



Sen. Michael Noland

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LRB096 08742 AJT 22844 a

1 AMENDMENT TO SENATE BILL 1950

2 AMENDMENT NO. _____. Amend Senate Bill 1950 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Police Act is amended by changing
5 Section 1 as follows:

6 (20 ILCS 2610/1) (from Ch. 121, par. 307.1)

7 Sec. 1. The Department of State Police, hereinafter called
8 the Department, shall maintain divisions in accordance with
9 Section 2605-25 of the Department of State Police Law (20 ILCS
10 2605/2605-25). The Department, by the Director, shall appoint
11 State policemen, also known as State Police Officers, as
12 provided in this Act. The Department shall maintain a minimum
13 of 2,600 State Police Officers after the effective date of this
14 amendatory Act of the 96th General Assembly.

15 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 10. The Illinois Vehicle Code is amended by
2 changing Sections 6-306.5, 11-208, 11-208.3, 11-208.6, and
3 11-612 and by adding Sections 1-105.1 and 11-208.7 as follows:

4 (625 ILCS 5/1-105.1 new)

5 Sec. 1-105.1. Automated speed enforcement system
6 violation. A violation described in Section 11-208.7 of this
7 Code.

8 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

12 (a) Upon receipt of a certified report, as prescribed by
13 subsection (c) of this Section, from any municipality stating
14 that the owner of a registered vehicle has: (1) failed to pay
15 any fine or penalty due and owing as a result of 10 or more
16 violations of a municipality's vehicular standing, parking, or
17 compliance regulations established by ordinance pursuant to
18 Section 11-208.3 of this Code, or (2) failed to pay any fine or
19 penalty due and owing as a result of 5 offenses for automated
20 traffic violations as defined in Section 11-208.6 or automated
21 speed enforcement system violations as defined in Section
22 11-208.7 or any combination thereof, the Secretary of State
23 shall suspend the driving privileges of such person in
24 accordance with the procedures set forth in this Section. The

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

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

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

26 (1) The name, last known address as recorded with the

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

9 (2) The name of the municipality making the report
10 pursuant to this Section.

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

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

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

25 (f) Any municipality, other than a municipality
26 establishing vehicular standing, parking, and compliance

1 regulations pursuant to Section 11-208.3 or automated traffic
2 law regulations under Section 11-208.6 or automated speed
3 enforcement system violations under Section 11-208.7, may also
4 cause a suspension of a person's drivers license pursuant to
5 this Section. Such municipality may invoke this sanction by
6 making a certified report to the Secretary of State upon a
7 person's failure to satisfy any fine or penalty imposed by
8 final judgment for 10 or more violations of local standing,
9 parking, or compliance regulations or 5 or more automated speed
10 or traffic law violations after exhaustion of judicial review
11 procedures, but only if:

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

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

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

22 (g) Any municipality, other than a municipality
23 establishing standing, parking, and compliance regulations
24 pursuant to Section 11-208.3 or automated traffic law
25 regulations under Section 11-208.6 or automated speed
26 regulations under Section 11-208.7, may provide by ordinance

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

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

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

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

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

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

12 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

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

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

24 4. Designating particular highways as one-way highways
25 and requiring that all vehicles thereon be moved in one

1 specific direction;

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

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

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

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

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

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

20 11. Prohibiting U-turns;

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

23 13. Prohibiting parking during snow removal operation;

24 14. Imposing fines in accordance with Section
25 11-1301.3 as penalties for use of any parking place
26 reserved for persons with disabilities, as defined by

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

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

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

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

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

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

25 (e) No unit of local government, including a home rule
26 unit, may enact or enforce an ordinance that applies only to

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

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

21 (g) A municipality or county may enact an ordinance
22 providing for an automated speed enforcement system under
23 Section 11-208.7 of this Code to enforce violations of Section
24 11-605 or a similar provision of a local ordinance and imposing
25 liability on a registered owner of a vehicle used in such a
26 violation.

