



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0148

Introduced 1/30/2009, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that the Illinois Commerce Commission, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement of railroad crossing violations. Establishes requirements for the system. Provides that local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. Provides that local authorities and the Commission must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment. Deletes language pertaining to a pilot project to establish such a system. Provides for automated recording of vehicles that enter a railroad crossing against the signal or that obstruct traffic at a railroad crossing. Provides for the issuance of a notice of violation to the owner of the recorded vehicle. Establishes procedures for contesting the violation. Provides for civil adjudication of violations, in the same manner as automated red light violations. Provides that a civil fine of \$250 shall be imposed for a first violation. Provides that a civil fine of \$500 shall be imposed for a second or subsequent violation. Provides that the Secretary of State shall suspend the driving privileges of the registered owner of a vehicle that is involved in 5 of these violations for which the fine imposed has not been paid. Repeals the provision currently providing for the establishment of these systems. Makes other changes.

LRB096 05684 AJT 15750 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 1-105.2, 6-306.5, 11-208, 11-208.3, and 11-1201.1 as
6 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
16 subsection (c) of this Section, from any municipality stating
17 that the owner of a registered vehicle has: (1) failed to pay
18 any fine or penalty due and owing as a result of 10 or more
19 violations of a municipality's vehicular standing, parking, or
20 compliance regulations established by ordinance pursuant to
21 Section 11-208.3 of this Code, or (2) failed to pay any fine or
22 penalty due and owing as a result of 5 offenses for automated

1 traffic violations as defined in Section 11-208.6 or 11-1201.1,
2 the Secretary of State shall suspend the driving privileges of
3 such person in accordance with the procedures set forth in this
4 Section. The Secretary shall also suspend the driving
5 privileges of an owner of a registered vehicle upon receipt of
6 a certified report, as prescribed by subsection (f) of this
7 Section, from any municipality stating that such person has
8 failed to satisfy any fines or penalties imposed by final
9 judgments for 5 or more automated traffic law violations or 10
10 or more violations of local standing, parking, or compliance
11 regulations after exhaustion of judicial review procedures.

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

25 (c) The report of the appropriate municipal official
26 notifying the Secretary of State of unpaid fines or penalties

1 pursuant to this Section shall be certified and shall contain
2 the following:

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

12 (2) The name of the municipality making the report
13 pursuant to this Section.

14 (3) A statement that the municipality sent a notice of
15 impending drivers license suspension as prescribed by
16 ordinance enacted pursuant to Section 11-208.3, to the
17 person named in the report at the address recorded with the
18 Secretary of State or at the last address known to the
19 lessor of the cited vehicle at the time of lease or, if any
20 notice sent under Section 11-208.3 of this Code is returned
21 as undeliverable, at the last known address recorded in a
22 United States Post Office approved database; the date on
23 which such notice was sent; and the address to which such
24 notice was sent. In a municipality with a population of
25 1,000,000 or more, the report shall also include a
26 statement that the alleged violator's State vehicle

1 registration number and vehicle make, if specified on the
2 automated traffic law violation notice, are correct as they
3 appear on the citations.

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

15 (e) Any municipality making a certified report to the
16 Secretary of State pursuant to this Section shall also by
17 ordinance establish procedures for persons to challenge the
18 accuracy of the certified report. The ordinance shall also
19 state the grounds for such a challenge, which may be limited to
20 (1) the person not having been the owner or lessee of the
21 vehicle or vehicles receiving 10 or more standing, parking, or
22 compliance violation notices or 5 or more automated traffic law
23 violations on the date or dates such notices were issued; and
24 (2) the person having already paid the fine or penalty for the
25 10 or more standing, parking, or compliance violations or 5 or
26 more automated traffic law violations indicated on the

1 certified report.

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

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

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

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

24 (g) Any municipality, other than a municipality
25 establishing standing, parking, and compliance regulations
26 pursuant to Section 11-208.3 or automated traffic law

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

21 (h) An administrative hearing to contest an impending
22 suspension or a suspension made pursuant to this Section may be
23 had upon filing a written request with the Secretary of State.
24 The filing fee for this hearing shall be \$20, to be paid at the
25 time the request is made. A municipality which files a
26 certified report with the Secretary of State pursuant to this

1 Section shall reimburse the Secretary for all reasonable costs
2 incurred by the Secretary as a result of the filing of the
3 report, including but not limited to the costs of providing the
4 notice required pursuant to subsection (b) and the costs
5 incurred by the Secretary in any hearing conducted with respect
6 to the report pursuant to this subsection and any appeal from
7 such a hearing.

