



Rep. Monique D. Davis

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09800HB0756ham004

LRB098 03581 MLW 44551 a

1 AMENDMENT TO HOUSE BILL 756

2 AMENDMENT NO. _____. Amend House Bill 756 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-211, 11-208.3, and 11-208.7 as follows:

6 (625 ILCS 5/4-211) (from Ch. 95 1/2, par. 4-211)

7 Sec. 4-211. Disposition of proceeds of sale of unclaimed
8 vehicles.

9 (a) When a vehicle located within the corporate limits of a
10 city, village or town is authorized to be towed away by a law
11 enforcement agency having jurisdiction and disposed of as set
12 forth in this Chapter, the proceeds of the public sale or
13 disposition after the deduction of towing, storage and
14 processing charges shall be deposited in the treasury of such
15 city, village or town. Furthermore, any proceeds from the
16 public sale of the vehicle shall be applied to any fines, fees,

1 or other costs associated with that vehicle which are due and
2 owing to the county or municipality that performed the sale or
3 disposition from the person who was the registered owner of the
4 vehicle at the time of its tow, impoundment, or immobilization.
5 If the proceeds of this sale are not enough to satisfy the
6 finances, fees, and other costs the remainder shall not be
7 discharged. The county or municipality that sells or disposes
8 of the vehicle shall not be responsible to any other county or
9 municipality for any outstanding fines or fees associated with
10 the owner of that vehicle.

11 (b) When a vehicle located outside the corporate limits of
12 a city, village or town is authorized to be towed away by a law
13 enforcement agency having jurisdiction and disposed of as set
14 forth in this Chapter, the proceeds of the public sale or
15 disposition, after deducting towing, storage and processing
16 costs shall be deposited in the county treasury of the county
17 where the vehicle was located at the time of the tow.

18 (c) The provisions of this Section shall not apply to
19 vehicles disposed of or sold at public sale under subsection
20 (k) of Section 4-107 of this Code.

21 (Source: P.A. 83-830.)

22 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

1 automated speed enforcement system violations.

2 (a) Any municipality or county may provide by ordinance for
3 a system of administrative adjudication of vehicular standing
4 and parking violations and vehicle compliance violations as
5 described in this subsection, automated traffic law violations
6 as defined in Section 11-208.6 or 11-1201.1, and automated
7 speed enforcement system violations as defined in Section
8 11-208.8. The administrative system shall have as its purpose
9 the fair and efficient enforcement of municipal or county
10 regulations through the administrative adjudication of
11 automated speed enforcement system or automated traffic law
12 violations and violations of municipal or county ordinances
13 regulating the standing and parking of vehicles, the condition
14 and use of vehicle equipment, and the display of municipal or
15 county wheel tax licenses within the municipality's or county's
16 borders. The administrative system shall only have authority to
17 adjudicate civil offenses carrying fines not in excess of \$500
18 or requiring the completion of a traffic education program, or
19 both, that occur after the effective date of the ordinance
20 adopting such a system under this Section. For purposes of this
21 Section, "compliance violation" means a violation of a
22 municipal or county regulation governing the condition or use
23 of equipment on a vehicle or governing the display of a
24 municipal or county wheel tax license.

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

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

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

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

16 (3) Service of the parking, standing, or compliance
17 violation notice by affixing the original or a facsimile of
18 the notice to an unlawfully parked vehicle or by handing
19 the notice to the operator of a vehicle if he or she is
20 present and service of an automated speed enforcement
21 system or automated traffic law violation notice by mail to
22 the address of the registered owner or lessee of the cited
23 vehicle as recorded with the Secretary of State or the
24 lessor of the motor vehicle within 30 days after the
25 Secretary of State or the lessor of the motor vehicle
26 notifies the municipality or county of the identity of the

