



Sen. John J. Cullerton

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09400SB2405sam001

LRB094 17742 DRH 55654 a

1 AMENDMENT TO SENATE BILL 2405

2 AMENDMENT NO. _____. Amend Senate Bill 2405 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, 11-208, 11-208.3, and 11-306 and
6 adding Section 11-208.6 as follows:

7 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality stating
13 that the owner of a registered vehicle has: (1) failed to pay
14 any fine or penalty due and owing as a result of 10 or more
15 violations of a municipality's vehicular standing, parking, or
16 compliance regulations established by ordinance pursuant to
17 Section 11-208.3 of this Code, or (2) failed to pay any fine or
18 penalty due and owing as a result of 5 offenses for automated
19 traffic violations as defined in Section 11-208.6, the
20 Secretary of State shall suspend the driving privileges of such
21 person in accordance with the procedures set forth in this
22 Section. The Secretary shall also suspend the driving
23 privileges of an owner of a registered vehicle upon receipt of
24 a certified report, as prescribed by subsection (f) of this

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

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

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

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

32 (2) The name of the municipality making the report
33 pursuant to this Section.

34 (3) A statement that the municipality sent a notice of

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

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

26 (e) Any municipality making a certified report to the
27 Secretary of State pursuant to this Section shall also by
28 ordinance establish procedures for persons to challenge the
29 accuracy of the certified report. The ordinance shall also
30 state the grounds for such a challenge, which may be limited to
31 (1) the person not having been the owner or lessee of the
32 vehicle or vehicles receiving 10 or more standing, parking, or
33 compliance violation notices or 5 or more automated traffic law
34 violations on the date or dates such notices were issued; and

1 (2) the person having already paid the fine or penalty for the
2 10 or more standing, parking, or compliance violations or 5 or
3 more automated traffic law violations indicated on the
4 certified report.

5 (f) Any municipality, other than a municipality
6 establishing vehicular standing, parking, and compliance
7 regulations pursuant to Section 11-208.3 or automated traffic
8 law regulations under Section 11-208.6, may also cause a
9 suspension of a person's drivers license pursuant to this
10 Section. Such municipality may invoke this sanction by making a
11 certified report to the Secretary of State upon a person's
12 failure to satisfy any fine or penalty imposed by final
13 judgment for 10 or more violations of local standing, parking,
14 or compliance regulations or 5 or more automated traffic law
15 violations after exhaustion of judicial review procedures, but
16 only if:

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

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

23 (3) in municipalities with a population of 1,000,000 or
24 more, the municipality has verified that the alleged
25 violator's State vehicle registration number and vehicle
26 make, if specified, are correct as they appear on the
27 citations.

28 (g) Any municipality, other than a municipality
29 establishing standing, parking, and compliance regulations
30 pursuant to Section 11-208.3 or automated traffic law
31 regulations under Section 11-208.6, may provide by ordinance
32 for the sending of a notice of impending drivers license
33 suspension to the person who has failed to satisfy any fine or
34 penalty imposed by final judgment for 10 or more violations of

1 local standing, parking, or compliance regulations or 5 or more
2 automated traffic law violations after exhaustion of judicial
3 review procedures. An ordinance so providing shall specify that
4 the notice sent to the person liable for any fine or penalty
5 shall state that failure to pay the fine or penalty owing
6 within 45 days of the notice's date will result in the
7 municipality notifying the Secretary of State that the person's
8 drivers license is eligible for suspension pursuant to this
9 Section. The notice of impending drivers license suspension
10 shall be sent by first class United States mail, postage
11 prepaid, to the address recorded with the Secretary of State or
12 at the last address known to the lessor of the cited vehicle at
13 the time of lease or, if any notice sent under Section 11-208.3
14 of this Code is returned as undeliverable, to the last known
15 address recorded in a United States Post Office approved
16 database.

17 (h) An administrative hearing to contest an impending
18 suspension or a suspension made pursuant to this Section may be
19 had upon filing a written request with the Secretary of State.
20 The filing fee for this hearing shall be \$20, to be paid at the
21 time the request is made. A municipality which files a
22 certified report with the Secretary of State pursuant to this
23 Section shall reimburse the Secretary for all reasonable costs
24 incurred by the Secretary as a result of the filing of the
25 report, including but not limited to the costs of providing the
26 notice required pursuant to subsection (b) and the costs
27 incurred by the Secretary in any hearing conducted with respect
28 to the report pursuant to this subsection and any appeal from
29 such a hearing.