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

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

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

13 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

21 2. Regulating traffic by means of police officers or
22 traffic control signals;

23 3. Regulating or prohibiting processions or
24 assemblages on the highways;

25 4. Designating particular highways as one-way highways

1 and requiring that all vehicles thereon be moved in one
2 specific direction;

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

5 6. Designating any highway as a through highway, as
6 authorized in Section 11-302, and requiring that all
7 vehicles stop before entering or crossing the same or
8 designating any intersection as a stop intersection or a
9 yield right-of-way intersection and requiring all vehicles
10 to stop or yield the right-of-way at one or more entrances
11 to such intersections;

12 7. Restricting the use of highways as authorized in
13 Chapter 15;

14 8. Regulating the operation of bicycles and requiring
15 the registration and licensing of same, including the
16 requirement of a registration fee;

17 9. Regulating or prohibiting the turning of vehicles or
18 specified types of vehicles at intersections;

19 10. Altering the speed limits as authorized in Section
20 11-604;

21 11. Prohibiting U-turns;

22 12. Prohibiting pedestrian crossings at other than
23 designated and marked crosswalks or at intersections;

24 13. Prohibiting parking during snow removal operation;

25 14. Imposing fines in accordance with Section
26 11-1301.3 as penalties for use of any parking place

1 reserved for persons with disabilities, as defined by
2 Section 1-159.1, or disabled veterans by any person using a
3 motor vehicle not bearing registration plates specified in
4 Section 11-1301.1 or a special decal or device as defined
5 in Section 11-1301.2 as evidence that the vehicle is
6 operated by or for a person with disabilities or disabled
7 veteran;

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

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

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

16 (c) The provisions of this Code shall not prevent any
17 municipality having a population of 500,000 or more inhabitants
18 from prohibiting any person from driving or operating any motor
19 vehicle upon the roadways of such municipality with headlamps
20 on high beam or bright.

21 (d) The provisions of this Code shall not be deemed to
22 prevent local authorities within the reasonable exercise of
23 their police power from prohibiting, on private property, the
24 unauthorized use of parking spaces reserved for persons with
25 disabilities.

26 (e) No unit of local government, including a home rule

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

17 (f) A municipality or county designated in Section 11-208.6
18 may enact an ordinance providing for an automated traffic law
19 enforcement system to enforce violations of this Code or a
20 similar provision of a local ordinance and imposing liability
21 on a registered owner of a vehicle used in such a violation.

22 (g) A municipality or county, as provided in Section
23 11-1201.1, may enact an ordinance providing for an automated
24 traffic law enforcement system to enforce violations of Section
25 11-1201 of this Code or a similar provision of a local
26 ordinance and imposing liability on a registered owner of a

1 vehicle used in such a violation.

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

3 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

7 (a) Any municipality may provide by ordinance for a system
8 of administrative adjudication of vehicular standing and
9 parking violations and vehicle compliance violations as
10 defined in this subsection and automated traffic law violations
11 as defined in Section 11-208.6 or 11-1201.1. The administrative
12 system shall have as its purpose the fair and efficient
13 enforcement of municipal regulations through the
14 administrative adjudication of automated traffic law
15 violations and violations of municipal ordinances regulating
16 the standing and parking of vehicles, the condition and use of
17 vehicle equipment, and the display of municipal wheel tax
18 licenses within the municipality's borders. The administrative
19 system shall only have authority to adjudicate civil offenses
20 carrying fines not in excess of \$250 that occur after the
21 effective date of the ordinance adopting such a system under
22 this Section. For purposes of this Section, "compliance
23 violation" means a violation of a municipal regulation
24 governing the condition or use of equipment on a vehicle or
25 governing the display of a municipal wheel tax license.

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

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

12 (2) A parking, standing, compliance, or automated
13 traffic law violation notice that shall specify the date,
14 time, and place of violation of a parking, standing,
15 compliance, or automated traffic law regulation; the
16 particular regulation violated; the fine and any penalty
17 that may be assessed for late payment, when so provided by
18 ordinance; the vehicle make and state registration number;
19 and the identification number of the person issuing the
20 notice. With regard to automated traffic law violations,
21 vehicle make shall be specified on the automated traffic
22 law violation notice if the make is available and readily
23 discernible. With regard to municipalities with a
24 population of 1 million or more, it shall be grounds for
25 dismissal of a parking violation if the state registration
26 number or vehicle make specified is incorrect. The

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

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

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

24 (4) An opportunity for a hearing for the registered
25 owner of the vehicle cited in the parking, standing,
26 compliance, or automated traffic law violation notice in

