



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4988**

by Rep. Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-704.1  
625 ILCS 5/11-1430.1 new

Amends the Illinois Vehicle Code. Provides that a municipality with a population over 1,000,000 may provide by ordinance for a program of vehicle immobilization to facilitate enforcement of municipal vehicle tax liability. Contains additional provisions governing notice and procedural matters involving implementation of the new Section. Provides that payment in full of any fine or penalty resulting from a vehicle tax violation shall constitute a final disposition of that violation. Effective immediately.

LRB097 19182 HEP 64424 b

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 Section 3-704.1 and adding Section 11-1430.1 as follows:

6 (625 ILCS 5/3-704.1)

7 Sec. 3-704.1. Municipal vehicle tax liability; suspension  
8 of registration.

9 (a) As used in this Section:

10 (1) "Municipality" means a city, village or  
11 incorporated town with a population over 1,000,000.

12 (2) "Vehicle tax" means a motor vehicle tax and any  
13 related late fees or charges imposed by a municipality  
14 under Section 8-11-4 or the Illinois Municipal Code or  
15 under the municipality's home rule powers.

16 (3) "Vehicle owner" means the registered owner or  
17 owners of a vehicle who are residents of the municipality.

18 (b) A municipality that imposes a vehicle tax may, by  
19 ordinance adopted under this Section, establish a system  
20 whereby the municipality notifies the Secretary of State of  
21 vehicle tax liability and the Secretary of State suspends the  
22 registration of vehicles for which the tax has not been paid.  
23 An ordinance establishing a system must provide for the

1 following:

2 (1) A first notice for failure to pay a vehicle tax  
3 shall be sent by first class mail to the vehicle owner at  
4 the owner's address recorded with the Secretary of State  
5 whenever the municipality has reasonable cause to believe  
6 that the vehicle owner has failed to pay a vehicle tax as  
7 required by ordinance. The notice shall include at least  
8 the following:

9 (A) The name and address of the vehicle owner.

10 (B) The registration plate number of the vehicle.

11 (C) The period for which the vehicle tax is due.

12 (D) The amount of vehicle tax that is due.

13 (E) A statement that the vehicle owner's  
14 registration for the vehicle will be subject to  
15 suspension proceedings unless the vehicle owner pays  
16 the vehicle tax or successfully contests the owner's  
17 alleged liability within 30 days of the date of the  
18 notice.

19 (F) An explanation of the vehicle owner's  
20 opportunity to be heard under subsection (c).

21 (2) If a vehicle owner fails to pay the vehicle tax or  
22 to contest successfully the owner's alleged liability  
23 within the period specified in the first notice, a second  
24 notice of impending registration suspension shall be sent  
25 by first class mail to the vehicle owner at the owner's  
26 address recorded with the Secretary of State. The notice

1 shall contain the same information as the first notice, but  
2 shall also state that the failure to pay the amount owing,  
3 or to contest successfully the alleged liability within 45  
4 days of the date of the second notice, will result in the  
5 municipality's notification of the Secretary of State that  
6 the vehicle owner is eligible for initiation of suspension  
7 proceedings under this Section.

8 (c) An ordinance adopted under this Section must also give  
9 the vehicle owner an opportunity to be heard upon the filing of  
10 a timely petition with the municipality. A vehicle owner may  
11 contest the alleged tax liability either through an  
12 adjudication by mail or at an administrative hearing, at the  
13 option of the vehicle owner. The grounds upon which the  
14 liability may be contested may be limited to the following:

15 (1) The alleged vehicle owner does not own the vehicle.

16 (2) The vehicle is not subject to the vehicle tax by  
17 law.

18 (3) The vehicle tax for the period in question has been  
19 paid.

20 At an administrative hearing, the formal or technical rules  
21 of evidence shall not apply. The hearing shall be recorded. The  
22 person conducting the hearing shall have the power to  
23 administer oaths and to secure by subpoena the attendance and  
24 testimony of witnesses and the production of relevant  
25 documents.

26 (d) If a vehicle owner who has been sent a first notice of

1 failure to pay a vehicle tax and a second notice of impending  
2 registration suspension fails to pay the vehicle tax or to  
3 contest successfully the vehicle owner's liability within the  
4 periods specified in the notices, the appropriate official  
5 shall cause a certified report to be sent to the Secretary of  
6 State under subsection (e).

7 (e) A report of a municipality notifying the Secretary of  
8 State of a vehicle owner's failure to pay a vehicle tax or  
9 related fines or penalties under this Section shall be  
10 certified by the appropriate official and shall contain the  
11 following:

12 (1) The name, last known address and registration plate  
13 number of the vehicle of the person who failed to pay the  
14 vehicle tax.

15 (2) The name of the municipality making the report.

16 (3) A statement that the municipality sent notices as  
17 required by subsection (b); the date on which the notices  
18 were sent; the address to which the notices were sent; and  
19 the date of the hearing, if any.

