



Sen. Don Harmon

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09500SB1989sam001

LRB095 17526 WGH 46824 a

1 AMENDMENT TO SENATE BILL 1989

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1989 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 1-105.2, 6-306.5, 11-208, 11-208.3, and  
6 11-1201.1 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation  
9 described in Section 11-208.6 or 11-1201.1 of this Code.

10 (Source: P.A. 94-795, eff. 5-22-06.)

11 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

12 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
13 parking, compliance, or automated traffic law violations;  
14 suspension of driving privileges.

15 (a) Upon receipt of a certified report, as prescribed by

1 subsection (c) of this Section, from any municipality stating  
2 that the owner of a registered vehicle has: (1) failed to pay  
3 any fine or penalty due and owing as a result of 10 or more  
4 violations of a municipality's vehicular standing, parking, or  
5 compliance regulations established by ordinance pursuant to  
6 Section 11-208.3 of this Code, or (2) failed to pay any fine or  
7 penalty due and owing as a result of 5 offenses for automated  
8 traffic violations as defined in Section 11-208.6 or 11-1201.1,  
9 the Secretary of State shall suspend the driving privileges of  
10 such person in accordance with the procedures set forth in this  
11 Section. The Secretary shall also suspend the driving  
12 privileges of an owner of a registered vehicle upon receipt of  
13 a certified report, as prescribed by subsection (f) of this  
14 Section, from any municipality stating that such person has  
15 failed to satisfy any fines or penalties imposed by final  
16 judgments for 5 or more automated traffic law violations or 10  
17 or more violations of local standing, parking, or compliance  
18 regulations after exhaustion of judicial review procedures.

19 (b) Following receipt of the certified report of the  
20 municipality as specified in this Section, the Secretary of  
21 State shall notify the person whose name appears on the  
22 certified report that the person's drivers license will be  
23 suspended at the end of a specified period of time unless the  
24 Secretary of State is presented with a notice from the  
25 municipality certifying that the fine or penalty due and owing  
26 the municipality has been paid or that inclusion of that

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

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

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

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

21 (3) A statement that the municipality sent a notice of  
22 impending drivers license suspension as prescribed by  
23 ordinance enacted pursuant to Section 11-208.3, to the  
24 person named in the report at the address recorded with the  
25 Secretary of State or at the last address known to the  
26 lessor of the cited vehicle at the time of lease or, if any

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

1 (1) the person not having been the owner or lessee of the  
2 vehicle or vehicles receiving 10 or more standing, parking, or  
3 compliance violation notices or 5 or more automated traffic law  
4 violations on the date or dates such notices were issued; and

5 (2) the person having already paid the fine or penalty for the  
6 10 or more standing, parking, or compliance violations or 5 or  
7 more automated traffic law violations indicated on the  
8 certified report.

9 (f) Any municipality, other than a municipality  
10 establishing vehicular standing, parking, and compliance  
11 regulations pursuant to Section 11-208.3 or automated traffic  
12 law regulations under Section 11-208.6 or 11-1201.1, may also  
13 cause a suspension of a person's drivers license pursuant to  
14 this Section. Such municipality may invoke this sanction by  
15 making a certified report to the Secretary of State upon a  
16 person's failure to satisfy any fine or penalty imposed by  
17 final judgment for 10 or more violations of local standing,  
18 parking, or compliance regulations or 5 or more automated  
19 traffic law violations after exhaustion of judicial review  
20 procedures, but only if:

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

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

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

5           (g) Any municipality, other than a municipality  
6 establishing standing, parking, and compliance regulations  
7 pursuant to Section 11-208.3 or automated traffic law  
8 regulations under Section 11-208.6 or 11-1201.1, may provide by  
9 ordinance for the sending of a notice of impending drivers  
10 license suspension to the person who has failed to satisfy any  
11 fine or penalty imposed by final judgment for 10 or more  
12 violations of local standing, parking, or compliance  
13 regulations or 5 or more automated traffic law violations after  
14 exhaustion of judicial review procedures. An ordinance so  
15 providing shall specify that the notice sent to the person  
16 liable for any fine or penalty shall state that failure to pay  
17 the fine or penalty owing within 45 days of the notice's date  
18 will result in the municipality notifying the Secretary of  
19 State that the person's drivers license is eligible for  
20 suspension pursuant to this Section. The notice of impending  
21 drivers license suspension shall be sent by first class United  
22 States mail, postage prepaid, to the address recorded with the  
23 Secretary of State or at the last address known to the lessor  
24 of the cited vehicle at the time of lease or, if any notice  
25 sent under Section 11-208.3 of this Code is returned as  
26 undeliverable, to the last known address recorded in a United

1 States Post Office approved database.

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

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

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

19 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06.)