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

16 (5) Service of additional notices, sent by first class
17 United States mail, postage prepaid, to the address of the
18 registered owner of the cited vehicle as recorded with the
19 Secretary of State or, if any notice to that address is
20 returned as undeliverable, to the last known address
21 recorded in a United States Post Office approved database,
22 or, under Section 11-1306 of this Code, to the lessee of
23 the cited vehicle at the last address known to the lessor
24 of the cited vehicle at the time of lease or, if any notice
25 to that address is returned as undeliverable, to the last
26 known address recorded in a United States Post Office

1 approved database. The service shall be deemed complete as
2 of the date of deposit in the United States mail. The
3 notices shall be in the following sequence and shall
4 include but not be limited to the information specified
5 herein:

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

1 owing the municipality.

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

21 (6) A Notice of impending drivers license suspension.
22 This notice shall be sent to the person liable for any fine
23 or penalty that remains due and owing on 10 or more parking
24 violations or 5 or more unpaid automated traffic law
25 violations. The notice shall state that failure to pay the
26 fine or penalty owing within 45 days of the notice's date

1 will result in the municipality notifying the Secretary of
2 State that the person is eligible for initiation of
3 suspension proceedings under Section 6-306.5 of this Code.
4 The notice shall also state that the person may obtain a
5 photostatic copy of an original ticket imposing a fine or
6 penalty by sending a self addressed, stamped envelope to
7 the municipality along with a request for the photostatic
8 copy. The notice of impending drivers license suspension
9 shall be sent by first class United States mail, postage
10 prepaid, to the address recorded with the Secretary of
11 State or, if any notice to that address is returned as
12 undeliverable, to the last known address recorded in a
13 United States Post Office approved database.

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

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

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

25 (10) A schedule of civil fines for violations of
26 vehicular standing, parking, compliance, or automated

1 traffic law regulations enacted by ordinance pursuant to
2 this Section, and a schedule of penalties for late payment
3 of the fines, provided, however, that the total amount of
4 the fine and penalty for any one violation shall not exceed
5 \$250, except as provided in subsection (c) of Section
6 11-1301.3 of this Code.

7 (11) Other provisions as are necessary and proper to
8 carry into effect the powers granted and purposes stated in
9 this Section.

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

20 (1) Criteria for the designation of vehicles eligible
21 for immobilization. A vehicle shall be eligible for
22 immobilization when the registered owner of the vehicle has
23 accumulated the number of unpaid final determinations of
24 parking, standing, compliance, or automated traffic law
25 violation liability as determined by ordinance.

26 (2) A notice of impending vehicle immobilization and a

1 right to a hearing to challenge the validity of the notice
2 by disproving liability for the unpaid final
3 determinations of parking, standing, compliance, or
4 automated traffic law violation liability listed on the
5 notice.

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

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

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

23 (e) Any fine, penalty, or part of any fine or any penalty
24 remaining unpaid after the exhaustion of, or the failure to
25 exhaust, administrative remedies created under this Section
26 and the conclusion of any judicial review procedures shall be a

1 debt due and owing the municipality and, as such, may be
2 collected in accordance with applicable law. Payment in full of
3 any fine or penalty resulting from a standing, parking,
4 compliance, or automated traffic law violation shall
5 constitute a final disposition of that violation.

6 (f) After the expiration of the period within which
7 judicial review may be sought for a final determination of
8 parking, standing, compliance, or automated traffic law
9 violation, the municipality may commence a proceeding in the
10 Circuit Court for purposes of obtaining a judgment on the final
11 determination of violation. Nothing in this Section shall
12 prevent a municipality from consolidating multiple final
13 determinations of parking, standing, compliance, or automated
14 traffic law violations against a person in a proceeding. Upon
15 commencement of the action, the municipality shall file a
16 certified copy or record of the final determination of parking,
17 standing, compliance, or automated traffic law violation,
18 which shall be accompanied by a certification that recites
19 facts sufficient to show that the final determination of
20 violation was issued in accordance with this Section and the
21 applicable municipal ordinance. Service of the summons and a
22 copy of the petition may be by any method provided by Section
23 2-203 of the Code of Civil Procedure or by certified mail,
24 return receipt requested, provided that the total amount of
25 fines and penalties for final determinations of parking,
26 standing, compliance, or automated traffic law violations does

1 not exceed \$2500. If the court is satisfied that the final
2 determination of parking, standing, compliance, or automated
3 traffic law violation was entered in accordance with the
4 requirements of this Section and the applicable municipal
5 ordinance, and that the registered owner or the lessee, as the
6 case may be, had an opportunity for an administrative hearing
7 and for judicial review as provided in this Section, the court
8 shall render judgment in favor of the municipality and against
9 the registered owner or the lessee for the amount indicated in
10 the final determination of parking, standing, compliance, or
11 automated traffic law violation, plus costs. The judgment shall
12 have the same effect and may be enforced in the same manner as
13 other judgments for the recovery of money.

