original or a facsimile of the violation  
4 notice or, in the case of a notice produced by a  
5 computerized device, a printed record generated by the  
6 device showing the facts entered on the notice, shall be  
7 retained by the traffic compliance administrator, and  
8 shall be a record kept in the ordinary course of business.  
9 A parking, standing, or compliance violation notice  
10 issued, signed and served in accordance with this Section,  
11 a copy of the notice, or the computer generated record  
12 shall be prima facie correct and shall be prima facie  
13 evidence of the correctness of the facts shown on the  
14 notice. The notice, copy, or computer generated record  
15 shall be admissible in any subsequent administrative or  
16 legal proceedings.

17 (4) An opportunity for a hearing for the registered  
18 owner of the vehicle cited in the parking, standing, or  
19 compliance violation notice in which the owner may contest  
20 the merits of the alleged violation, and during which  
21 formal or technical rules of evidence shall not apply;  
22 provided, however, that under Section 11-1306 of this Code  
23 the lessee of a vehicle cited in the violation notice  
24 likewise shall be provided an opportunity for a hearing of  
25 the same kind afforded the registered owner. The hearings  
26 shall be recorded, and the person conducting the hearing on  
27 behalf of the traffic compliance administrator shall be  
28 empowered to administer oaths and to secure by subpoena  
29 both the attendance and testimony of witnesses and the  
30 production of relevant books and papers. Persons appearing  
31 at a hearing under this Section may be represented by  
32 counsel at their expense. The ordinance may also provide  
33 for internal administrative review following the decision  
34 of the hearing officer.

35 (5) Service of additional notices, sent by first class  
36 United States mail, postage prepaid, to the address of the

1 registered owner of the cited vehicle as 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 or, under Section 11-1306 of this Code, to the lessee of  
6 the cited vehicle at the last address known to the lessor  
7 of the cited vehicle at the time of lease or, if any notice  
8 to that address is returned as undeliverable, to the last  
9 known address recorded in a United States Post Office  
10 approved database. The service shall be deemed complete as  
11 of the date of deposit in the United States mail. The  
12 notices shall be in the following sequence and shall  
13 include but not be limited to the information specified  
14 herein:

15 (i) A second notice of violation. This notice shall  
16 specify the date and location of the violation cited in  
17 the parking, standing, or compliance violation notice,  
18 the particular regulation violated, the vehicle make  
19 and state registration number, the fine and any penalty  
20 that may be assessed for late payment when so provided  
21 by ordinance, the availability of a hearing in which  
22 the violation may be contested on its merits, and the  
23 time and manner in which the hearing may be had. The  
24 notice of violation shall also state that failure  
25 either to pay the indicated fine and any applicable  
26 penalty, or to appear at a hearing on the merits in the  
27 time and manner specified, will result in a final  
28 determination of violation liability for the cited  
29 violation in the amount of the fine or penalty  
30 indicated, and that, upon the occurrence of a final  
31 determination of violation liability for the failure,  
32 and the exhaustion of, or failure to exhaust, available  
33 administrative or judicial procedures for review, any  
34 unpaid fine or penalty will constitute a debt due and  
35 owing the municipality.

36 (ii) A notice of final determination of parking,

1 standing, or compliance violation liability. This  
2 notice shall be sent following a final determination of  
3 parking, standing, or compliance violation liability  
4 and the conclusion of judicial review procedures taken  
5 under this Section. The notice shall state that the  
6 unpaid fine or penalty is a debt due and owing the  
7 municipality. The notice shall contain warnings that  
8 failure to pay any fine or penalty due and owing the  
9 municipality within the time specified may result in  
10 the municipality's filing of a petition in the Circuit  
11 Court to have the unpaid fine or penalty rendered a  
12 judgment as provided by this Section, or may result in  
13 suspension of the person's drivers license for failure  
14 to pay fines or penalties for 10 or more parking  
15 violations under Section 6-306.5.