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

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

3 Sec. 11-208.3. Administrative adjudication of violations
4 of traffic regulations concerning the standing, parking, or
5 condition of vehicles and automated speed or traffic law
6 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 and automated speed enforcement
12 system violations as defined in Section 11-208.7. The
13 administrative system shall have as its purpose the fair and
14 efficient enforcement of municipal regulations through the
15 administrative adjudication of automated speed or traffic law
16 violations and violations of municipal ordinances regulating
17 the standing and parking of vehicles, the condition and use of
18 vehicle equipment, and the display of municipal wheel tax
19 licenses within the municipality's borders. The administrative
20 system shall only have authority to adjudicate civil offenses
21 carrying fines not in excess of \$250 that occur after the
22 effective date of the ordinance adopting such a system under
23 this Section. For purposes of this Section, "compliance
24 violation" means a violation of a municipal regulation
25 governing the condition or use of equipment on a vehicle or

1 governing the display of a municipal wheel tax license.

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

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

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

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

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

1 compliance administrator attesting to the correctness of
2 all notices produced by the device while it was under his
3 or her control. In the case of an automated traffic law
4 violation, the ordinance shall require a determination by a
5 technician employed or contracted by the municipality or
6 county that, based on inspection of recorded images, the
7 motor vehicle was being operated in violation of Section
8 11-208.6 or a local ordinance. If the technician determines
9 that the vehicle entered the intersection as part of a
10 funeral procession or in order to yield the right-of-way to
11 an emergency vehicle, a citation shall not be issued. In
12 the case of a automated speed enforcement system violation,
13 the ordinance shall require a determination by a technician
14 employed or contracted by the municipality or county or
15 entity having a contract with the municipality or county
16 that, based on inspection of recorded images, the motor
17 vehicle was being operated in violation of Section 11-605
18 or a similar local ordinance. The original or a facsimile
19 of the violation notice or, in the case of a notice
20 produced by a computerized device, a printed record
21 generated by the device showing the facts entered on the
22 notice, shall be retained by the traffic compliance
23 administrator, and shall be a record kept in the ordinary
24 course of business. A parking, standing, compliance, or
25 automated speed or traffic law violation notice issued,
26 signed and served in accordance with this Section, a copy

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

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

25 (5) Service of additional notices, sent by first class
26 United States mail, postage prepaid, to the address of the

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

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

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

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

1 for 10 or more parking violations under Section 6-306.5
2 or 5 or more automated traffic law violations under
3 Section 11-208.6 or 5 or more automated speed
4 enforcement system violations under Section 11-208.7.

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

24 (7) Final determinations of violation liability. A
25 final determination of violation liability shall occur
26 following failure to pay the fine or penalty after a

1 hearing officer's determination of violation liability and
2 the exhaustion of or failure to exhaust any administrative
3 review procedures provided by ordinance. Where a person
4 fails to appear at a hearing to contest the alleged
5 violation in the time and manner specified in a prior
6 mailed notice, the hearing officer's determination of
7 violation liability shall become final: (A) upon denial of
8 a timely petition to set aside that determination, or (B)
9 upon expiration of the period for filing the petition
10 without a filing having been made.

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

1 parking, standing, compliance, or automated speed or
2 traffic law violation liability has been set aside upon a
3 showing of just cause, the registered owner shall be
4 provided with a hearing on the merits for that violation.

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

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

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

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

1 in a manner to prevent operation of the vehicle. Any ordinance
2 establishing a program of vehicle immobilization under this
3 Section shall provide:

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

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

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

25 (4) A post immobilization and post-towing notice
26 advising the registered owner of the vehicle of the right

1 to a hearing to challenge the validity of the impoundment.

2 (d) Judicial review of final determinations of parking,
3 standing, compliance, or automated speed or traffic law
4 violations and final administrative decisions issued after
5 hearings regarding vehicle immobilization and impoundment made
6 under this Section shall be subject to the provisions of the
7 Administrative Review Law.