20 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

3           2. Regulating traffic by means of police officers or  
4           traffic control signals;

5           3. Regulating or prohibiting processions or  
6           assemblages on the highways;

7           4. Designating particular highways as one-way highways  
8           and requiring that all vehicles thereon be moved in one  
9           specific direction;

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

12          6. Designating any highway as a through highway, as  
13          authorized in Section 11-302, and requiring that all  
14          vehicles stop before entering or crossing the same or  
15          designating any intersection as a stop intersection or a  
16          yield right-of-way intersection and requiring all vehicles  
17          to stop or yield the right-of-way at one or more entrances  
18          to such intersections;

19          7. Restricting the use of highways as authorized in  
20          Chapter 15;

21          8. Regulating the operation of bicycles and requiring  
22          the registration and licensing of same, including the  
23          requirement of a registration fee;

24          9. Regulating or prohibiting the turning of vehicles or  
25          specified types of vehicles at intersections;

26          10. Altering the speed limits as authorized in Section



1 11-604;

2 11. Prohibiting U-turns;

3 12. Prohibiting pedestrian crossings at other than  
4 designated and marked crosswalks or at intersections;

5 13. Prohibiting parking during snow removal 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 1,  
20 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective  
21 until signs giving reasonable notice of such local traffic  
22 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

1 on high beam or bright.

2 (d) The provisions of this Code shall not be deemed to  
3 prevent local authorities within the reasonable exercise of  
4 their police power from prohibiting, on private property, the  
5 unauthorized use of parking spaces reserved for persons with  
6 disabilities.

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

24 (f) A municipality or county designated in Section 11-208.6  
25 may enact an ordinance providing for an automated traffic law  
26 enforcement system to enforce violations of this Code or a

1 similar provision of a local ordinance and imposing liability  
2 on a registered owner of a vehicle used in such a violation.

3 (g) A municipality or county, as provided in Section  
4 11-1201.1, may enact an ordinance providing for an automated  
5 traffic law enforcement system to enforce violations of Section  
6 11-1201 of this Code or a similar provision of a local  
7 ordinance and imposing liability on a registered owner of a  
8 vehicle used in such a violation.

9 (Source: P.A. 94-795, eff. 5-22-06.)

10 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

14 (a) Any municipality may provide by ordinance for a system  
15 of administrative adjudication of vehicular standing and  
16 parking violations and vehicle compliance violations as  
17 defined in this subsection and automated traffic law violations  
18 as defined in Section 11-208.6 or 11-1201.1. The administrative  
19 system shall have as its purpose the fair and efficient  
20 enforcement of municipal regulations through the  
21 administrative adjudication of automated traffic law  
22 violations and violations of municipal ordinances regulating  
23 the standing and parking of vehicles, the condition and use of  
24 vehicle equipment, and the display of municipal wheel tax  
25 licenses within the municipality's borders. The administrative

1 system shall only have authority to adjudicate civil offenses  
2 carrying fines not in excess of \$250 that occur after the  
3 effective date of the ordinance adopting such a system under  
4 this Section. For purposes of this Section, "compliance  
5 violation" means a violation of a municipal regulation  
6 governing the condition or use of equipment on a vehicle or  
7 governing the display of a municipal wheel tax license.

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

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

19 (2) A parking, standing, compliance, or automated  
20 traffic law violation notice that shall specify the date,  
21 time, and place of violation of a parking, standing,  
22 compliance, or automated traffic law regulation; the  
23 particular regulation violated; the fine and any penalty  
24 that may be assessed for late payment, when so provided by  
25 ordinance; the vehicle make and state registration number;  
26 and the identification number of the person issuing the

1 notice. With regard to automated traffic law violations,  
2 vehicle make shall be specified on the automated traffic  
3 law violation notice if the make is available and readily  
4 discernible. With regard to municipalities with a  
5 population of 1 million or more, it shall be grounds for  
6 dismissal of a parking violation if the state registration  
7 number or vehicle make specified is incorrect. The  
8 violation notice shall state that the payment of the  
9 indicated fine, and of any applicable penalty for late  
10 payment, shall operate as a final disposition of the  
11 violation. The notice also shall contain information as to  
12 the availability of a hearing in which the violation may be  
13 contested on its merits. The violation notice shall specify  
14 the time and manner in which a hearing may be had.