14 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
15 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

16 (625 ILCS 5/11-1201.1)

17 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
18 System ~~Pilot Project~~.

19 (a) For the purposes of this Section, an automated railroad
20 grade crossing enforcement system is a system in a municipality
21 or county operated by a governmental agency that produces a
22 recorded image of a motor vehicle's violation of a provision of
23 this Code or local ordinance and is designed to obtain a clear
24 recorded image of the vehicle and vehicle's license plate. The
25 recorded image must also display the time, date, and location

1 of the violation.

2 As used in this Section, "recorded images" means images
3 recorded by an automated railroad grade crossing enforcement
4 system on:

5 (1) 2 or more photographs;

6 (2) 2 or more microphotographs;

7 (3) 2 or more electronic images; or

8 (4) a video recording showing the motor vehicle and, on

9 at least one image or portion of the recording, clearly

10 identifying the registration plate number of the motor

11 vehicle. operated by a law enforcement agency that records

12 a driver's response to automatic, electrical or mechanical

13 signal devices and crossing gates. The system shall be

14 designed to obtain a clear photograph or other recorded

15 image of the vehicle, vehicle operator and the vehicle

16 registration plate of a vehicle in violation of Section

17 11 1201. The photograph or other recorded image shall also

18 display the time, date and location of the violation.

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

20 with a local law enforcement agency, establish in any county or

21 municipality an automated railroad grade crossing enforcement

22 system at any railroad grade crossing designated by local

23 authorities. Local authorities desiring the establishment of

24 an automated railroad crossing enforcement system must

25 initiate the process by enacting a local ordinance requesting

26 the creation of such a system. After the ordinance has been

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

19 (b-1) (Blank.) ~~Commencing on July 20, 2001 (the effective~~
20 ~~date of Public Act 92-98), the Illinois Commerce Commission and~~
21 ~~the Commuter Rail Board may, in cooperation with the local law~~
22 ~~enforcement agency, establish in a county with a population of~~
23 ~~between 750,000 and 1,000,000 a 2 year pilot program using an~~
24 ~~automated railroad grade crossing enforcement system. This~~
25 ~~pilot program may be established at a railroad grade crossing~~
26 ~~designated by local authorities. No State moneys may be~~

1 ~~expended on the automated railroad grade crossing enforcement~~
2 ~~system established under this pilot program.~~

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

10 The notice shall include:

11 (1) the name and address of the registered owner of the
12 vehicle;

13 (2) the registration number of the motor vehicle
14 involved in the violation;

15 (3) the violation charged;

16 (4) the location where the violation occurred;

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

18 (6) a copy of the recorded images;

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

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

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

1 (10) a statement that the person may elect to proceed

2 by:

3 (A) paying the fine; or

4 (B) challenging the charge in court, by mail, or by
5 administrative hearing. For each violation of Section
6 ~~11 1201 recorded by an automatic railroad grade~~
7 ~~crossing system, the local law enforcement agency~~
8 ~~having jurisdiction shall issue a written Uniform~~
9 ~~Traffic Citation of the violation to the registered~~
10 ~~owner of the vehicle as the alleged violator. The~~
11 ~~Uniform Traffic Citation shall be delivered to the~~
12 ~~registered owner of the vehicle, by mail, within 30~~
13 ~~days of the violation. The Uniform Traffic Citation~~
14 ~~shall include the name and address of vehicle owner,~~
15 ~~the vehicle registration number, the offense charged,~~
16 ~~the time, date, and location of the violation, the~~
17 ~~first available court date and that the basis of the~~
18 ~~citation is the photograph or other recorded image from~~
19 ~~the automated railroad grade crossing enforcement~~
20 ~~system.~~

21 (d) If a person charged with a traffic violation, as a
22 result of an automated railroad grade crossing enforcement
23 system, does not pay or successfully contest the civil penalty
24 resulting from that violation, the Secretary of State shall
25 suspend the driving privileges of the registered owner of the
26 vehicle under Section 6-306.5 of this Code for failing to pay

1 any fine or penalty due and owing as a result of 5 violations
2 of the automated railroad grade crossing enforcement system.