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

17 (f) After the expiration of the period within which
18 judicial review may be sought for a final determination of
19 parking, standing, compliance, or automated speed or traffic
20 law violation, the municipality may commence a proceeding in
21 the Circuit Court for purposes of obtaining a judgment on the
22 final determination of violation. Nothing in this Section shall
23 prevent a municipality from consolidating multiple final
24 determinations of parking, standing, compliance, or automated
25 speed or traffic law violations against a person in a
26 proceeding. Upon commencement of the action, the municipality

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

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

1 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

2 (625 ILCS 5/11-208.6)

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

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

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

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

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

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

1 vehicle.

2 (c) A county or municipality, including a home rule county
3 or municipality, may not use an automated traffic law
4 enforcement system to provide recorded images of a motor
5 vehicle for the purpose of recording its speed. The regulation
6 of the use of automated traffic law enforcement systems to
7 record vehicle speeds is an exclusive power and function of the
8 State. This subsection (c) is a denial and limitation of home
9 rule powers and functions under subsection (h) of Section 6 of
10 Article VII of the Illinois Constitution. Nothing in this
11 subsection (c) limits the authority of a county or municipality
12 to implement and use an automated speed enforcement system
13 under Section 11-208.7 of this Code.

14 (d) For each violation of a provision of this Code or a
15 local ordinance recorded by an automatic traffic law
16 enforcement system, the county or municipality having
17 jurisdiction shall issue a written notice of the violation to
18 the registered owner of the vehicle as the alleged violator.
19 The notice shall be delivered to the registered owner of the
20 vehicle, by mail, within 30 days after the Secretary of State
21 notifies the municipality or county of the identity of the
22 owner of the vehicle, but in no event later than 90 days after
23 the violation.

24 The notice shall include:

25 (1) the name and address of the registered owner of the
26 vehicle;

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

3 (3) the violation charged;

4 (4) the location where the violation occurred;

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

6 (6) a copy of the recorded images;

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

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

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

15 (10) a statement that the person may elect to proceed
16 by:

17 (A) paying the fine; or

18 (B) challenging the charge in court, by mail, or by
19 administrative hearing.

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

1 automated traffic law enforcement system.

2 (f) Based on inspection of recorded images produced by an
3 automated traffic law enforcement system, a notice alleging
4 that the violation occurred shall be evidence of the facts
5 contained in the notice and admissible in any proceeding
6 alleging a violation under this Section.

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

15 (h) The court or hearing officer may consider in defense of
16 a violation:

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

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

25 (3) any other evidence or issues provided by municipal
26 or county ordinance.

1 (i) To demonstrate that the motor vehicle or the
2 registration plates were stolen before the violation occurred
3 and were not under the control or possession of the owner at
4 the time of the violation, the owner must submit proof that a
5 report concerning the stolen motor vehicle or registration
6 plates was filed with a law enforcement agency in a timely
7 manner.

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

19 (k) An intersection equipped with an automated traffic law
20 enforcement system must be posted with a sign visible to
21 approaching traffic indicating that the intersection is being
22 monitored by an automated traffic law enforcement system.

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

1 system.

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

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

6 (625 ILCS 5/11-208.7 new)

7 Sec. 11-208.7. Automated speed enforcement system.

8 (a) As used in this Section:

9 "Automated speed enforcement system" means a technology
10 that:

11 (1) is designed to record the speed of a vehicle and
12 obtain quality recorded images of a motor vehicle and the
13 motor vehicle registration plate while a driver is
14 violating Section 11-605 of this Code or a similar local
15 ordinance in high-risk locations, including, but not
16 limited to, school speed zones, interstate highways, and
17 areas with a high volume of motor vehicle accidents; a law
18 enforcement officer is not required to be present or to
19 witness the violation;

20 (2) averages speed over a set distance rather than
21 capturing a driver's speed at a moment in time;

22 (3) has a demonstrated capability of producing quality
23 pictures of license plates in varying weather conditions
24 and correctly recognizes more than 90% of license plates,
25 based on independent study; and

1 (4) is designed for multi-functional capabilities
2 beyond automated speed enforcement, including (i) locating
3 and apprehending criminals, (ii) locating and apprehending
4 individuals that are the subject of Amber Alerts, and (iii)
5 recovery of stolen vehicles.