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

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

34 (Source: P.A. 94-294, eff. 1-1-06.)

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

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

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

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

9 2. Regulating traffic by means of police officers or
10 traffic control signals;

11 3. Regulating or prohibiting processions or
12 assemblages on the highways;

13 4. Designating particular highways as one-way
14 highways and requiring that all vehicles thereon be moved
15 in one specific direction;

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

18 6. Designating any highway as a through highway, as
19 authorized in Section 11-302, and requiring that all
20 vehicles stop before entering or crossing the same or
21 designating any intersection as a stop intersection or a
22 yield right-of-way intersection and requiring all vehicles
23 to stop or yield the right-of-way at one or more entrances
24 to such intersections;

25 7. Restricting the use of highways as authorized in
26 Chapter 15;

27 8. Regulating the operation of bicycles and requiring
28 the registration and licensing of same, including the
29 requirement of a registration fee;

30 9. Regulating or prohibiting the turning of vehicles
31 or specified types of vehicles at intersections;

32 10. Altering the speed limits as authorized in
33 Section 11-604;

- 1 11. Prohibiting U-turns;
- 2 12. Prohibiting pedestrian crossings at other than
3 designated and marked crosswalks or at intersections;
- 4 13. Prohibiting parking during snow removal
5 operation;
- 6 14. Imposing fines in accordance with Section
7 11-1301.3 as penalties for use of any parking place
8 reserved for persons with disabilities, as defined by
9 Section 1-159.1, or disabled veterans by any person using a
10 motor vehicle not bearing registration plates specified in
11 Section 11-1301.1 or a special decal or device as defined
12 in Section 11-1301.2 as evidence that the vehicle is
13 operated by or for a person with disabilities or disabled
14 veteran;
- 15 15. Adopting such other traffic regulations as are
16 specifically authorized by this Code; or
- 17 16. Enforcing the provisions of subsection (f) of
18 Section 3-413 of this Code or a similar local ordinance.
- 19 (b) No ordinance or regulation enacted under subsections
20 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be
21 effective until signs giving reasonable notice of such local
22 traffic regulations are posted.
- 23 (c) The provisions of this Code shall not prevent any
24 municipality having a population of 500,000 or more inhabitants
25 from prohibiting any person from driving or operating any motor
26 vehicle upon the roadways of such municipality with headlamps
27 on high beam or bright.
- 28 (d) The provisions of this Code shall not be deemed to
29 prevent local authorities within the reasonable exercise of
30 their police power from prohibiting, on private property, the
31 unauthorized use of parking spaces reserved for persons with
32 disabilities.
- 33 (e) No unit of local government, including a home rule
34 unit, may enact or enforce an ordinance that applies only to

1 motorcycles if the principal purpose for that ordinance is to
2 restrict the access of motorcycles to any highway or portion of
3 a highway for which federal or State funds have been used for
4 the planning, design, construction, or maintenance of that
5 highway. No unit of local government, including a home rule
6 unit, may enact an ordinance requiring motorcycle users to wear
7 protective headgear. Nothing in this subsection (e) shall
8 affect the authority of a unit of local government to regulate
9 motorcycles for traffic control purposes or in accordance with
10 Section 12-602 of this Code. No unit of local government,
11 including a home rule unit, may regulate motorcycles in a
12 manner inconsistent with this Code. This subsection (e) is a
13 limitation under subsection (i) of Section 6 of Article VII of
14 the Illinois Constitution on the concurrent exercise by home
15 rule units of powers and functions exercised by the State.

16 (f) A municipality or county may enact an ordinance
17 providing for an automated traffic law enforcement system to
18 enforce violations of Section 11-306 of this Code or a similar
19 provision of a local ordinance and imposing liability on a
20 registered owner of a vehicle used in such a violation.

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

23 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

27 (a) Any municipality may provide by ordinance for a system
28 of administrative adjudication of vehicular standing and
29 parking violations and vehicle compliance violations as
30 defined in this subsection and automated traffic law violations
31 as defined in Section 11-208.6. The administrative system shall
32 have as its purpose the fair and efficient enforcement of
33 municipal regulations through the administrative adjudication

1 of automated traffic law violations and violations of municipal
2 ordinances regulating the standing and parking of vehicles, the
3 condition and use of vehicle equipment, and the display of
4 municipal wheel tax licenses within the municipality's
5 borders. The administrative system shall only have authority to
6 adjudicate civil offenses carrying fines not in excess of \$250
7 that occur after the effective date of the ordinance adopting
8 such a system under this Section. For purposes of this Section,
9 "compliance violation" means a violation of a municipal
10 regulation governing the condition or use of equipment on a
11 vehicle or governing the display of a municipal wheel tax
12 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,~~ and
17 automated traffic law violation notices and other notices
18 required by this Section, collect money paid as fines and
19 penalties for violation of parking and compliance
20 ordinances and automated traffic law violations, and
21 operate an administrative adjudication system. The traffic
22 compliance administrator also may make a certified report
23 to the Secretary of State under Section 6-306.5.