15 (3) Service of the parking, standing, or compliance  
16 violation notice by affixing the original or a facsimile of  
17 the notice to an unlawfully parked vehicle or by handing  
18 the notice to the operator of a vehicle if he or she is  
19 present and service of an automated traffic law violation  
20 notice by mail to the address of the registered owner of  
21 the cited vehicle as recorded with the Secretary of State  
22 within 30 days after the Secretary of State notifies the  
23 municipality or county of the identity of the owner of the  
24 vehicle, but in no event later than 90 days after the  
25 violation. A person authorized by ordinance to issue and  
26 serve parking, standing, and compliance violation notices

1 shall certify as to the correctness of the facts entered on  
2 the violation notice by signing his or her name to the  
3 notice at the time of service or in the case of a notice  
4 produced by a computerized device, by signing a single  
5 certificate to be kept by the traffic compliance  
6 administrator attesting to the correctness of all notices  
7 produced by the device while it was under his or her  
8 control. In the case of an automated traffic law violation,  
9 the ordinance shall require a determination by a technician  
10 employed or contracted by the municipality or county that,  
11 based on inspection of recorded images, the motor vehicle  
12 was being operated in violation of Section 11-208.6 or  
13 11-1201.1 or a local ordinance. If the technician  
14 determines that the vehicle entered the intersection as  
15 part of a funeral procession or in order to yield the  
16 right-of-way to an emergency vehicle, a citation shall not  
17 be issued. The original or a facsimile of the violation  
18 notice or, in the case of a notice produced by a  
19 computerized device, a printed record generated by the  
20 device showing the facts entered on the notice, shall be  
21 retained by the traffic compliance administrator, and  
22 shall be a record kept in the ordinary course of business.  
23 A parking, standing, compliance, or automated traffic law  
24 violation notice issued, signed and served in accordance  
25 with this Section, a copy of the notice, or the computer  
26 generated record shall be prima facie correct and shall be

1           prima facie evidence of the correctness of the facts shown  
2           on the notice. The notice, copy, or computer generated  
3           record shall be admissible in any subsequent  
4           administrative or legal proceedings.

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

23          (5) Service of additional notices, sent by first class  
24          United States mail, postage prepaid, to the address of the  
25          registered owner of the cited vehicle as recorded with the  
26          Secretary of State or, if any notice to that address is

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

13 (i) A second notice of parking, standing, or  
14 compliance violation. This notice shall specify the  
15 date and location of the violation cited in the  
16 parking, standing, or compliance violation notice, the  
17 particular regulation violated, the vehicle make and  
18 state registration number, the fine and any penalty  
19 that may be assessed for late payment when so provided  
20 by ordinance, the availability of a hearing in which  
21 the violation may be contested on its merits, and the  
22 time and manner in which the hearing may be had. The  
23 notice of violation shall also state that failure  
24 either to pay the indicated fine and any applicable  
25 penalty, or to appear at a hearing on the merits in the  
26 time and manner specified, will result in a final



1 determination of violation liability for the cited  
2 violation in the amount of the fine or penalty  
3 indicated, and that, upon the occurrence of a final  
4 determination of violation liability for the failure,  
5 and the exhaustion of, or failure to exhaust, available  
6 administrative or judicial procedures for review, any  
7 unpaid fine or penalty will constitute a debt due and  
8 owing the municipality.

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

1 11-208.6.

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

21 (7) Final determinations of violation liability. A  
22 final determination of violation liability shall occur  
23 following failure to pay the fine or penalty after a  
24 hearing officer's determination of violation liability and  
25 the exhaustion of or failure to exhaust any administrative  
26 review procedures provided by ordinance. Where a person

1 fails to appear at a hearing to contest the alleged  
2 violation in the time and manner specified in a prior  
3 mailed notice, the hearing officer's determination of  
4 violation liability shall become final: (A) upon denial of  
5 a timely petition to set aside that determination, or (B)  
6 upon expiration of the period for filing the petition  
7 without a filing having been made.