6 "Department" has the meaning ascribed to it by Section
7 1-115.05 of this Code.

8 "Owner" means the registered owner of a motor vehicle or a
9 lessee of a motor vehicle under a lease of 6 months or more.

10 "Recorded images" means images recorded by an automated
11 speed enforcement system displaying the time, date, and
12 location of the violation and showing the motor vehicle and
13 clearly identifying the driver's registration plate of the
14 motor vehicle on:

15 (1) one or more photographs;

16 (2) one or more microphotographs;

17 (3) one or more electronic images; or

18 (4) a video recording.

19 (b) The Department:

20 (1) may enact rules to place automated speed
21 enforcement systems on interstate highways in areas
22 determined to be high-risk locations due to traffic
23 congestion or a high volume of motor vehicle accidents or
24 other similar criteria;

25 (2) must enact rules to place automated speed
26 enforcement systems in high-risk locations of a county or

1 municipality upon a formal request by the county or
2 municipality and approval by the Department pursuant to
3 subsection (c) of this Section;

4 (3) may enact rules to provide for a system of
5 enforcement and administrative adjudication of violation
6 notices issued pursuant to this Section where the violation
7 occurs on an interstate highway and a civil penalty is
8 assessed;

9 (4) may enter into contracts with private vendors to
10 establish a system of providing uniform automated speed
11 enforcement systems under this Section;

12 (5) must hire a firm that is independent of the private
13 vendor in subdivision (4) of this subsection (b) and the
14 independent firm in subdivision (6) of this subsection (b)
15 to regularly test the accuracy of automated speed
16 enforcement systems under this Section;

17 (6) must hire a firm that is independent of the private
18 vendor in subdivision (4) of this subsection (b) and the
19 independent firm in subdivision (5) of this subsection (b)
20 to conduct a formal evaluation of automated speed
21 enforcement systems under this Section and the impact of
22 those systems on high-risk locations. The evaluation must
23 occur within 2 years of the first violation notice issued
24 by a automated speed enforcement system;

25 (7) may enact rules to determine the amounts of each
26 civil penalty assessed for a violation of this Section or a

1 similar local ordinance issued by a county or municipality
2 that will be distributed to the public entities under
3 subsection (1) of this Section. The rules must include, at
4 a minimum, that amount of funds collected from each
5 violation of this Section or a similar local ordinance that
6 will be disbursed from the Automated Speed Enforcement
7 Fund:

8 (A) to the Department for the purposes in
9 subsection (1) of this Section;

10 (B) if a county or municipality issued the
11 violation notice, to the county or municipality that
12 issued the notice for the purposes in subsection (1);

13 (C) if the violation occurred in a school speed
14 zone, to the school district where the violation
15 occurred for the purposes in subsection (1); and

16 (D) to the State for the purposes in subsection
17 (1).

18 (8) must conduct a public information campaign
19 regarding automated speed enforcement systems before the
20 issuance of violation notices pursuant to this Section. The
21 public information must continue throughout the life of the
22 automated speed enforcement system.

23 (c) A county or municipality may enact ordinances to
24 request that the Department place an automated speed
25 enforcement system in areas determined to be high-risk
26 locations due to pedestrian or traffic congestion or a high

1 volume of motor vehicle accidents or other similar criteria. A
2 formal request to place an automated speed enforcement system
3 in a high-risk location pursuant to this subsection (c) is
4 subject to the final approval of the Department. The county or
5 municipality may enact ordinances to provide for enforcement of
6 automated speed enforcement system violations and provide for a
7 system of administrative adjudication of violation notices
8 where a civil penalty is assessed for a violation pursuant to
9 Section 11-208.3 of this Code.

10 (d) For each violation of a provision of Section 11-605 of
11 this Code or a similar local ordinance recorded by an automated
12 speed enforcement system, the Department or the county or
13 municipality having jurisdiction must issue a written notice of
14 the violation to the owner of the vehicle. The notice must be
15 delivered to the owner of the vehicle, by mail, within 7 days
16 after the municipality or county is notified of the identity of
17 the owner of the vehicle, but in no event later than 120 days
18 after the violation.