1 owner or lessee of the vehicle, but not later than 90 days
2 after the violation, except that in the case of a lessee of
3 a motor vehicle, service of an automated traffic law
4 violation notice may occur no later than 210 days after the
5 violation. A person authorized by ordinance to issue and
6 serve parking, standing, and compliance violation notices
7 shall certify as to the correctness of the facts entered on
8 the violation notice by signing his or her name to the
9 notice at the time of service or in the case of a notice
10 produced by a computerized device, by signing a single
11 certificate to be kept by the traffic compliance
12 administrator attesting to the correctness of all notices
13 produced by the device while it was under his or her
14 control. In the case of an automated traffic law violation,
15 the ordinance shall require a determination by a technician
16 employed or contracted by the municipality or county that,
17 based on inspection of recorded images, the motor vehicle
18 was being operated in violation of Section 11-208.6 or
19 11-1201.1 or a local ordinance. If the technician
20 determines that the vehicle entered the intersection as
21 part of a funeral procession or in order to yield the
22 right-of-way to an emergency vehicle, a citation shall not
23 be issued. In municipalities with a population of less than
24 1,000,000 inhabitants and counties with a population of
25 less than 3,000,000 inhabitants, the automated traffic law
26 ordinance shall require that all determinations by a

1 technician that a motor vehicle was being operated in
2 violation of Section 11-208.6 or 11-1201.1 or a local
3 ordinance must be reviewed and approved by a law
4 enforcement officer or retired law enforcement officer of
5 the municipality or county issuing the violation. In
6 municipalities with a population of 1,000,000 or more
7 inhabitants and counties with a population of 3,000,000 or
8 more inhabitants, the automated traffic law ordinance
9 shall require that all determinations by a technician that
10 a motor vehicle was being operated in violation of Section
11 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
12 and approved by a law enforcement officer or retired law
13 enforcement officer of the municipality or county issuing
14 the violation or by an additional fully-trained reviewing
15 technician who is not employed by the contractor who
16 employs the technician who made the initial determination.
17 In the case of an automated speed enforcement system
18 violation, the ordinance shall require a determination by a
19 technician employed by the municipality, based upon an
20 inspection of recorded images, video or other
21 documentation, including documentation of the speed limit
22 and automated speed enforcement signage, and documentation
23 of the inspection, calibration, and certification of the
24 speed equipment, that the vehicle was being operated in
25 violation of Article VI of Chapter 11 of this Code or a
26 similar local ordinance. If the technician determines that

1 the vehicle speed was not determined by a calibrated,
2 certified speed equipment device based upon the speed
3 equipment documentation, or if the vehicle was an emergency
4 vehicle, a citation may not be issued. The automated speed
5 enforcement ordinance shall require that all
6 determinations by a technician that a violation occurred be
7 reviewed and approved by a law enforcement officer or
8 retired law enforcement officer of the municipality
9 issuing the violation or by an additional fully trained
10 reviewing technician who is not employed by the contractor
11 who employs the technician who made the initial
12 determination. Routine and independent calibration of the
13 speeds produced by automated speed enforcement systems and
14 equipment shall be conducted by a qualified technician.
15 Speeds produced by an automated speed enforcement system
16 shall be compared with speeds produced by lidar or other
17 independent equipment. Qualified technicians shall test
18 radar or lidar equipment no less frequently than once each
19 week, and shall test loop based equipment no less
20 frequently than once a year. Radar equipment shall be
21 checked for accuracy by a qualified technician when the
22 unit is serviced, when unusual or suspect readings persist,
23 or when deemed necessary by a reviewing technician. Radar
24 equipment shall be checked with certified tuning forks, the
25 internal circuit test, and diode display test whenever the
26 radar is turned on. Technicians must be alert for any

1 unusual or suspect readings, and if unusual or suspect
2 readings of a radar unit persist, that unit shall
3 immediately be removed from service and not returned to
4 service until it has been checked by a qualified technician
5 and determined to be functioning properly. Documentation
6 of the calibration results, including the equipment
7 tested, test date, technician performing the test, and test
8 results, shall be maintained and available for use in the
9 determination of an automated speed enforcement system
10 violation and issuance of a citation. The technician
11 performing the calibration and testing of the automated
12 speed enforcement equipment shall be trained and certified
13 in the use of equipment for speed enforcement purposes.
14 Training on the speed enforcement equipment may be
15 conducted by law enforcement, civilian, or manufacturer's
16 personnel and shall be equivalent to the equipment use and
17 operations training included in the Speed Measuring Device
18 Operator Program developed by the National Highway Traffic
19 Safety Administration (NHTSA). The technician who performs
20 the work shall keep accurate records on each piece of
21 equipment the technician calibrates and tests. As used in
22 this paragraph, "fully-trained reviewing technician" means
23 a person who has received at least 40 hours of supervised
24 training in subjects which shall include image inspection
25 and interpretation, the elements necessary to prove a
26 violation, license plate identification, and traffic