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

1 merits for that violation.

2 (9) Procedures for non-residents. Procedures by which  
3 persons who are not residents of the municipality may  
4 contest the merits of the alleged violation without  
5 attending a hearing.

6 (10) A schedule of civil fines for violations of  
7 vehicular standing, parking, compliance, or automated  
8 traffic law regulations enacted by ordinance pursuant to  
9 this Section, and a schedule of penalties for late payment  
10 of the fines, provided, however, that the total amount of  
11 the fine and penalty for any one violation shall not exceed  
12 \$250, except as provided in subsection (c) of Section  
13 11-1301.3 of this Code.

14 (11) Other provisions as are necessary and proper to  
15 carry into effect the powers granted and purposes stated in  
16 this Section.

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

1           (1) Criteria for the designation of vehicles eligible  
2           for immobilization. A vehicle shall be eligible for  
3           immobilization when the registered owner of the vehicle has  
4           accumulated the number of unpaid final determinations of  
5           parking, standing, compliance, or automated traffic law  
6           violation liability as determined by ordinance.

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

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

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

24          (d) Judicial review of final determinations of parking,  
25          standing, compliance, or automated traffic law violations and  
26          final administrative decisions issued after hearings regarding

1 vehicle immobilization and impoundment made under this Section  
2 shall be subject to the provisions of the Administrative Review  
3 Law.

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

13 (f) After the expiration of the period within which  
14 judicial review may be sought for a final determination of  
15 parking, standing, compliance, or automated traffic law  
16 violation, the municipality may commence a proceeding in the  
17 Circuit Court for purposes of obtaining a judgment on the final  
18 determination of violation. Nothing in this Section shall  
19 prevent a municipality from consolidating multiple final  
20 determinations of parking, standing, compliance, or automated  
21 traffic law violations against a person in a proceeding. Upon  
22 commencement of the action, the municipality shall file a  
23 certified copy or record of the final determination of parking,  
24 standing, compliance, or automated traffic law violation,  
25 which shall be accompanied by a certification that recites  
26 facts sufficient to show that the final determination of

1 violation was issued in accordance with this Section and the  
2 applicable municipal ordinance. Service of the summons and a  
3 copy of the petition may be by any method provided by Section  
4 2-203 of the Code of Civil Procedure or by certified mail,  
5 return receipt requested, provided that the total amount of  
6 fines and penalties for final determinations of parking,  
7 standing, compliance, or automated traffic law violations does  
8 not exceed \$2500. If the court is satisfied that the final  
9 determination of parking, standing, compliance, or automated  
10 traffic law violation was entered in accordance with the  
11 requirements of this Section and the applicable municipal  
12 ordinance, and that the registered owner or the lessee, as the  
13 case may be, had an opportunity for an administrative hearing  
14 and for judicial review as provided in this Section, the court  
15 shall render judgment in favor of the municipality and against  
16 the registered owner or the lessee for the amount indicated in  
17 the final determination of parking, standing, compliance, or  
18 automated traffic law violation, plus costs. The judgment shall  
19 have the same effect and may be enforced in the same manner as  
20 other judgments for the recovery of money.

21 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;  
22 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

23 (625 ILCS 5/11-1201.1)

24 Sec. 11-1201.1. Automated Railroad Crossing Enforcement  
25 System ~~Pilot Project~~.

1 (a) For the purposes of this Section, an automated railroad  
2 grade crossing enforcement system is a system in a municipality  
3 or county operated by a governmental agency that produces a  
4 recorded image of a motor vehicle's violation of a provision of  
5 this Code or local ordinance and is designed to obtain a clear  
6 recorded image of the vehicle and vehicle's license plate. The  
7 recorded image must also display the time, date, and location  
8 of the violation.