16 (6) A Notice of impending drivers license suspension.  
17 This notice shall be sent to the person liable for any fine  
18 or penalty that remains due and owing on 10 or more parking  
19 violations. The notice shall state that failure to pay the  
20 fine or penalty owing within 45 days of the notice's date  
21 will result in the municipality notifying the Secretary of  
22 State that the person is eligible for initiation of  
23 suspension proceedings under Section 6-306.5 of this Code.  
24 The notice shall also state that the person may obtain a  
25 photostatic copy of an original ticket imposing a fine or  
26 penalty by sending a self addressed, stamped envelope to  
27 the municipality along with a request for the photostatic  
28 copy. The notice of impending drivers license suspension  
29 shall be sent by first class United States mail, postage  
30 prepaid, to the address recorded with the Secretary of  
31 State or, if any notice to that address is returned as  
32 undeliverable, to the last known address recorded in a  
33 United States Post Office approved database.

34 (7) Final determinations of violation liability. A  
35 final determination of violation liability shall occur  
36 following failure to pay the fine or penalty after a

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

11 (8) A petition to set aside a determination of parking,  
12 standing, or compliance violation liability that may be  
13 filed by a person owing an unpaid fine or penalty. The  
14 petition shall be filed with and ruled upon by the traffic  
15 compliance administrator in the manner and within the time  
16 specified by ordinance. The grounds for the petition may be  
17 limited to: (A) the person not having been the owner or  
18 lessee of the cited vehicle on the date the violation  
19 notice was issued, (B) the person having already paid the  
20 fine or penalty for the violation in question, and (C)  
21 excusable failure to appear at or request a new date for a  
22 hearing. With regard to municipalities with a population of  
23 1 million or more, it shall be grounds for dismissal of a  
24 parking violation if the State registration number or  
25 vehicle make specified is incorrect. After the  
26 determination of parking, standing, or compliance  
27 violation liability has been set aside upon a showing of  
28 just cause, the registered owner shall be provided with a  
29 hearing on the merits for that violation.

30 (9) Procedures for non-residents. Procedures by which  
31 persons who are not residents of the municipality may  
32 contest the merits of the alleged violation without  
33 attending a hearing.

34 (10) A schedule of civil fines for violations of  
35 vehicular standing, parking, and compliance regulations  
36 enacted by ordinance pursuant to this Section, and a

1 schedule of penalties for late payment of the fines,  
2 provided, however, that the total amount of the fine and  
3 penalty for any one violation shall not exceed \$250.

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

7 (c) Any municipality establishing vehicular standing,  
8 parking, and compliance regulations under this Section may also  
9 provide by ordinance for a program of vehicle immobilization  
10 for the purpose of facilitating enforcement of those  
11 regulations. The program of vehicle immobilization shall  
12 provide for immobilizing any eligible vehicle upon the public  
13 way by presence of a restraint in a manner to prevent operation  
14 of the vehicle. Any ordinance establishing a program of vehicle  
15 immobilization under this Section shall provide:

16 (1) Criteria for the designation of vehicles eligible  
17 for immobilization. A vehicle shall be eligible for  
18 immobilization when the registered owner of the vehicle has  
19 accumulated the number of unpaid final determinations of  
20 parking, standing, or compliance violation liability as  
21 determined by ordinance.

22 (2) A notice of impending vehicle immobilization and a  
23 right to a hearing to challenge the validity of the notice  
24 by disproving liability for the unpaid final  
25 determinations of parking, standing, or compliance  
26 violation liability listed on the notice.

27 (3) The right to a prompt hearing after a vehicle has  
28 been immobilized or subsequently towed without payment of  
29 the outstanding fines and penalties on parking, standing,  
30 or compliance violations for which final determinations  
31 have been issued. An order issued after the hearing is a  
32 final administrative decision within the meaning of  
33 Section 3-101 of the Code of Civil Procedure.

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

1 (d) Judicial review of final determinations of parking,  
2 standing, and compliance violations and final administrative  
3 decisions issued after hearings regarding vehicle  
4 immobilization and impoundment made under this Section shall be  
5 subject to the provisions of the Administrative Review Law.

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

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

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

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