



Sen. John J. Cullerton

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09500SB2092sam002

LRB095 19298 RLC 50101 a

1 AMENDMENT TO SENATE BILL 2092

2 AMENDMENT NO. _____. Amend Senate Bill 2092 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 11-208.6 and
6 by adding Sections 11-208.7 and 11-208.8 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, 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

1 Section 11-208.3 of this Code, or (2) failed to pay any fine or
2 penalty due and owing as a result of 5 offenses for automated
3 traffic violations as defined in Section 11-208.6, 5 offenses
4 for automated school zone speed enforcement violations as
5 defined in Section 11-208.7, or 5 offenses for automated speed
6 enforcement violations as defined in Section 11-208.8, the
7 Secretary of State shall suspend the driving privileges of such
8 person in accordance with the procedures set forth in this
9 Section. The Secretary shall also suspend the driving
10 privileges of an owner of a registered vehicle upon receipt of
11 a certified report, as prescribed by subsection (f) of this
12 Section, from any municipality stating that such person has
13 failed to satisfy any fines or penalties imposed by final
14 judgments for 5 or more automated traffic law violations or 10
15 or more violations of local standing, parking, or compliance
16 regulations after exhaustion of judicial review procedures.

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

1 contained in the municipality's certified report to the
2 Secretary, and shall be effective as specified by subsection
3 (c) of Section 6-211 of this Code.

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

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

17 (2) The name of the municipality making the report
18 pursuant to this Section.

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

1 United States Post Office approved database; the date on
2 which such notice was sent; and the address to which such
3 notice was sent. In a municipality with a population of
4 1,000,000 or more, the report shall also include a
5 statement that the alleged violator's State vehicle
6 registration number and vehicle make, if specified on the
7 automated traffic law violation notice, are correct as they
8 appear on the citations.

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

20 (e) Any municipality making a certified report to the
21 Secretary of State pursuant to this Section shall also by
22 ordinance establish procedures for persons to challenge the
23 accuracy of the certified report. The ordinance shall also
24 state the grounds for such a challenge, which may be limited to
25 (1) the person not having been the owner or lessee of the
26 vehicle or vehicles receiving 10 or more standing, parking, or

1 compliance violation notices or 5 or more automated traffic law
2 violations on the date or dates such notices were issued; and
3 (2) the person having already paid the fine or penalty for the
4 10 or more standing, parking, or compliance violations or 5 or
5 more automated traffic law violations indicated on the
6 certified report.

7 (f) Any municipality, other than a municipality
8 establishing vehicular standing, parking, and compliance
9 regulations pursuant to Section 11-208.3, ~~or~~ automated traffic
10 law regulations under Section 11-208.6, automated school zone
11 speed enforcement regulations under Section 11-208.7, or
12 automated speed enforcement regulations under Section 11-208.8
13 may also cause a suspension of a person's drivers license
14 pursuant to this Section. Such municipality may invoke this
15 sanction by making a certified report to the Secretary of State
16 upon a person's failure to satisfy any fine or penalty imposed
17 by 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, automated school zone
9 speed enforcement regulations under Section 11-208.7, or
10 automated speed enforcement regulations under Section
11 11-208.8, may provide by ordinance for the sending of a notice
12 of impending drivers license suspension to the person who has
13 failed to satisfy any fine or penalty imposed by final judgment
14 for 10 or more violations of local standing, parking, or
15 compliance regulations or 5 or more automated traffic law
16 violations after exhaustion of judicial review procedures. An
17 ordinance so providing shall specify that the notice sent to
18 the person liable for any fine or penalty shall state that
19 failure to pay the fine or penalty owing within 45 days of the
20 notice's date will result in the municipality notifying the
21 Secretary of State that the person's drivers license is
22 eligible for suspension pursuant to this Section. The notice of
23 impending drivers license suspension shall be sent by first
24 class United States mail, postage prepaid, to the address
25 recorded with the Secretary of State or at the last address
26 known to the lessor of the cited vehicle at the time of lease

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

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

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

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

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

22 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

24 (a) The provisions of this Code shall not be deemed to
25 prevent local authorities with respect to streets and highways

1 under their jurisdiction and within the reasonable exercise of
2 the police power from:

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

5 2. Regulating traffic by means of police officers or
6 traffic control signals;

7 3. Regulating or prohibiting processions or
8 assemblages on the highways;

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

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

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

21 7. Restricting the use of highways as authorized in
22 Chapter 15;

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

26 9. Regulating or prohibiting the turning of vehicles or

1 specified types of vehicles at intersections;

