



Rep. William B. Black

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09400HB1597ham001

LRB094 07702 DRH 42947 a

1 AMENDMENT TO HOUSE BILL 1597

2 AMENDMENT NO. _____. Amend House Bill 1597 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 regulations after exhaustion of judicial review procedures.

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

15 (c) The report of the appropriate municipal official
16 notifying the Secretary of State of unpaid fines or penalties
17 pursuant to this Section shall be certified and shall contain
18 the following:

19 (1) The name, last known address as recorded with the
20 Secretary of State, as provided by the lessor of the cited
21 vehicle at the time of lease, or as recorded in a United
22 States Post Office approved database if any notice sent
23 under Section 11-208.3 of this Code is returned as
24 undeliverable, and drivers license number of the person who
25 failed to pay the fine or penalty and the registration
26 number of any vehicle known to be registered to such person
27 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 or at the last address known to the

1 lessor of the cited vehicle at the time of lease or, if any
2 notice sent under Section 11-208.3 of this Code is returned
3 as undeliverable, at the last known address recorded in a
4 United States Post Office approved database; the date on
5 which such notice was sent; and the address to which such
6 notice was sent. In a municipality with a population of
7 1,000,000 or more, the report shall also include a
8 statement that the alleged violator's State vehicle
9 registration number and vehicle make are correct as they
10 appear on the citations.

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

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

33 (f) Any municipality, other than a municipality
34 establishing vehicular standing, parking, and compliance

1 regulations pursuant to Section 11-208.3, may also cause a
2 suspension of a person's drivers license pursuant to this
3 Section. Such municipality may invoke this sanction by making a
4 certified report to the Secretary of State upon a person's
5 failure to satisfy any fine or penalty imposed by final
6 judgment for 10 or more violations of local standing, parking,
7 or compliance regulations after exhaustion of judicial review
8 procedures, but only if:

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

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

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

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

1 at the last address known to the lessor of the cited vehicle at
2 the time of lease or, if any notice sent under Section 11-208.3
3 of this Code is returned as undeliverable, to the last known
4 address recorded in a United States Post Office approved
5 database.

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

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

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

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

25 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

26 Sec. 11-208.3. Administrative adjudication of violations
27 of traffic regulations concerning the standing, parking, or
28 condition of vehicles.

29 (a) Any municipality may provide by ordinance for a system
30 of administrative adjudication of vehicular standing and
31 parking violations and vehicle compliance violations as
32 defined in this subsection. The administrative system shall
33 have as its purpose the fair and efficient enforcement of

1 municipal regulations through the administrative adjudication
2 of violations of municipal ordinances regulating the standing
3 and parking of vehicles, the condition and use of vehicle
4 equipment, and the display of municipal wheel tax licenses
5 within the municipality's borders. The administrative system
6 shall only have authority to adjudicate civil offenses carrying
7 fines not in excess of \$250 that occur after the effective date
8 of the ordinance adopting such a system under this Section. For
9 purposes of this Section, "compliance violation" means a
10 violation of a municipal regulation governing the condition or
11 use of equipment on a vehicle or governing the display of a
12 municipal wheel tax license.

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

15 (1) A traffic compliance administrator authorized to
16 adopt, distribute and process parking and compliance
17 violation notices and other notices required by this
18 Section, collect money paid as fines and penalties for
19 violation of parking and compliance ordinances, and
20 operate an administrative adjudication system. The traffic
21 compliance administrator also may make a certified report
22 to the Secretary of State under Section 6-306.5.

23 (2) A parking, standing, or compliance violation
24 notice that shall specify the date, time, and place of
25 violation of a parking, standing, or compliance
26 regulation; the particular regulation violated; the fine
27 and any penalty that may be assessed for late payment, when
28 so provided by ordinance; the vehicle make and state
29 registration number; and the identification number of the
30 person issuing the notice. With regard to municipalities
31 with a population of 1 million or more, it shall be grounds
32 for dismissal of a parking violation if the State
33 registration number or vehicle make specified is
34 incorrect. The violation notice shall state that the

1 payment of the indicated fine, and of any applicable
2 penalty for late payment, shall operate as a final
3 disposition of the violation. The notice also shall contain
4 information as to the availability of a hearing in which
5 the violation may be contested on its merits. The violation
6 notice shall specify the time and manner in which a hearing
7 may be had.