9 As used in this Section, "recorded images" means images  
10 recorded by an automated railroad grade crossing enforcement  
11 system on:

12 (1) 2 or more photographs;

13 (2) 2 or more microphotographs;

14 (3) 2 or more electronic images; or

15 (4) a video recording showing the motor vehicle and, on  
16 at least one image or portion of the recording, clearly  
17 identifying the registration plate number of the motor  
18 vehicle. ~~operated by a law enforcement agency that records~~  
19 ~~a driver's response to automatic, electrical or mechanical~~  
20 ~~signal devices and crossing gates. The system shall be~~  
21 ~~designed to obtain a clear photograph or other recorded~~  
22 ~~image of the vehicle, vehicle operator and the vehicle~~  
23 ~~registration plate of a vehicle in violation of Section~~  
24 ~~11-1201. The photograph or other recorded image shall also~~  
25 ~~display the time, date and location of the violation.~~

26 (b) The Illinois Commerce Commission may, in cooperation



1 with a local law enforcement agency, establish in any county or  
2 municipality an automated railroad grade crossing enforcement  
3 system at any railroad grade crossing designated by local  
4 authorities. Local authorities desiring the establishment of  
5 an automated railroad crossing enforcement system must  
6 initiate the process by enacting a local ordinance requesting  
7 the creation of such a system. After the ordinance has been  
8 enacted, and before any additional steps toward the  
9 establishment of the system are undertaken, the local  
10 authorities and the Commission must agree to a plan for  
11 obtaining, from any combination of federal, State, and local  
12 funding sources, the moneys required for the purchase and  
13 installation of any necessary equipment. Commencing on January  
14 1, 1996, the Illinois Commerce Commission and the Commuter Rail  
15 Board of the Regional Transportation Authority shall, in  
16 cooperation with local law enforcement agencies, establish a 5  
17 year pilot program within a county with a population of between  
18 750,000 and 1,000,000 using an automated railroad grade  
19 crossing enforcement system. The Commission shall determine  
20 the 3 railroad grade crossings within that county that pose the  
21 greatest threat to human life based upon the number of  
22 accidents and fatalities at the crossings during the past 5  
23 years and with approval of the local law enforcement agency  
24 equip the crossings with an automated railroad grade crossing  
25 enforcement system.

26 (b-1) (Blank.) ~~Commencing on July 20, 2001 (the effective~~

1 ~~date of Public Act 92-98), the Illinois Commerce Commission and~~  
2 ~~the Commuter Rail Board may, in cooperation with the local law~~  
3 ~~enforcement agency, establish in a county with a population of~~  
4 ~~between 750,000 and 1,000,000 a 2 year pilot program using an~~  
5 ~~automated railroad grade crossing enforcement system. This~~  
6 ~~pilot program may be established at a railroad grade crossing~~  
7 ~~designated by local authorities. No State moneys may be~~  
8 ~~expended on the automated railroad grade crossing enforcement~~  
9 ~~system established under this pilot program.~~

10 (c) For each violation of Section 11-1201 of this Code or a  
11 local ordinance recorded by an automated railroad grade  
12 crossing enforcement system, the county or municipality having  
13 jurisdiction shall issue a written notice of the violation to  
14 the registered owner of the vehicle as the alleged violator.  
15 The notice shall be delivered to the registered owner of the  
16 vehicle, by mail, no later than 90 days after the violation.

17 The notice shall include:

18 (1) the name and address of the registered owner of the  
19 vehicle;

20 (2) the registration number of the motor vehicle  
21 involved in the violation;

22 (3) the violation charged;

23 (4) the location where the violation occurred;

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

25 (6) a copy of the recorded images;

26 (7) the amount of the civil penalty imposed and the

1 date by which the civil penalty should be paid;

2 (8) a statement that recorded images are evidence of a  
3 violation of a railroad grade crossing;

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

8 (10) a statement that the person may elect to proceed  
9 by:

10 (A) paying the fine; or

11 (B) challenging the charge in court, by mail, or by  
12 administrative hearing. ~~For each violation of Section~~  
13 ~~11-1201 recorded by an automatic railroad grade~~  
14 ~~crossing system, the local law enforcement agency~~  
15 ~~having jurisdiction shall issue a written Uniform~~  
16 ~~Traffic Citation of the violation to the registered~~  
17 ~~owner of the vehicle as the alleged violator. The~~  
18 ~~Uniform Traffic Citation shall be delivered to the~~  
19 ~~registered owner of the vehicle, by mail, within 30~~  
20 ~~days of the violation. The Uniform Traffic Citation~~  
21 ~~shall include the name and address of vehicle owner,~~  
22 ~~the vehicle registration number, the offense charged,~~  
23 ~~the time, date, and location of the violation, the~~  
24 ~~first available court date and that the basis of the~~  
25 ~~citation is the photograph or other recorded image from~~  
26 ~~the automated railroad grade crossing enforcement~~

1 ~~system.~~

2 (d) If a person charged with a traffic violation, as a  
3 result of an automated railroad grade crossing enforcement  
4 system, does not pay or successfully contest the civil penalty  
5 resulting from that violation, the Secretary of State shall  
6 suspend the driving privileges of the registered owner of the  
7 vehicle under Section 6-306.5 of this Code for failing to pay  
8 any fine or penalty due and owing as a result of 5 violations  
9 of the automated railroad grade crossing enforcement system.