2 10. Altering the speed limits as authorized in Section
3 11-604;

4 11. Prohibiting U-turns;

5 12. Prohibiting pedestrian crossings at other than
6 designated and marked crosswalks or at intersections;

7 13. Prohibiting parking during snow removal operation;

8 14. Imposing fines in accordance with Section
9 11-1301.3 as penalties for use of any parking place
10 reserved for persons with disabilities, as defined by
11 Section 1-159.1, or disabled veterans by any person using a
12 motor vehicle not bearing registration plates specified in
13 Section 11-1301.1 or a special decal or device as defined
14 in Section 11-1301.2 as evidence that the vehicle is
15 operated by or for a person with disabilities or disabled
16 veteran;

17 15. Adopting such other traffic regulations as are
18 specifically authorized by this Code; or

19 16. Enforcing the provisions of subsection (f) of
20 Section 3-413 of this Code or a similar local ordinance.

21 (b) No ordinance or regulation enacted under subsections 1,
22 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
23 until signs giving reasonable notice of such local traffic
24 regulations are posted.

25 (c) The provisions of this Code shall not prevent any
26 municipality having a population of 500,000 or more inhabitants

1 from prohibiting any person from driving or operating any motor
2 vehicle upon the roadways of such municipality with headlamps
3 on high beam or bright.

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

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

26 (f) A municipality or county designated in Section 11-208.6

1 may enact an ordinance providing for an automated traffic law
2 enforcement system, an automated school zone speed enforcement
3 system, or an automated speed enforcement system to enforce
4 violations of this Code or a similar provision of a local
5 ordinance and imposing liability on a registered owner of a
6 vehicle used in such a violation.

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

8 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

12 (a) Any municipality may provide by ordinance for a system
13 of administrative adjudication of vehicular standing and
14 parking violations and vehicle compliance violations as
15 defined in this subsection and automated traffic law violations
16 as defined in Section 11-208.6. The administrative system shall
17 have as its purpose the fair and efficient enforcement of
18 municipal regulations through the administrative adjudication
19 of automated traffic law violations and violations of municipal
20 ordinances regulating the standing and parking of vehicles, the
21 condition and use of vehicle equipment, and the display of
22 municipal wheel tax licenses within the municipality's
23 borders. The administrative system shall only have authority to
24 adjudicate civil offenses carrying fines not in excess of \$250
25 that occur after the effective date of the ordinance adopting

1 such a system under this Section. For purposes of this Section,
2 "compliance violation" means a violation of a municipal
3 regulation governing the condition or use of equipment on a
4 vehicle or governing the display of a municipal wheel tax
5 license.

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

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

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

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

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

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

1 shall be admissible in any subsequent administrative or
2 legal proceedings.

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

21 (5) Service of additional notices, sent by first class
22 United States mail, postage prepaid, to the address of the
23 registered owner of the cited vehicle as recorded with the
24 Secretary of State or, if any notice to that address is
25 returned as undeliverable, to the last known address
26 recorded in a United States Post Office approved database,

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

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

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

7 (ii) A notice of final determination of parking,
8 standing, compliance, or automated traffic law
9 violation liability. This notice shall be sent
10 following a final determination of parking, standing,
11 compliance, or automated traffic law violation
12 liability and the conclusion of judicial review
13 procedures taken under this Section. The notice shall
14 state that the unpaid fine or penalty is a debt due and
15 owing the municipality. The notice shall contain
16 warnings that failure to pay any fine or penalty due
17 and owing the municipality within the time specified
18 may result in the municipality's filing of a petition
19 in the Circuit Court to have the unpaid fine or penalty
20 rendered a judgment as provided by this Section, or may
21 result in suspension of the person's drivers license
22 for failure to pay fines or penalties for 10 or more
23 parking violations under Section 6-306.5 or 5 or more
24 automated traffic law violations under Section
25 11-208.6.

26 (6) A Notice of impending drivers license suspension.

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

19 (7) Final determinations of violation liability. A
20 final determination of violation liability shall occur
21 following failure to pay the fine or penalty after a
22 hearing officer's determination of violation liability and
23 the exhaustion of or failure to exhaust any administrative
24 review procedures provided by ordinance. Where a person
25 fails to appear at a hearing to contest the alleged
26 violation in the time and manner specified in a prior

1 mailed notice, the hearing officer's determination of
2 violation liability shall become final: (A) upon denial of
3 a timely petition to set aside that determination, or (B)
4 upon expiration of the period for filing the petition
5 without a filing having been made.