8 (3) Service of the parking, standing, or compliance
9 violation notice by affixing the original or a facsimile of
10 the notice to an unlawfully parked vehicle or by handing
11 the notice to the operator of a vehicle if he or she is
12 present. A person authorized by ordinance to issue and
13 serve parking, standing, and compliance violation notices
14 shall certify as to the correctness of the facts entered on
15 the violation notice by signing his or her name to the
16 notice at the time of service or in the case of a notice
17 produced by a computerized device, by signing a single
18 certificate to be kept by the traffic compliance
19 administrator attesting to the correctness of all notices
20 produced by the device while it was under his or her
21 control. The original or a facsimile of the violation
22 notice or, in the case of a notice produced by a
23 computerized device, a printed record generated by the
24 device showing the facts entered on the notice, shall be
25 retained by the traffic compliance administrator, and
26 shall be a record kept in the ordinary course of business.
27 A parking, standing, or compliance violation notice
28 issued, signed and served in accordance with this Section,
29 a copy of the notice, or the computer generated record
30 shall be prima facie correct and shall be prima facie
31 evidence of the correctness of the facts shown on the
32 notice. The notice, copy, or computer generated record
33 shall be admissible in any subsequent administrative or
34 legal proceedings.

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

19 (5) Service of additional notices, sent by first class
20 United States mail, postage prepaid, to the address of the
21 registered owner of the cited vehicle as recorded with the
22 Secretary of State or, if any notice to that address is
23 returned as undeliverable, to the last known address
24 recorded in a United States Post Office approved database,
25 or, under Section 11-1306 of this Code, to the lessee of
26 the cited vehicle at the last address known to the lessor
27 of the cited vehicle at the time of lease or, if any notice
28 to that address is returned as undeliverable, to the last
29 known address recorded in a United States Post Office
30 approved database. The service shall be deemed complete as
31 of the date of deposit in the United States mail. The
32 notices shall be in the following sequence and shall
33 include but not be limited to the information specified
34 herein:

1 (i) A second notice of violation. This notice shall
2 specify the date and location of the violation cited in
3 the parking, standing, or compliance violation notice,
4 the particular regulation violated, the vehicle make
5 and state registration number, the fine and any penalty
6 that may be assessed for late payment when so provided
7 by ordinance, the availability of a hearing in which
8 the violation may be contested on its merits, and the
9 time and manner in which the hearing may be had. The
10 notice of violation shall also state that failure
11 either to pay the indicated fine and any applicable
12 penalty, or to appear at a hearing on the merits in the
13 time and manner specified, will result in a final
14 determination of violation liability for the cited
15 violation in the amount of the fine or penalty
16 indicated, and that, upon the occurrence of a final
17 determination of violation liability for the failure,
18 and the exhaustion of, or failure to exhaust, available
19 administrative or judicial procedures for review, any
20 unpaid fine or penalty will constitute a debt due and
21 owing the municipality.

22 (ii) A notice of final determination of parking,
23 standing, or compliance violation liability. This
24 notice shall be sent following a final determination of
25 parking, standing, or compliance violation liability
26 and the conclusion of judicial review procedures taken
27 under this Section. The notice shall state that the
28 unpaid fine or penalty is a debt due and owing the
29 municipality. The notice shall contain warnings that
30 failure to pay any fine or penalty due and owing the
31 municipality within the time specified may result in
32 the municipality's filing of a petition in the Circuit
33 Court to have the unpaid fine or penalty rendered a
34 judgment as provided by this Section, or may result in

1 suspension of the person's drivers license for failure
2 to pay fines or penalties for 10 or more parking
3 violations under Section 6-306.5.

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

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

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

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

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

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

33 (c) Any municipality establishing vehicular standing,
34 parking, and compliance regulations under this Section may also

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

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

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

19 (3) The right to a prompt hearing after a vehicle has
20 been immobilized or subsequently towed without payment of
21 the outstanding fines and penalties on parking, standing,
22 or compliance violations for which final determinations
23 have been issued. An order issued after the hearing is a
24 final administrative decision within the meaning of
25 Section 3-101 of the Code of Civil 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 compliance violations and final administrative
31 decisions issued after hearings regarding vehicle
32 immobilization and impoundment made under this Section shall be
33 subject to the provisions of the Administrative Review Law.

34 (e) Any fine, penalty, or part of any fine or any penalty

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

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

1 this Section, the court shall render judgment in favor of the
2 municipality and against the registered owner or the lessee for
3 the amount indicated in the final determination of parking,
4 standing, or compliance violation, plus costs. The judgment
5 shall have the same effect and may be enforced in the same
6 manner as other judgments for the recovery of money.

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