1 safety and management. In all municipalities and counties,
2 the automated speed enforcement system or automated
3 traffic law ordinance shall require that no additional fee
4 shall be charged to the alleged violator for exercising his
5 or her right to an administrative hearing, and persons
6 shall be given at least 25 days following an administrative
7 hearing to pay any civil penalty imposed by a finding that
8 Section 11-208.6, 11-208.8, or 11-1201.1 or a similar local
9 ordinance has been violated. The original or a facsimile of
10 the violation notice or, in the case of a notice produced
11 by a computerized device, a printed record generated by the
12 device showing the facts entered on the notice, shall be
13 retained by the traffic compliance administrator, and
14 shall be a record kept in the ordinary course of business.
15 A parking, standing, compliance, automated speed
16 enforcement system, or automated traffic law violation
17 notice issued, signed and served in accordance with this
18 Section, a copy of the notice, or the computer generated
19 record shall be prima facie correct and shall be prima
20 facie evidence of the correctness of the facts shown on the
21 notice. The notice, copy, or computer generated record
22 shall be admissible in any subsequent administrative or
23 legal proceedings.

24 (4) An opportunity for a hearing for the registered
25 owner of the vehicle cited in the parking, standing,
26 compliance, automated speed enforcement system, or

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

17 (5) Service of additional notices, sent by first class
18 United States mail, postage prepaid, to the address of the
19 registered owner of the cited vehicle as recorded with the
20 Secretary of State or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database,
23 or, under Section 11-1306 or subsection (p) of Section
24 11-208.6, or subsection (p) of Section 11-208.8 of this
25 Code, to the lessee of the cited vehicle at the last
26 address known to the lessor of the cited vehicle at the

1 time of lease or, if any notice to that address is returned
2 as undeliverable, to the last known address recorded in a
3 United States Post Office approved database. The service
4 shall be deemed complete as of the date of deposit in the
5 United States mail. The notices shall be in the following
6 sequence and shall include but not be limited to the
7 information specified herein:

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

1 the occurrence of a final determination of violation
2 liability for the failure, and the exhaustion of, or
3 failure to exhaust, available administrative or
4 judicial procedures for review, any incomplete traffic
5 education program or any unpaid fine or penalty, or
6 both, will constitute a debt due and owing the
7 municipality or county.

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

1 this Section, or may result in suspension of the
2 person's drivers license for failure to complete a
3 traffic education program or to pay fines or penalties,
4 or both, for 10 or more parking violations under
5 Section 6-306.5, or a combination of 5 or more
6 automated traffic law violations under Section
7 11-208.6 or automated speed enforcement system
8 violations under Section 11-208.8.

9 (6) A notice of impending drivers license suspension.

10 This notice shall be sent to the person liable for failure
11 to complete a required traffic education program or to pay
12 any fine or penalty that remains due and owing, or both, on
13 10 or more parking violations or combination of 5 or more
14 unpaid automated speed enforcement system or automated
15 traffic law violations. The notice shall state that failure
16 to complete a required traffic education program or to pay
17 the fine or penalty owing, or both, within 45 days of the
18 notice's date will result in the municipality or county
19 notifying the Secretary of State that the person is
20 eligible for initiation of suspension proceedings under
21 Section 6-306.5 of this Code. The notice shall also state
22 that the person may obtain a photostatic copy of an
23 original ticket imposing a fine or penalty by sending a
24 self addressed, stamped envelope to the municipality or
25 county along with a request for the photostatic copy. The
26 notice of impending drivers license suspension shall be

1 sent by first class United States mail, postage prepaid, to
2 the address recorded with the Secretary of State or, if any
3 notice to that address is returned as undeliverable, to the
4 last known address recorded in a United States Post Office
5 approved database.

6 (7) Final determinations of violation liability. A
7 final determination of violation liability shall occur
8 following failure to complete the required traffic
9 education program or to pay the fine or penalty, or both,
10 after a hearing officer's determination of violation
11 liability and the exhaustion of or failure to exhaust any
12 administrative review procedures provided by ordinance.
13 Where a person fails to appear at a hearing to contest the
14 alleged violation in the time and manner specified in a
15 prior mailed notice, the hearing officer's determination
16 of violation liability shall become final: (A) upon denial
17 of a timely petition to set aside that determination, or
18 (B) upon expiration of the period for filing the petition
19 without a filing having been made.