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

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the municipality may
2 contest the merits of the alleged violation without
3 attending a hearing.

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

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

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

25 (1) Criteria for the designation of vehicles eligible
26 for immobilization. A vehicle shall be eligible for

1 immobilization when the registered owner of the vehicle has
2 accumulated the number of unpaid final determinations of
3 parking, standing, compliance, or automated traffic law
4 violation liability as determined by ordinance.

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

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

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

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

1 Law.

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

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

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

19 (g) The provisions of this Section also apply to automated
20 school zone speed enforcement systems under the pilot program
21 created under Section 11-208.7 and automated speed enforcement
22 systems under the pilot program created under Section 11-208.8.

23 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
24 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

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

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

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

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

18 (1) 2 or more photographs;

19 (2) 2 or more microphotographs;

20 (3) 2 or more electronic images; or

21 (4) a video recording showing the motor vehicle and, on
22 at least one image or portion of the recording, clearly
23 identifying the registration plate number of the motor
24 vehicle.

25 (c) A county or municipality, including a home rule county
26 or municipality, may not use an automated traffic law

1 enforcement system to provide recorded images of a motor
2 vehicle for the purpose of recording its speed, except as
3 authorized in Sections 11-208.7 and 11-208.8. The regulation of
4 the use of automated traffic law enforcement systems to record
5 vehicle speeds is an exclusive power and function of the State, l
6 except as authorized in Sections 11-208.7 and 11-208.8. This
7 subsection (c) is a denial and limitation of home rule powers
8 and functions under subsection (h) of Section 6 of Article VII
9 of the Illinois Constitution.

10 (d) For each violation of a provision of this Code or a
11 local ordinance recorded by an automatic traffic law
12 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, within 30 days after the Secretary of State
17 notifies the municipality or county of the identity of the
18 owner of the vehicle, but in no event later than 90 days after
19 the violation.

20 The notice shall include:

21 (1) the name and address of the registered owner of the
22 vehicle;

23 (2) the registration number of the motor vehicle
24 involved in the violation;

25 (3) the violation charged;

26 (4) the location where the violation occurred;

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

2 (6) a copy of the recorded images;

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

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

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

11 (10) a statement that the person may elect to proceed
12 by:

13 (A) paying the fine; or

14 (B) challenging the charge in court, by mail, or by
15 administrative hearing.

16 (e) If a person charged with a traffic violation, as a
17 result of an automated traffic law enforcement system, does not
18 pay or successfully contest the civil penalty resulting from
19 that violation, the Secretary of State shall suspend the
20 driving privileges of the registered owner of the vehicle under
21 Section 6-306.5 of this Code for failing to pay any fine or
22 penalty due and owing as a result of 5 violations of the
23 automated traffic law enforcement system.

24 (f) Based on inspection of recorded images produced by an
25 automated traffic law enforcement system, a notice alleging
26 that the violation occurred shall be evidence of the facts

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

3 (g) Recorded images made by an automatic traffic law
4 enforcement system are confidential and shall be made available
5 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 (h) The court or hearing officer may consider in defense of
12 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 vehicle passed through the
18 intersection when the light was red either (i) in order to
19 yield the right-of-way to an emergency vehicle or (ii) as
20 part of a funeral procession; and

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

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

1 report concerning the stolen motor vehicle or registration
2 plates was filed with a law enforcement agency in a timely
3 manner.

4 (j) Unless the driver of the motor vehicle received a
5 Uniform Traffic Citation from a police officer at the time of
6 the violation, the motor vehicle owner is subject to a civil
7 penalty not exceeding \$100, plus an additional penalty of not
8 more than \$100 for failure to pay the original penalty in a
9 timely manner, if the motor vehicle is recorded by an automated
10 traffic law enforcement system. A violation for which a civil
11 penalty is imposed under this Section is not a violation of a
12 traffic regulation governing the movement of vehicles and may
13 not be recorded on the driving record of the owner of the
14 vehicle.

15 (k) An intersection equipped with an automated traffic law
16 enforcement system must be posted with a sign visible to
17 approaching traffic indicating that the intersection is being
18 monitored by an automated traffic law enforcement system.

19 (l) The compensation paid for an automated traffic law
20 enforcement system must be based on the value of the equipment
21 or the services provided and may not be based on the number of
22 traffic citations issued or the revenue generated by the
23 system.

24 (m) This Section applies only to the counties of Cook,
25 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
26 to municipalities located within those counties.