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

1 parking violation if the State registration number or
2 vehicle make specified is incorrect. The violation notice
3 shall state that the payment of the indicated fine, and of
4 any applicable penalty for late payment, shall operate as a
5 final disposition of the violation. The notice also shall
6 contain information as to the availability of a hearing in
7 which the violation may be contested on its merits. The
8 violation notice shall specify the time and manner in which
9 a hearing may be had.

10 (3) Service of the parking, standing, or compliance
11 violation notice by affixing the original or a facsimile of
12 the notice to an unlawfully parked vehicle or by handing
13 the notice to the operator of a vehicle if he or she is
14 present and service of an automated traffic law violation
15 notice by mail to the address of the registered owner of
16 the cited vehicle as recorded with the Secretary of State
17 within 90 days after the violation. A person authorized by
18 ordinance to issue and serve parking, standing, and
19 compliance violation notices shall certify as to the
20 correctness of the facts entered on the violation notice by
21 signing his or her name to the notice at the time of
22 service or in the case of a notice produced by a
23 computerized device, by signing a single certificate to be
24 kept by the traffic compliance administrator attesting to
25 the correctness of all notices produced by the device while
26 it was under his or her control. In the case of an
27 automated traffic law violation, the ordinance shall
28 require a determination by a technician employed or
29 contracted by the municipality or county that, based on
30 inspection of recorded images, the motor vehicle was being
31 operated in violation of Section 11-208.6 or a local
32 ordinance. If the technician determines that the vehicle
33 entered the intersection as part of a funeral procession or
34 in order to yield the right-of-way to an emergency vehicle,

1 a citation shall not be issued. The original or a facsimile
2 of the violation notice or, in the case of a notice
3 produced by a computerized device, a printed record
4 generated by the device showing the facts entered on the
5 notice, shall be retained by the traffic compliance
6 administrator, and shall be a record kept in the ordinary
7 course of business. A parking, standing, ~~or~~ compliance, or
8 automated traffic law violation notice issued, signed and
9 served in accordance with this Section, a copy of the
10 notice, or the computer generated record shall be prima
11 facie correct and shall be prima facie evidence of the
12 correctness of the facts shown on the notice. The notice,
13 copy, or computer generated record shall be admissible in
14 any subsequent administrative or legal proceedings.

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

33 (5) Service of additional notices, sent by first class
34 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 parking, standing,
16 compliance, or automated traffic law violation. This
17 notice shall specify the date and location of the
18 violation cited in the parking, standing, ~~or~~
19 compliance, or automated traffic law violation notice,
20 the particular regulation violated, the vehicle make
21 and state registration number, the fine and any penalty
22 that may be assessed for late payment when so provided
23 by ordinance, the availability of a hearing in which
24 the violation may be contested on its merits, and the
25 time and manner in which the hearing may be had. The
26 notice of violation shall also state that failure
27 either to pay the indicated fine and any applicable
28 penalty, or to appear at a hearing on the merits in the
29 time and manner specified, will result in a final
30 determination of violation liability for the cited
31 violation in the amount of the fine or penalty
32 indicated, and that, upon the occurrence of a final
33 determination of violation liability for the failure,
34 and the exhaustion of, or failure to exhaust, available

1 administrative or judicial procedures for review, any
2 unpaid fine or penalty will constitute a debt due and
3 owing the municipality.

4 (ii) A notice of final determination of parking,
5 standing, ~~or~~ compliance, or automated traffic law
6 violation liability. This notice shall be sent
7 following a final determination of parking, standing,
8 ~~or~~ compliance, or automated traffic law violation
9 liability and the conclusion of judicial review
10 procedures taken under this Section. The notice shall
11 state that the unpaid fine or penalty is a debt due and
12 owing the municipality. The notice shall contain
13 warnings that failure to pay any fine or penalty due
14 and owing the municipality within the time specified
15 may result in the municipality's filing of a petition
16 in the Circuit Court to have the unpaid fine or penalty
17 rendered a judgment as provided by this Section, or may
18 result in suspension of the person's drivers license
19 for failure to pay fines or penalties for 10 or more
20 parking violations under Section 6-306.5 or 5 or more
21 automated traffic law violations under Section
22 11-208.6.