20 (f) Following receipt of the certified report under this  
21 Section, the Secretary of State shall notify the vehicle owner  
22 that the vehicle's registration will be suspended at the end of  
23 a reasonable specified period of time unless the Secretary of  
24 State is presented with a notice from the municipality  
25 certifying that the person has paid the necessary vehicle tax,  
26 or that inclusion of that person's name or registration number

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

7 (g) An administrative hearing with the Office of the  
8 Secretary of State to contest an impending suspension or a  
9 suspension made under this Section may be had upon filing a  
10 written request with the Secretary of State. The filing fee for  
11 this hearing shall be \$20 to be paid at the time the request is  
12 made.

13 (1) The scope of any administrative hearing with the  
14 Secretary of State to contest an impending suspension under  
15 this Section shall be limited to the following issues:

16 (A) Whether the report of the appropriate official  
17 of the municipality was certified and contained the  
18 information required by this Section.

19 (B) Whether the municipality making the certified  
20 report to the Secretary of State established  
21 procedures by ordinance for persons to challenge the  
22 accuracy of the certified report.

23 (C) Whether the Secretary of State notified the  
24 vehicle owner that the vehicle's registration would be  
25 suspended at the end of the specified time period  
26 unless the Secretary of State was presented with a

1 notice from the municipality certifying that the  
2 person has purchased the necessary vehicle tax sticker  
3 or that inclusion of that person's name or registration  
4 number on the certified report was in error.

5 A municipality that files a certified report with the  
6 Secretary of State under this Section shall reimburse the  
7 Secretary for all reasonable costs incurred by the Secretary as  
8 a result of the filing of the report, including but not limited  
9 to the costs of providing the notice required under subsection  
10 (f) and the costs incurred by the Secretary in any hearing  
11 conducted with respect to the report under this subsection and  
12 any appeal from that hearing.

13 (h) After the expiration of the time specified under  
14 subsection (g), the Secretary of State shall, unless the  
15 suspension is successfully contested, suspend the registration  
16 of the vehicle until the Secretary receives notice under  
17 subsection (i).

18 (i) Any municipality making a certified report to the  
19 Secretary of State under this subsection shall notify the  
20 Secretary of State, in a form prescribed by the Secretary,  
21 whenever a person named in the certified report has  
22 subsequently paid a vehicle tax or whenever the municipality  
23 determines that the original report was in error. A certified  
24 copy of the notification shall also be given upon request and  
25 at no additional charge to the person named in the report. Upon  
26 receipt of the notification or presentation of a certified copy

1 of the notification by the municipality, the Secretary of State  
2 shall terminate the suspension.

3 (j) To facilitate enforcement of municipal vehicle tax  
4 liability, a municipality may provide by ordinance for a  
5 program of vehicle immobilization as provided by Section  
6 11-1430.1 of this Code.

7 (Source: P.A. 87-1225.)

8 (625 ILCS 5/11-1430.1 new)

9 Sec. 11-1430.1. Vehicle immobilization for failure to pay  
10 municipal vehicle tax violation liability.

11 (a) A municipality with a population over 1,000,000 may  
12 provide by ordinance for a program of vehicle immobilization to  
13 facilitate enforcement of municipal vehicle tax liability. The  
14 program of vehicle immobilization shall provide for  
15 immobilizing an eligible vehicle upon the public way by  
16 presence of a restraint in a manner to prevent operation of the  
17 vehicle. An ordinance establishing a program of vehicle  
18 immobilization under this Section shall include the following  
19 provisions:

20 (1) A vehicle shall be eligible for immobilization when  
21 the registered owner of the vehicle has accumulated the  
22 number of unpaid final determinations of vehicle tax  
23 violation liability or other violation liability under  
24 subsection (c) of Section 11-208.3 of this Code, or both.

25 (2) The vehicle owner shall be provided with notice of



1 the impending vehicle immobilization and the right to a  
2 hearing to challenge the validity of the action by  
3 disproving liability for unpaid final determinations of  
4 vehicle tax or other violation liability under subsection  
5 (c) of Section 11-208.3 of this Code.

6 (3) The vehicle owner shall have the right to a prompt  
7 hearing after a vehicle has been immobilized or  
8 subsequently towed for nonpayment of outstanding fines and  
9 penalties for which final determinations have been issued.  
10 An order issued after the hearing is a final administrative  
11 decision within the meaning of Section 3-101 of the Code of  
12 Civil Procedure.

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

17 (b) Judicial review of final determinations of vehicle tax  
18 violations and final administrative decisions issued after  
19 hearings regarding vehicle immobilization and impoundment made  
20 under this Section shall be subject to the Administrative  
21 Review Law.

22 (c) A fine, penalty, or part thereof, remaining unpaid  
23 after the exhaustion of, or the failure to exhaust,  
24 administrative remedies and the conclusion of judicial review  
25 procedures shall be a debt due and owing the municipality and,  
26 as such, may be collected in accordance with applicable law.

1 Payment in full of any fine or penalty resulting from a vehicle  
2 tax violation shall constitute a final disposition of that  
3 violation.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.