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

2 (625 ILCS 5/11-208.7 new)

3 Sec. 11-208.7. Pilot program; automated school zone speed
4 enforcement systems.

5 (a) As used in this Section:

6 "Automated school zone speed enforcement system" means a
7 device installed with one or more motor vehicle sensors
8 producing recorded images of motor vehicles whose operators are
9 violating Section 11-605 or a similar provision of a local
10 ordinance. The system shall be designed to obtain a clear
11 photograph of the vehicle's rear including the vehicle
12 registration plate. The photograph or other recorded image
13 shall also display the time, date, and location of the
14 violation.

15 (b) Commencing on the effective date of this amendatory Act
16 of the 95th General Assembly, a pilot program using automated
17 school zone speed enforcement systems is established for a
18 3-year period in the counties listed in subsection (m) of
19 Section 11-208.6 and municipalities located within those
20 counties. Under the pilot program, for each violation of
21 Section 11-605 or a similar provision of a local ordinance
22 recorded by an automated school zone speed enforcement system,
23 the unit of government having jurisdiction shall issue a
24 written notice of the violation to the registered owner of the
25 vehicle as the alleged violator. The notice shall be delivered

1 to the registered owner of the vehicle, by mail, within 30 days
2 after the Secretary of State notifies the unit of government of
3 the identity of the owner of the vehicle, but in no event later
4 than 90 days after the violation.

5 The notice shall include:

6 (1) the name and address of the registered owner of the
7 vehicle;

8 (2) the registration number of the motor vehicle
9 involved in the violation;

10 (3) the violation charged;

11 (4) the location where the violation occurred;

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

13 (6) a copy of the recorded images;

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

16 (8) a statement that recorded images are evidence of a
17 violation of this Section;

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

22 (10) a statement that the person may elect to proceed
23 by:

24 (A) paying the fine; or

25 (B) challenging the charge in court, by mail, or by
26 administrative hearing; and

1 (11) a statement on how the alleged violator may view a
2 copy of the violation.

3 (c) If a person charged with traffic violations as a result
4 of an automated school zone speed enforcement system does not
5 pay or successfully contest the civil penalties resulting from
6 the violations, the Secretary of State shall suspend the
7 driving privileges of the registered owner of the vehicle under
8 Section 6-306.5 for failing to pay any fine or penalty due and
9 owing as a result of 5 violations of the automated school zone
10 speed enforcement system.

11 (d) Based on inspection of recorded images produced by an
12 automated school zone speed enforcement system, a notice
13 alleging that the violation occurred shall be evidence of the
14 facts contained in the notice and admissible in any proceeding
15 alleging a violation under this Section.

16 (e) Recorded images made by an automated school zone speed
17 enforcement system are confidential and shall be made available
18 only to the alleged violator and governmental and law
19 enforcement agencies for purposes of adjudicating a violation
20 of this Section, for statistical purposes, or for other
21 governmental purposes. Any recorded image evidencing a
22 violation of this Section, however, may be admissible in any
23 proceeding resulting from the issuance of the citation.

24 (f) The court or hearing officer may consider the following
25 in the defense of a violation:

26 (1) that the motor vehicle or registration plates of

1 the motor vehicle were stolen before the violation occurred
2 and not under the control of or in the possession of the
3 owner at the time of the violation;

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

7 (3) any other evidence or issues provided by municipal
8 or county ordinance.

9 (g) To demonstrate that the motor vehicle or the
10 registration plates were stolen before the violation occurred
11 and were not under the control or possession of the owner at
12 the time of the violation, the owner must submit proof that a
13 report concerning the stolen motor vehicle or registration
14 plates was filed with a law enforcement agency in a timely
15 manner.

16 (h) School zones equipped with an automatic speed
17 enforcement system shall be posted with a sign visible to
18 approaching traffic stating that the speed is being monitored,
19 that citations will be issued, and the amount of the fine for
20 violation.

21 (i) If any part or parts of this Section are held by a
22 court of competent jurisdiction to be unconstitutional, the
23 unconstitutionality shall not affect the validity of the
24 remaining parts of this Section. The General Assembly hereby
25 declares that it would have passed the remaining parts of this
26 Section if it had known that the other part or parts of this

1 Section would be declared unconstitutional.

2 (j) A violation of this Section is punishable by a civil
3 fine of \$150.

4 (k) A violation for which a civil penalty is imposed under
5 this Section:

6 (1) is not a moving violation;

7 (2) may not be recorded by the administration on the
8 driving record of the owner of the vehicle; and

9 (3) may not be considered in the provision of motor
10 vehicle insurance coverage.