23 (6) A Notice of impending drivers license suspension.
24 This notice shall be sent to the person liable for any fine
25 or penalty that remains due and owing on 10 or more parking
26 violations or 5 or more unpaid automated traffic law
27 violations. The notice shall state that failure to pay the
28 fine or penalty owing within 45 days of the notice's date
29 will result in the municipality notifying the Secretary of
30 State that the person is eligible for initiation of
31 suspension proceedings under Section 6-306.5 of this Code.
32 The notice shall also state that the person may obtain a
33 photostatic copy of an original ticket imposing a fine or
34 penalty by sending a self addressed, stamped envelope to

1 the municipality along with a request for the photostatic
2 copy. The notice of impending drivers license suspension
3 shall be sent by first class United States mail, postage
4 prepaid, to the address recorded with the Secretary of
5 State or, if any notice to that address is returned as
6 undeliverable, to the last known address recorded in a
7 United States Post Office approved database.

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

21 (8) A petition to set aside a determination of parking,
22 standing, ~~or~~ compliance, or automated traffic law
23 violation liability that may be filed by a person owing an
24 unpaid fine or penalty. The petition shall be filed with
25 and ruled upon by the traffic compliance administrator in
26 the manner and within the time specified by ordinance. The
27 grounds for the petition may be limited to: (A) the person
28 not having been the owner or lessee of the cited vehicle on
29 the date the violation notice was issued, (B) the person
30 having already paid the fine or penalty for the violation
31 in question, and (C) excusable failure to appear at or
32 request a new date for a hearing. With regard to
33 municipalities with a population of 1 million or more, it
34 shall be grounds for dismissal of a parking violation if

1 the State registration number, or vehicle make if
2 specified, is incorrect. After the determination of
3 parking, standing, ~~or~~ compliance, or automated traffic law
4 violation liability has been set aside upon a showing of
5 just cause, the registered owner shall be provided with a
6 hearing on the merits for that violation.

7 (9) Procedures for non-residents. Procedures by which
8 persons who are not residents of the municipality may
9 contest the merits of the alleged violation without
10 attending a hearing.

11 (10) A schedule of civil fines for violations of
12 vehicular standing, parking, ~~and~~ compliance, or automated
13 traffic law regulations enacted by ordinance pursuant to
14 this Section, and a schedule of penalties for late payment
15 of the fines, provided, however, that the total amount of
16 the fine and penalty for any one violation shall not exceed
17 \$250.

18 (11) Other provisions as are necessary and proper to
19 carry into effect the powers granted and purposes stated in
20 this Section.

21 (c) Any municipality establishing vehicular standing,
22 parking, ~~and~~ compliance, or automated traffic law regulations
23 under this Section may also provide by ordinance for a program
24 of vehicle immobilization for the purpose of facilitating
25 enforcement of those regulations. The program of vehicle
26 immobilization shall provide for immobilizing any eligible
27 vehicle upon the public way by presence of a restraint in a
28 manner to prevent operation of the vehicle. Any ordinance
29 establishing a program of vehicle immobilization under this
30 Section shall provide:

31 (1) Criteria for the designation of vehicles eligible
32 for immobilization. A vehicle shall be eligible for
33 immobilization when the registered owner of the vehicle has
34 accumulated the number of unpaid final determinations of

1 parking, standing, ~~or~~ compliance, or automated traffic law
2 violation liability as determined by ordinance.

3 (2) A notice of impending vehicle immobilization and a
4 right to a hearing to challenge the validity of the notice
5 by disproving liability for the unpaid final
6 determinations of parking, standing, ~~or~~ compliance, or
7 automated traffic law violation liability listed on the
8 notice.

9 (3) The right to a prompt hearing after a vehicle has
10 been immobilized or subsequently towed without payment of
11 the outstanding fines and penalties on parking, standing,
12 ~~or~~ compliance, or automated traffic law violations for
13 which final determinations have been issued. An order
14 issued after the hearing is a final administrative decision
15 within the meaning of Section 3-101 of the Code of Civil
16 Procedure.