20 (8) A petition to set aside a determination of parking,
21 standing, compliance, automated speed enforcement system,
22 or automated traffic law violation liability that may be
23 filed by a person owing an unpaid fine or penalty. A
24 petition to set aside a determination of liability may also
25 be filed by a person required to complete a traffic
26 education program. The petition shall be filed with and

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

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

23 (10) A schedule of civil fines for violations of
24 vehicular standing, parking, compliance, automated speed
25 enforcement system, or automated traffic law regulations
26 enacted by ordinance pursuant to this Section, and a

1 schedule of penalties for late payment of the fines or
2 failure to complete required traffic education programs,
3 provided, however, that the total amount of the fine and
4 penalty for any one violation shall not exceed \$250, except
5 as provided in subsection (c) of Section 11-1301.3 of this
6 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 or county establishing vehicular
11 standing, parking, compliance, automated speed enforcement
12 system, or automated traffic law regulations under this Section
13 may also provide by ordinance for a program of vehicle
14 immobilization for the purpose of facilitating enforcement of
15 those regulations. The program of vehicle immobilization shall
16 provide for immobilizing any eligible vehicle upon the public
17 way by presence of a restraint in a manner to prevent operation
18 of the vehicle. Any ordinance establishing a program of vehicle
19 immobilization under this 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 incomplete traffic education
24 programs or unpaid final determinations of parking,
25 standing, compliance, automated speed enforcement system,
26 or automated traffic law violation liability, or both, as

1 determined by ordinance.

2 (2) A notice of impending vehicle immobilization and a
3 right to a hearing to challenge the validity of the notice
4 by disproving liability for the incomplete traffic
5 education programs or unpaid final determinations of
6 parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violation liability, or
8 both, listed on the notice.

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

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

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

1 subject to the provisions of the Administrative Review Law.

2 (e) Any fine, penalty, incomplete traffic education
3 program, or part of any fine or any penalty remaining unpaid
4 after the exhaustion of, or the failure to exhaust,
5 administrative remedies created under this Section and the
6 conclusion of any judicial review procedures shall be a debt
7 due and owing the municipality or county and, as such, may be
8 collected in accordance with applicable law. Completion of any
9 required traffic education program and payment in full of any
10 fine or penalty resulting from a standing, parking, compliance,
11 automated speed enforcement system, or automated traffic law
12 violation shall constitute a final disposition of that
13 violation. If the vehicle that was the subject of the
14 underlying offense is sold, claimed, or otherwise disposed of
15 by the county or municipality or their agents, any proceeds
16 from the sale, salvage, or disposal of the vehicle shall be
17 deducted from any fine, penalty, incomplete traffic education
18 program, or part of any fine or any penalty remaining unpaid by
19 the person who was the registered owner at the time of the
20 immobilization, towing, or impoundment of that vehicle,
21 including but not limited to any fines related to the
22 underlying offense, court costs, towing and storage costs, and
23 administrative fees. If the proceeds of this sale, claim, or
24 disposal are not enough to satisfy the fines, fees, and other
25 costs the remainder shall not be discharged. The county or
26 municipality that sells or disposes of the vehicle shall not be

1 responsible to any other county or municipality for any
2 outstanding fines or fees associated with the owner of that
3 vehicle.

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

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

17 (g) The fee for participating in a traffic education
18 program under this Section shall not exceed \$25.

19 A low-income individual required to complete a traffic
20 education program under this Section who provides proof of
21 eligibility for the federal earned income tax credit under
22 Section 32 of the Internal Revenue Code or the Illinois earned
23 income tax credit under Section 212 of the Illinois Income Tax
24 Act shall not be required to pay any fee for participating in a
25 required traffic education program.

26 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;

1 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
2 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672, eff.
3 7-1-12.)

