

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.)