10 ~~The Uniform Traffic Citation issued to the registered owner of~~  
11 ~~the vehicle shall be accompanied by a written notice, the~~  
12 ~~contents of which is set forth in subsection (d-1) of this~~  
13 ~~Section, explaining how the registered owner of the vehicle can~~  
14 ~~elect to proceed by either paying the fine or challenging the~~  
15 ~~issuance of the Uniform Traffic Citation.~~

16 (d-1) (Blank.) ~~The written notice explaining the alleged~~  
17 ~~violator's rights and obligations must include the following~~  
18 ~~text:~~

19 ~~"You have been served with the accompanying Uniform Traffic~~  
20 ~~Citation and cited with having violated Section 11-1201 of the~~  
21 ~~Illinois Vehicle Code. You can elect to proceed by:~~

22 ~~1. Paying the fine; or~~

23 ~~2. Challenging the issuance of the Uniform Traffic~~  
24 ~~Citation in court; or~~

25 ~~3. If you were not the operator of the vehicle at the~~  
26 ~~time of the alleged offense, notifying in writing the local~~

1 ~~law enforcement agency that issued the Uniform Traffic~~  
2 ~~Citation of the number of the Uniform Traffic Citation~~  
3 ~~received and the name and address of the person operating~~  
4 ~~the vehicle at the time of the alleged offense. If you fail~~  
5 ~~to so notify in writing the local law enforcement agency of~~  
6 ~~the name and address of the operator of the vehicle at the~~  
7 ~~time of the alleged offense, you may be presumed to have~~  
8 ~~been the operator of the vehicle at the time of the alleged~~  
9 ~~offense."~~

10 (d-2) (Blank.) ~~If the registered owner of the vehicle was~~  
11 ~~not the operator of the vehicle at the time of the alleged~~  
12 ~~offense, and if the registered owner notifies the local law~~  
13 ~~enforcement agency having jurisdiction of the name and address~~  
14 ~~of the operator of the vehicle at the time of the alleged~~  
15 ~~offense, the local law enforcement agency having jurisdiction~~  
16 ~~shall then issue a written Uniform Traffic Citation to the~~  
17 ~~person alleged by the registered owner to have been the~~  
18 ~~operator of the vehicle at the time of the alleged offense. If~~  
19 ~~the registered owner fails to notify in writing the local law~~  
20 ~~enforcement agency having jurisdiction of the name and address~~  
21 ~~of the operator of the vehicle at the time of the alleged~~  
22 ~~offense, the registered owner may be presumed to have been the~~  
23 ~~operator of the vehicle at the time of the alleged offense.~~

24 (e) Based on inspection of recorded images produced by an  
25 automated railroad grade crossing enforcement system, a notice  
26 alleging that the violation occurred shall be evidence of the

1 facts contained in the notice and admissible in any proceeding  
2 alleging a violation under this Section. Evidence.

3 ~~(i) A certificate alleging that a violation of Section~~  
4 ~~11-1201 occurred, sworn to or affirmed by a duly authorized~~  
5 ~~agency, based on inspection of recorded images produced by~~  
6 ~~an automated railroad crossing enforcement system are~~  
7 ~~evidence of the facts contained in the certificate and are~~  
8 ~~admissible in any proceeding alleging a violation under~~  
9 ~~this Section.~~

10 ~~(ii) Photographs or recorded images made by an~~  
11 ~~automatic railroad grade crossing enforcement system are~~  
12 ~~confidential and shall be made available only to the~~  
13 ~~alleged violator and governmental and law enforcement~~  
14 ~~agencies for purposes of adjudicating a violation of~~  
15 ~~Section 11-1201 of the Illinois Vehicle Code. The~~  
16 ~~photographs may also be made available to governmental~~  
17 ~~agencies for the purpose of a safety analysis of the~~  
18 ~~crossing where the automatic railroad grade crossing~~  
19 ~~enforcement system is installed. However, any photograph~~  
20 ~~or other recorded image evidencing a violation of Section~~  
21 ~~11-1201 shall be admissible in any proceeding resulting~~  
22 ~~from the issuance of the Uniform Traffic Citation when~~  
23 ~~there is reasonable and sufficient proof of the accuracy of~~  
24 ~~the camera or electronic instrument recording the image.~~  
25 ~~There is a rebuttable presumption that the photograph or~~  
26 ~~recorded image is accurate if the camera or electronic~~