4 (625 ILCS 5/11-208.7)

5 Sec. 11-208.7. Administrative fees and procedures for
6 impounding vehicles for specified violations.

7 (a) Any municipality may, consistent with this Section,
8 provide by ordinance procedures for the release of properly
9 impounded vehicles and for the imposition of a reasonable
10 administrative fee related to its administrative and
11 processing costs associated with the investigation, arrest,
12 and detention of an offender, or the removal, impoundment,
13 storage, and release of the vehicle. The administrative fee
14 imposed by the municipality may be in addition to any fees
15 charged for the towing and storage of an impounded vehicle. The
16 administrative fee shall be waived by the municipality upon
17 verifiable proof that the vehicle was stolen at the time the
18 vehicle was impounded.

19 (b) Any ordinance establishing procedures for the release
20 of properly impounded vehicles under this Section may impose
21 fees for the following violations:

22 (1) operation or use of a motor vehicle in the
23 commission of, or in the attempt to commit, an offense for
24 which a motor vehicle may be seized and forfeited pursuant
25 to Section 36-1 of the Criminal Code of 2012; or

1 (2) driving under the influence of alcohol, another
2 drug or drugs, an intoxicating compound or compounds, or
3 any combination thereof, in violation of Section 11-501 of
4 this Code; or

5 (3) operation or use of a motor vehicle in the
6 commission of, or in the attempt to commit, a felony or in
7 violation of the Cannabis Control Act; or

8 (4) operation or use of a motor vehicle in the
9 commission of, or in the attempt to commit, an offense in
10 violation of the Illinois Controlled Substances Act; or

11 (5) operation or use of a motor vehicle in the
12 commission of, or in the attempt to commit, an offense in
13 violation of Section 24-1, 24-1.5, or 24-3.1 of the
14 Criminal Code of 1961 or the Criminal Code of 2012; or

15 (6) driving while a driver's license, permit, or
16 privilege to operate a motor vehicle is suspended or
17 revoked pursuant to Section 6-303 of this Code; except that
18 vehicles shall not be subjected to seizure or impoundment
19 if the suspension is for an unpaid citation (parking or
20 moving) or due to failure to comply with emission testing;
21 or

22 (7) operation or use of a motor vehicle while
23 soliciting, possessing, or attempting to solicit or
24 possess cannabis or a controlled substance, as defined by
25 the Cannabis Control Act or the Illinois Controlled
26 Substances Act; or

1 (8) operation or use of a motor vehicle with an expired
2 driver's license, in violation of Section 6-101 of this
3 Code, if the period of expiration is greater than one year;
4 or

5 (9) operation or use of a motor vehicle without ever
6 having been issued a driver's license or permit, in
7 violation of Section 6-101 of this Code, or operating a
8 motor vehicle without ever having been issued a driver's
9 license or permit due to a person's age; or

10 (10) operation or use of a motor vehicle by a person
11 against whom a warrant has been issued by a circuit clerk
12 in Illinois for failing to answer charges that the driver
13 violated Section 6-101, 6-303, or 11-501 of this Code; or

14 (11) operation or use of a motor vehicle in the
15 commission of, or in the attempt to commit, an offense in
16 violation of Article 16 or 16A of the Criminal Code of 1961
17 or the Criminal Code of 2012; or

18 (12) operation or use of a motor vehicle in the
19 commission of, or in the attempt to commit, any other
20 misdemeanor or felony offense in violation of the Criminal
21 Code of 1961 or the Criminal Code of 2012, when so provided
22 by local ordinance.

23 (c) The following shall apply to any fees imposed for
24 administrative and processing costs pursuant to subsection
25 (b):

26 (1) All administrative fees and towing and storage

1 charges shall be imposed on the registered owner of the
2 motor vehicle or the agents of that owner.

3 (2) The fees shall be in addition to (i) any other
4 penalties that may be assessed by a court of law for the
5 underlying violations; and (ii) any towing or storage fees,
6 or both, charged by the towing company.

7 (3) The fees shall be uniform for all similarly
8 situated vehicles.

9 (4) The fees shall be collected by and paid to the
10 municipality imposing the fees.

11 (5) The towing or storage fees, or both, shall be
12 collected by and paid to the person, firm, or entity that
13 tows and stores the impounded vehicle.

14 (d) Any ordinance establishing procedures for the release
15 of properly impounded vehicles under this Section shall provide
16 for an opportunity for a hearing, as provided in subdivision
17 (b) (4) of Section 11-208.3 of this Code, and for the release of
18 the vehicle to the owner of record, lessee, or a lienholder of
19 record upon payment of all administrative fees and towing and
20 storage fees.