11 (l) Before a unit of government may issue citations under
12 this Section for violations of the automated school zone speed
13 enforcement system, only warning notices may be issued for 30
14 days after the installation of the automated school zone speed
15 enforcement device.

16 (625 ILCS 5/11-208.8 new)

17 Sec. 11-208.8. Pilot program; automated speed enforcement
18 systems.

19 (a) For the purposes of this Section, "automated speed
20 enforcement system" means a device installed on a State highway
21 selected by the Department of State Police under subsection (b)
22 with one or more motor vehicle sensors producing recorded
23 images of motor vehicles traveling at speeds in excess of
24 posted speed limits. The system shall be designed to obtain a
25 clear photograph of the vehicle's rear including the vehicle

1 registration plate. The photograph or other recorded image
2 shall also display the time, date and location of the
3 violation.

4 (b) A pilot program using automated school zone speed
5 enforcement systems is established in the counties listed in
6 subsection (m) of Section 11-208.6 and municipalities located
7 within those counties. The pilot program is limited to State
8 highways selected by the Department of State Police; however,
9 the pilot program shall be administered by the participating
10 counties or municipalities in which the violations occur. Under
11 the pilot program, for each violation of a provision of this
12 Code or a local ordinance recorded by an automated speed
13 enforcement system, the unit of government having jurisdiction
14 shall issue a written notice of the violation to the registered
15 owner of the vehicle as the alleged violator. The notice shall
16 be delivered to the registered owner of the vehicle, by mail,
17 within 30 days after the Secretary of State notifies the unit
18 of government of the identity of the owner of the vehicle, but
19 in no event later than 90 days after the violation.

20 The notice shall include:

21 (1) the name and address of the registered owner of the
22 vehicle;

23 (2) the registration number of the motor vehicle
24 involved in the violation;

25 (3) the violation charged;

26 (4) the location where the violation occurred;

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

2 (6) a copy of the recorded images;

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

5 (8) a statement that recorded images are evidence of a
6 violation of this Section;

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

11 (10) a statement that the person may elect to proceed
12 by:

13 (A) paying the fine; or

14 (B) challenging the charge in court, by mail, or by
15 administrative hearing; and

16 (11) a statement on how the alleged violator may view a
17 copy of the violation.

18 (c) If a person charged with a traffic violation, as a
19 result of an automated speed enforcement system, does not pay
20 or successfully contest the civil penalty resulting from that
21 violation, the Secretary of State shall suspend the driving
22 privileges of the registered owner of the vehicle under Section
23 6-306.5 of this Code for failing to pay any fine or penalty due
24 and owing as a result of 5 violations of the automated speed
25 enforcement system.

26 (d) Based on inspection of recorded images produced by an

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

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

13 (f) The court or hearing officer may consider the following
14 in the defense of a violation:

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

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

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

24 (g) 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

1 the time of the violation, the owner must submit proof that a
2 report concerning the stolen motor vehicle or registration
3 plates was filed with a law enforcement agency in a timely
4 manner.

5 (h) Roads equipped with an automatic speed enforcement
6 system shall be posted with a sign visible to approaching
7 traffic stating that the speed is being monitored, that
8 citations will be issued, and the amount of the fine for
9 violation.

10 (i) If any part or parts of this Section are held by a
11 court of competent jurisdiction to be unconstitutional, the
12 unconstitutionality shall not affect the validity of the
13 remaining parts of this Section. The General Assembly hereby
14 declares that it would have passed the remaining parts of this
15 Section if it had known that the other part or parts of this
16 Section would be declared unconstitutional.

17 (j) A violation of this Section is punishable by a civil
18 fine as follows:

19 (1) for a speed not exceeding 10 miles per hour over
20 the posted speed limit, a warning notice shall be sent to
21 the alleged violator;

22 (2) for a speed at least 11 miles per hour over the
23 posted speed limit and not exceeding 21 miles per hour over
24 the posted speed, \$50;

25 (3) for a speed at least 22 miles per hour over the
26 posted speed limit, \$100;

1 (k) A violation for which a civil penalty is imposed under
2 this Section:

3 (1) is not a moving violation;

4 (2) may not be recorded by the administration on the
5 driving record of the owner of the vehicle; and

6 (3) may not be considered in the provision of motor
7 vehicle insurance coverage.

8 (l) Before the unit of government may issue citations under
9 this Section for violations of the automated speed enforcement
10 system, only warning notices may be issued for 30 days after
11 the installation of the automated speed enforcement device."