1 ~~recording instrument was in good working order at the~~  
2 ~~beginning and the end of the day of the alleged offense.~~

3 (e-1) Recorded images made by an automated railroad grade  
4 crossing enforcement system are confidential and shall be made  
5 available only to the alleged violator and governmental and law  
6 enforcement agencies for purposes of adjudicating a violation  
7 of this Section, for statistical purposes, or for other  
8 governmental purposes. Any recorded image evidencing a  
9 violation of this Section, however, may be admissible in any  
10 proceeding resulting from the issuance of the citation.

11 (e-2) The court or hearing officer may consider the  
12 following in the defense of a violation:

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

17 (2) that the driver of the motor vehicle received a  
18 Uniform Traffic Citation from a police officer at the time  
19 of the violation for the same offense;

20 (3) any other evidence or issues provided by municipal  
21 or county ordinance.

22 (e-3) To demonstrate that the motor vehicle or the  
23 registration plates were stolen before the violation occurred  
24 and were not under the control or possession of the owner at  
25 the time of the violation, the owner must submit proof that a  
26 report concerning the stolen motor vehicle or registration

1 plates was filed with a law enforcement agency in a timely  
2 manner.

3 (f) Rail crossings equipped with an automatic railroad  
4 grade crossing enforcement system shall be posted with a sign  
5 visible to approaching traffic stating that the railroad grade  
6 crossing is being monitored, that citations will be issued, and  
7 the amount of the fine for violation.

8 (g) The compensation paid for an automated railroad grade  
9 crossing enforcement system must be based on the value of the  
10 equipment or the services provided and may not be based on the  
11 number of citations issued or the revenue generated by the  
12 system. ~~Except as provided in subsection (b-1), the cost of the~~  
13 ~~installation and maintenance of each automatic railroad grade~~  
14 ~~crossing enforcement system shall be paid from the Grade~~  
15 ~~Crossing Protection Fund if the rail line is not owned by~~  
16 ~~Commuter Rail Board of the Regional Transportation Authority.~~  
17 ~~Except as provided in subsection (b-1), if the rail line is~~  
18 ~~owned by the Commuter Rail Board of the Regional Transportation~~  
19 ~~Authority, the costs of the installation and maintenance shall~~  
20 ~~be paid from the Regional Transportation Authority's portion of~~  
21 ~~the Public Transportation Fund.~~

22 (h) (Blank.) ~~The Illinois Commerce Commission shall issue a~~  
23 ~~report to the General Assembly at the conclusion of the 5 year~~  
24 ~~pilot program established under subsection (b) on the~~  
25 ~~effectiveness of the automatic railroad grade crossing~~  
26 ~~enforcement system.~~



1           (i) If any part or parts of this Section are held by a  
2 court of competent jurisdiction to be unconstitutional, the  
3 unconstitutionality shall not affect the validity of the  
4 remaining parts of this Section. The General Assembly hereby  
5 declares that it would have passed the remaining parts of this  
6 Section if it had known that the other part or parts of this  
7 Section would be declared unconstitutional.

8           (j) Penalty. ~~(i) A violation of this Section is a petty~~  
9 ~~offense for which a~~ civil fine of \$250 shall be imposed for a  
10 first violation of this Section, and a civil fine of \$500 shall  
11 be imposed for a second or subsequent violation of this  
12 Section. ~~The court may impose 25 hours of community service in~~  
13 ~~place of the \$250 fine for the first violation.~~

14           ~~(ii) For a second or subsequent violation, the~~  
15           ~~Secretary of State may suspend the registration of the~~  
16           ~~motor vehicle for a period of at least 6 months.~~

17 (Source: P.A. 94-771, eff. 1-1-07.)

18 (625 ILCS 5/11-1201.5 rep.)

19 Section 10. The Illinois Vehicle Code is amended by  
20 repealing Section 11-1201.5."