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

20 (d) Judicial review of final determinations of parking,
21 standing, ~~and~~ compliance, or automated traffic law violations
22 and final administrative decisions issued after hearings
23 regarding vehicle immobilization and impoundment made under
24 this Section shall be subject to the provisions of the
25 Administrative Review Law.

26 (e) Any fine, penalty, or part of any fine or any penalty
27 remaining unpaid after the exhaustion of, or the failure to
28 exhaust, administrative remedies created under this Section
29 and the conclusion of any judicial review procedures shall be a
30 debt due and owing the municipality and, as such, may be
31 collected in accordance with applicable law. Payment in full of
32 any fine or penalty resulting from a standing, parking, ~~or~~
33 compliance, or automated traffic law violation shall
34 constitute a final disposition of that violation.

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

1 of money.

2 (Source: P.A. 94-294, eff. 1-1-06.)

3 (625 ILCS 5/11-208.6 new)

4 Sec. 11-208.6. Automated traffic law enforcement system.

5 (a) As used in this Section, "automated traffic law
6 enforcement system" means a device with one or more motor
7 vehicle sensors working in conjunction with a red light signal
8 to produce recorded images of motor vehicles entering an
9 intersection against a red signal indication in violation of
10 Section 11-306 of this Code or a similar provision of a local
11 ordinance.

12 An automated traffic law enforcement system is a system, in
13 a municipality or county operated by a governmental agency,
14 that produces a recorded image of a motor vehicle's violation
15 of a provision of this Code or a local ordinance and is
16 designed to obtain a clear recorded image of the vehicle and
17 the vehicle's license plate. The recorded image must also
18 display the time, date, and location of the violation.

19 (b) As used in this Section, "recorded images" means
20 images recorded by an automated traffic law enforcement system
21 on:

22 (1) 2 or more photographs;

23 (2) 2 or more microphotographs;

24 (3) 2 or more electronic images; or

25 (4) a video recording showing the motor vehicle and,
26 on at least one image or portion of the recording, clearly
27 identifying the registration plate number of the motor
28 vehicle.

29 (c) For each violation of a provision of this Code or a
30 local ordinance recorded by an automatic traffic law
31 enforcement system, the county or municipality having
32 jurisdiction shall issue a written notice of the violation to
33 the registered owner of the vehicle as the alleged violator.

1 The notice shall be delivered to the registered owner of the
2 vehicle, by mail, within 90 days of the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of
5 the vehicle;

6 (2) the registration number of the motor vehicle
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

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

11 (6) a copy of the recorded images;

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

14 (8) a statement that recorded images are evidence of a
15 violation of a red light signal;

16 (9) a warning that failure to pay the civil penalty or
17 to contest liability in a timely manner is an admission of
18 liability and may result in a suspension of the driving
19 privileges of the registered owner of the vehicle; and

20 (10) a statement that the person may elect to proceed
21 by:

22 (A) paying the fine; or

23 (B) challenging the charge in court, by mail, or
24 by administrative hearing.

25 (d) If a person charged with a traffic violation, as a
26 result of an automated traffic law enforcement system, does not
27 pay or successfully contest the civil penalty resulting from
28 that violation, the Secretary of State shall suspend the
29 driving privileges of the registered owner of the vehicle under
30 Section 6-306.5 of this Code for failing to pay any fine or
31 penalty due and owing as a result of 5 violations of the
32 automated traffic law enforcement system.

33 (e) Based on inspection of recorded images produced by an
34 automated traffic law enforcement system, a notice alleging

1 that the violation occurred shall be evidence of the facts
2 contained in the notice and admissible in any proceeding
3 alleging a violation under this Section.

4 (f) Recorded images made by an automatic traffic law
5 enforcement system are confidential and shall be made available
6 only to the alleged violator and governmental and law
7 enforcement agencies for purposes of adjudicating a violation
8 of this Section, for statistical purposes, or for other
9 governmental purposes. Any recorded image evidencing a
10 violation of this Section, however, may be admissible in any
11 proceeding resulting from the issuance of the citation.

12 (g) The court or hearing officer may consider in defense
13 of a violation:

14 (1) that the motor vehicle or registration plates of
15 the motor vehicle were stolen before the violation occurred
16 and not under the control of or in the possession of the
17 owner at the time of the violation;

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

22 (3) any other evidence or issues provided by
23 municipal or county ordinance.

24 (h) To demonstrate that the motor vehicle or the
25 registration plates were stolen before the violation occurred
26 and were not under the control or possession of the owner at
27 the time of the violation, the owner must submit proof that a
28 report concerning the stolen motor vehicle or registration
29 plates was filed with a law enforcement agency in a timely
30 manner.