19 The notice must include:

20 (1) the name and address of the owner of the vehicle;

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

23 (3) the violation charged;

24 (4) the location where the violation occurred;

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

26 (6) a copy of the recorded images, including a photo of

1 the driver's license plate;

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

4 (8) a signed statement by a technician employed by the
5 Department or county or municipality having jurisdiction
6 that, based on inspection of recorded images, the motor
7 vehicle was being operated in violation of Section 11-605
8 of this Code or a similar local ordinance;

9 (9) a signed statement by a technician employed by the
10 Department that the automated speed enforcement system
11 recording the person was tested and correctly calibrated on
12 the date of the violation;

13 (10) a statement that recorded images are evidence of
14 an automated speed enforcement system violation;

15 (11) information advising the person alleged to have
16 violated the automated speed enforcement system:

17 (A) of the manner, time, and place that the
18 violation may be contested; and

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

24 (12) a statement that the person may elect to proceed
25 by:

26 (A) paying the citation or civil penalty;

1 (B) challenging the charge by trial or by
2 administrative hearing; or

3 (C) identifying the person operating the motor
4 vehicle at the time of the violation, including the
5 person's name and current address.

6 (e) If the person named in the violation notice is the
7 owner of a commercial motor vehicle, as defined in Section
8 6-500 of this Code, named in the violation notice, the person
9 may demonstrate that the person did not violate this Section or
10 similar local ordinance by mailing a certified letter
11 containing an affidavit that (i) swears that the person named
12 in the violation notice was not operating the commercial motor
13 vehicle at the time of the violation and (ii) provides the
14 name, current address, and driver's license number of the
15 person who was operating the commercial motor vehicle at the
16 time of the violation.

17 (f) In any hearing for which a civil penalty is assessed
18 for a violation of this Section or a similar local ordinance,
19 the rules of evidence must include:

20 (1) based on inspection of recorded images produced by
21 an automated speed enforcement system, a notice alleging
22 that the violation occurred is evidence of the facts
23 contained in the notice and admissible in any proceeding
24 alleging a violation under this Section;

25 (2) the standard of proof is by the preponderance of
26 the evidence; and

1 (3) the court or hearing officer may consider in
2 defense of a violation:

3 (A) that the motor vehicle or registration plates
4 of the motor vehicle were stolen before the violation
5 occurred and not under the control of or in the
6 possession of the owner at the time of the violation;
7 to demonstrate that the motor vehicle or the
8 registration plates were stolen before the violation
9 occurred and were not under the control or possession
10 of the owner at the time of the violation, the owner
11 must submit proof that a report concerning the stolen
12 motor vehicle or registration plates was filed with a
13 law enforcement agency in a timely manner;

14 (B) that evidence satisfactory to the court or
15 hearing officer that the person named in the violation
16 notice was not operating the vehicle at the time of the
17 violation; if the court or hearing officer finds that
18 the person named in the violation notice was not
19 operating the vehicle at the time of the violation, the
20 owner is not liable; if the court or hearing officer
21 has evidence that another identified person was
22 driving the vehicle at the time of the violation, the
23 court or hearing officer must provide the Department or
24 unit of local government that evidence and the
25 Department or unit of local government may issue a
26 notice violation to the identified person pursuant to

1 this Section; or

2 (C) any other evidence the court or hearing officer
3 deems pertinent to the hearing.

4 (g) Recorded images made by an automated speed enforcement
5 system are confidential and shall be made available only to the
6 alleged violator and governmental and law enforcement agencies
7 for purposes of adjudicating a violation of this Section, for
8 statistical purposes, or for other governmental purposes
9 including, but not limited to, evaluation of an automated speed
10 enforcement system under subdivision (6) of subsection (b) of
11 this Section. Any recorded image evidencing a violation,
12 however, may be admissible in any hearing resulting from the
13 issuance of the citation.