3 ~~The Uniform Traffic Citation issued to the registered owner of~~
4 ~~the vehicle shall be accompanied by a written notice, the~~
5 ~~contents of which is set forth in subsection (d-1) of this~~
6 ~~Section, explaining how the registered owner of the vehicle can~~
7 ~~elect to proceed by either paying the fine or challenging the~~
8 ~~issuance of the Uniform Traffic Citation.~~

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

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

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

16 ~~2. Challenging the issuance of the Uniform Traffic~~
17 ~~Citation in court; or~~

18 ~~3. If you were not the operator of the vehicle at the~~
19 ~~time of the alleged offense, notifying in writing the local~~
20 ~~law enforcement agency that issued the Uniform Traffic~~
21 ~~Citation of the number of the Uniform Traffic Citation~~
22 ~~received and the name and address of the person operating~~
23 ~~the vehicle at the time of the alleged offense. If you fail~~
24 ~~to so notify in writing the local law enforcement agency of~~
25 ~~the name and address of the operator of the vehicle at the~~
26 ~~time of the alleged offense, you may be presumed to have~~

1 ~~been the operator of the vehicle at the time of the alleged~~
2 ~~offense."~~

3 (d-2) (Blank.) ~~If the registered owner of the vehicle was~~
4 ~~not the operator of the vehicle at the time of the alleged~~
5 ~~offense, and if the registered owner notifies the local law~~
6 ~~enforcement agency having jurisdiction of the name and address~~
7 ~~of the operator of the vehicle at the time of the alleged~~
8 ~~offense, the local law enforcement agency having jurisdiction~~
9 ~~shall then issue a written Uniform Traffic Citation to the~~
10 ~~person alleged by the registered owner to have been the~~
11 ~~operator of the vehicle at the time of the alleged offense. If~~
12 ~~the registered owner fails to notify in writing 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 registered owner may be presumed to have been the~~
16 ~~operator of the vehicle at the time of the alleged offense.~~

17 (e) Based on inspection of recorded images produced by an
18 automated railroad grade crossing enforcement system, a notice
19 alleging that the violation occurred shall be evidence of the
20 facts contained in the notice and admissible in any proceeding
21 alleging a violation under this Section. Evidence.

22 ~~(i) A certificate alleging that a violation of Section~~
23 ~~11-1201 occurred, sworn to or affirmed by a duly authorized~~
24 ~~agency, based on inspection of recorded images produced by~~
25 ~~an automated railroad crossing enforcement system are~~
26 ~~evidence of the facts contained in the certificate and are~~

1 ~~admissible in any proceeding alleging a violation under~~
2 ~~this Section.~~

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

22 (e-1) Recorded images made by an automated railroad grade
23 crossing enforcement system are confidential and shall be made
24 available only to the alleged violator and governmental and law
25 enforcement agencies for purposes of adjudicating a violation
26 of this Section, for statistical purposes, or for other

1 governmental purposes. Any recorded image evidencing a
2 violation of this Section, however, may be admissible in any
3 proceeding resulting from the issuance of the citation.

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

6 (1) that the motor vehicle or registration plates of
7 the motor vehicle were stolen before the violation occurred
8 and not under the control of or in the possession of the
9 owner at the time of the violation;

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

13 (3) any other evidence or issues provided by municipal
14 or county ordinance.

15 (e-3) To demonstrate that the motor vehicle or the
16 registration plates were stolen before the violation occurred
17 and were not under the control or possession of the owner at
18 the time of the violation, the owner must submit proof that a
19 report concerning the stolen motor vehicle or registration
20 plates was filed with a law enforcement agency in a timely
21 manner.

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

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

15 (h) (Blank.) ~~The Illinois Commerce Commission shall issue a~~
16 ~~report to the General Assembly at the conclusion of the 5 year~~
17 ~~pilot program established under subsection (b) on the~~
18 ~~effectiveness of the automatic railroad grade crossing~~
19 ~~enforcement system.~~

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

1 (j) Penalty. ~~(i) A violation of this Section is a petty~~
2 ~~offense for which a civil fine of \$250 shall be imposed for a~~
3 ~~first violation of this Section, and a civil fine of \$500 shall~~
4 ~~be imposed for a second or subsequent violation of this~~
5 ~~Section. The court may impose 25 hours of community service in~~
6 ~~place of the \$250 fine for the first violation.~~

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

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

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

12 Section 10. The Illinois Vehicle Code is amended by
13 repealing Section 11-1201.5.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/1-105.2

4 625 ILCS 5/6-306.5 from Ch. 95 1/2, par. 6-306.5

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

6 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3

7 625 ILCS 5/11-1201.1

8 625 ILCS 5/11-1201.5 rep.