21 (e) Any ordinance establishing procedures for the
22 impoundment and release of vehicles under this Section shall
23 include the following provisions concerning notice of
24 impoundment:

25 (1) Whenever a police officer has cause to believe that
26 a motor vehicle is subject to impoundment, the officer

1 shall provide for the towing of the vehicle to a facility
2 authorized by the municipality.

3 (2) At the time the vehicle is towed, the municipality
4 shall notify or make a reasonable attempt to notify the
5 owner, lessee, or person identifying himself or herself as
6 the owner or lessee of the vehicle, or any person who is
7 found to be in control of the vehicle at the time of the
8 alleged offense, of the fact of the seizure, and of the
9 vehicle owner's or lessee's right to an administrative
10 hearing.

11 (3) The municipality shall also provide notice that the
12 motor vehicle will remain impounded pending the completion
13 of an administrative hearing, unless the owner or lessee of
14 the vehicle or a lienholder posts with the municipality a
15 bond equal to the administrative fee as provided by
16 ordinance and pays for all towing and storage charges.

17 (f) Any ordinance establishing procedures for the
18 impoundment and release of vehicles under this Section shall
19 include a provision providing that the registered owner or
20 lessee of the vehicle and any lienholder of record shall be
21 provided with a notice of hearing. The notice shall:

22 (1) be served upon the owner, lessee, and any
23 lienholder of record either by personal service or by first
24 class mail to the interested party's address as registered
25 with the Secretary of State;

26 (2) be served upon interested parties within 10 days

1 after a vehicle is impounded by the municipality; and

2 (3) contain the date, time, and location of the
3 administrative hearing. An initial hearing shall be
4 scheduled and convened no later than 45 days after the date
5 of the mailing of the notice of hearing.

6 (g) In addition to the requirements contained in
7 subdivision (b) (4) of Section 11-208.3 of this Code relating to
8 administrative hearings, any ordinance providing for the
9 impoundment and release of vehicles under this Section shall
10 include the following requirements concerning administrative
11 hearings:

12 (1) administrative hearings shall be conducted by a
13 hearing officer who is an attorney licensed to practice law
14 in this State for a minimum of 3 years;

15 (2) at the conclusion of the administrative hearing,
16 the hearing officer shall issue a written decision either
17 sustaining or overruling the vehicle impoundment;

18 (3) if the basis for the vehicle impoundment is
19 sustained by the administrative hearing officer, any
20 administrative fee posted to secure the release of the
21 vehicle shall be forfeited to the municipality;

22 (4) all final decisions of the administrative hearing
23 officer shall be subject to review under the provisions of
24 the Administrative Review Law; and

25 (5) unless the administrative hearing officer
26 overturns the basis for the vehicle impoundment, no vehicle

1 shall be released to the owner, lessee, or lienholder of
2 record until all administrative fees and towing and storage
3 charges are paid.

4 (h) Vehicles not retrieved from the towing facility or
5 storage facility within 35 days after the administrative
6 hearing officer issues a written decision shall be deemed
7 abandoned and sold ~~disposed of~~ in accordance with the
8 provisions of Article II of Chapter 4 of this Code. After the
9 sale of the vehicle is completed, the person who was the
10 registered owner at the time of the vehicle's impoundment is
11 entitled to have the proceeds of that sale deducted from any
12 finances, fees, administrative penalties, and other costs owed to
13 the county or municipality that sold the vehicle associated
14 with the vehicle's immobilization, towing, or impoundment,
15 including but not limited to any fine for the underlying
16 offense which led to the vehicle's impoundment. If the proceeds
17 of this sale are not enough to satisfy the fines, fees, and
18 other costs the remainder shall not be discharged. The county
19 or municipality that sells or disposes of the vehicle shall not
20 be responsible to any other county or municipality for any
21 outstanding fines or fees associated with the owner of that
22 vehicle.

23 (i) Unless stayed by a court of competent jurisdiction, any
24 fine, penalty, or administrative fee imposed under this Section
25 which remains unpaid in whole or in part after the expiration
26 of the deadline for seeking judicial review under the

1 Administrative Review Law may be enforced in the same manner as
2 a judgment entered by a court of competent jurisdiction.

3 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/4-209.2 rep.)

5 Section 10. The Illinois Vehicle Code is amended by
6 repealing Section 4-209.2."