14 (h) Unless the driver of the motor vehicle was cited by a
15 police officer at the time of the violation, the motor vehicle
16 owner is subject to a civil penalty. A violation for which a
17 civil penalty is imposed under this Section is not a violation
18 of a traffic regulation governing the movement of vehicles and
19 may not be recorded on the driving record of the owner of the
20 vehicle. Notwithstanding any other provision of law, the civil
21 penalty for a violation under this Section is as follows:

22 (1) For violations issued by the Department:

23 (A) \$75 for traveling 1 mph through 20 mph over the
24 posted speed limit on an interstate highway;

25 (B) \$95 for traveling 21 mph through 30 mph over
26 the posted speed limit on an interstate highway; and

1 (C) \$105 for traveling 31 mph or more over the
2 posted speed limit on an interstate highway.

3 (E) 60% of civil fines collected for violations
4 issued by the Department shall be disbursed to the
5 Department of State Police; 40% of civil fines
6 collected for violations issued by the Department
7 shall be disbursed to the Department.

8 (2) For violations issued by a county of municipality,
9 the civil penalty for violation of this Section or a
10 similar local ordinance is in the discretion of the county
11 or municipality and must be enacted by local ordinance.

12 (i) All civil penalties collected for a violation of this
13 Section or a similar local ordinance shall be deposited into an
14 Automated Speed Enforcement Fund. Funds in the Automated Speed
15 Enforcement Fund shall be disbursed according to rules adopted
16 by the Department pursuant to subdivision (7) of subsection (b)
17 and as provided for in subsections (h) and (l) of this Section.

18 (j) The Secretary of State may suspend the driving
19 privileges of the owner of the vehicle under Section 6-306.5 of
20 this Code for failing to pay any fine or penalty due and owing
21 as a result of 5 violations of the automated traffic law
22 enforcement system under Section 11-208.6 of this Code or the
23 automated speed enforcement system under this Section or any
24 combination thereof. The Secretary of State may refuse to issue
25 or renew registration for vehicles owned by a person failing to
26 pay a civil penalty for violation of this Section or a similar

1 local ordinance.

2 (k) A high-risk location that is equipped with an automated
3 speed enforcement system must be posted with a sign visible to
4 approaching traffic one-half mile before the high-risk
5 location indicating that the area is being monitored by an
6 automated speed enforcement system.

7 (l) The Automated Speed Enforcement Fund is created a
8 special fund in the State treasury. All moneys in the Automated
9 Speed Enforcement Fund shall be paid, subject to appropriation
10 by the General Assembly and approval by the Secretary, to:

11 (1) the Department for the acquisition, installation,
12 replacement, public information campaigns, evaluations,
13 and administration of automated speed enforcement systems
14 under this Section;

15 (2) the Department of State Police for license plate
16 recognition on interstate highways.

17 (3) a school district for the upgrading and improvement
18 of educational programs;

19 (4) a county or municipality for the administration of
20 automated speed enforcement system violations under this
21 Section and the general revenue of the county or
22 municipality; and

23 (5) the General Revenue Fund of this State.

24 (625 ILCS 5/11-612)

25 Sec. 11-612. Certain systems to record vehicle speeds

1 prohibited. Except as authorized in Section 11-208.7 of this
2 Code or in the Automated Traffic Control Systems in Highway
3 Construction or Maintenance Zones Act, no photographic, video,
4 or other imaging system may be used in this State to record
5 vehicle speeds for the purpose of enforcing any law or
6 ordinance regarding a maximum or minimum speed limit unless a
7 law enforcement officer is present at the scene and witnesses
8 the event. No State or local governmental entity, including a
9 home rule county or municipality, may use such a system in a
10 way that is prohibited by this Section. The regulation of the
11 use of such systems is an exclusive power and function of the
12 State. This Section is a denial and limitation of home rule
13 powers and functions under subsection (h) of Section 6 of
14 Article VII of the Illinois Constitution.

15 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
16 94-814, eff. 1-1-07.)

17 Section 15. The State Finance Act is amended by adding
18 Section 5.719 as follows:

19 (30 ILCS 105/5.719 new)

20 Sec. 5.719. The Automated Speed Enforcement Fund.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."