31 (i) Unless the driver of the motor vehicle received a
32 Uniform Traffic Citation from a police officer at the time of
33 the violation, the motor vehicle owner is subject to a civil
34 penalty not exceeding \$250 if the motor vehicle is recorded by

1 an automated traffic law enforcement system. A violation for
2 which a civil penalty is imposed under this Section is not a
3 violation of a traffic regulation governing the movement of
4 vehicles and may not be recorded on the driving record of the
5 owner of the vehicle.

6 (j) An intersection equipped with an automated traffic
7 law enforcement system must be posted with a sign visible to
8 approaching traffic indicating that the intersection is being
9 monitored by an automated traffic law enforcement system.

10 (k) The compensation paid for an automated traffic law
11 enforcement system must be based on the value of the equipment
12 or the services provided and may not be based on the number of
13 traffic citations issued or the revenue generated by the
14 system.

15 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

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

23 (a) Green indication.

24 1. Vehicular traffic facing a circular green signal
25 may proceed straight through or turn right or left unless a
26 sign at such place prohibits either such turn. Vehicular
27 traffic, including vehicles turning right or left, shall
28 yield the right of way to other vehicles and to pedestrians
29 lawfully within the intersection or an adjacent crosswalk
30 at the time such signal is exhibited.

31 2. Vehicular traffic facing a green arrow signal,
32 shown alone or in combination with another indication, may
33 cautiously enter the intersection only to make the movement

1 indicated by such arrow, or such other movement as is
2 permitted by other indications shown at the same time. Such
3 vehicular traffic shall yield the right of way to
4 pedestrians lawfully within an adjacent crosswalk and to
5 other traffic lawfully using the intersection.

6 3. Unless otherwise directed by a pedestrian-control
7 signal, as provided in Section 11-307, pedestrians facing
8 any green signal, except when the sole green signal is a
9 turn arrow, may proceed across the roadway within any
10 marked or unmarked crosswalk.

11 (b) Steady yellow indication.

12 1. Vehicular traffic facing a steady circular yellow
13 or yellow arrow signal is thereby warned that the related
14 green movement is being terminated or that a red indication
15 will be exhibited immediately thereafter.

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

22 (c) Steady red indication.

23 1. Except as provided in paragraph 3 of this
24 subsection (c), vehicular traffic facing a steady circular
25 red signal alone shall stop at a clearly marked stop line,
26 but if there is no such stop line, before entering the
27 crosswalk on the near side of the intersection, or if there
28 is no such crosswalk, then before entering the
29 intersection, and shall remain standing until an
30 indication to proceed is shown.

31 2. Except as provided in paragraph 3 of this
32 subsection (c), vehicular traffic facing a steady red arrow
33 signal shall not enter the intersection to make the
34 movement indicated by the arrow and, unless entering the

1 intersection to make a movement permitted by another
2 signal, shall stop at a clearly marked stop line, but if
3 there is no such stop line, before entering the crosswalk
4 on the near side of the intersection, or if there is no
5 such crosswalk, then before entering the intersection, and
6 shall remain standing until an indication permitting the
7 movement indicated by such red arrow is shown.

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

22 4. Unless otherwise directed by a pedestrian-control
23 signal as provided in Section 11-307, pedestrians facing a
24 steady circular red or red arrow signal alone shall not
25 enter the roadway.

26 ~~5. A municipality with a population of 1,000,000 or~~
27 ~~more may enact an ordinance that provides for the use of an~~
28 ~~automated red light enforcement system to enforce~~
29 ~~violations of this subsection (c) that result in or involve~~
30 ~~a motor vehicle accident, leaving the scene of a motor~~
31 ~~vehicle accident, or reckless driving that results in~~
32 ~~bodily injury.~~

33 ~~This paragraph 5 is subject to prosecutorial~~
34 ~~discretion that is consistent with applicable law.~~

1 (d) In the event an official traffic control signal is
2 erected and maintained at a place other than an intersection,
3 the provisions of this Section shall be applicable except as to
4 provisions which by their nature can have no application. Any
5 stop required shall be at a traffic sign or a marking on the
6 pavement indicating where the stop shall be made or, in the
7 absence of such sign or marking, the stop shall be made at the
8 signal.

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

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

12 (625 ILCS 5/1-105.5 rep.)

13 Section 10. The Illinois Vehicle Code is amended by
14 repealing Section 1-105.5.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."