



Rep. Ed Sullivan, Jr.

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09800HB1712ham002

LRB098 05758 OMW 44137 a

1 AMENDMENT TO HOUSE BILL 1712

2 AMENDMENT NO. _____. Amend House Bill 1712 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 1-2.2-55 as follows:

6 (65 ILCS 5/1-2.2-55)

7 Sec. 1-2.2-55. Judgment on findings, decision, and order.

8 (a) Any fine, other sanction, or costs imposed, or part of
9 any fine, other sanction, or costs imposed, remaining unpaid
10 after the exhaustion of, or the failure to exhaust, judicial
11 review procedures under the Administrative Review Law shall be
12 a debt due and owing the municipality and, as such, may be
13 collected in accordance with applicable law.

14 (b) After expiration of the period within which judicial
15 review under the Administrative Review Law may be sought for a
16 final determination of the code violation, the municipality may

1 commence a proceeding in the circuit court of the county in
2 which the municipality is located for purpose of obtaining a
3 judgment on the findings, decision, and order. Nothing in this
4 Section shall prevent a municipality from consolidating
5 multiple findings, decisions, and orders against a person in
6 such a proceeding. Upon commencement of the action, the
7 municipality shall file a certified copy of the findings,
8 decision, and order, which shall be accompanied by a
9 certification that recites facts sufficient to show that the
10 findings, decision, and order was issued in accordance with
11 this Division and the applicable municipal ordinance. Service
12 of the summons and a copy of the petition may be by any method
13 provided for by Section 2-203 of the Code of Civil Procedure or
14 by certified mail, return receipt requested, provided that the
15 total amount of fines, other sanctions, and costs imposed by
16 the findings, decision, and order does not exceed \$2,500. If
17 the court is satisfied that the findings, decision, and order
18 was entered in accordance with the requirements of this
19 Division and the applicable municipal ordinance and that the
20 defendant had an opportunity for a hearing under this Division
21 and for judicial review as provided in this Division:

22 (1) The court shall render judgment in favor of the
23 municipality and against the defendant for the amount
24 indicated in the findings, decision and order, plus costs.
25 The judgment shall have the same effect and may be enforced
26 in the same manner as other judgments for the recovery of

1 money.

2 (2) The court may also issue any other orders and
3 injunctions that are requested by the municipality to
4 enforce the order of the hearing officer to correct a code
5 violation.

6 (c) In place of a proceeding under subsection (b) of this
7 Section, after expiration of the period in which judicial
8 review under the Illinois Administrative Review Law may be
9 sought for a final determination of a code violation, unless
10 stayed by a court of competent jurisdiction, the findings,
11 decision, and order of the hearing officer may be enforced in
12 the same manner as a judgment entered by a court of competent
13 jurisdiction.

14 In any case in which a defendant has failed to comply with
15 a judgment ordering a defendant to correct a code violation or
16 imposing any fine or other sanction as a result of a code
17 violation, any expenses incurred by a municipality to enforce
18 the judgment, including, but not limited to, attorney's fees,
19 court costs, and costs related to property demolition or
20 foreclosure, after they are fixed by a court of competent
21 jurisdiction or a hearing officer, shall be a debt due and
22 owing the municipality and may be collected in accordance with
23 applicable law. Prior to any expenses being fixed by a hearing
24 officer pursuant to this subsection (c), the municipality shall
25 provide notice to the defendant that states that the defendant
26 shall appear at a hearing before the administrative hearing

1 officer to determine whether the defendant has failed to comply
2 with the judgment. The notice shall set the date for such a
3 hearing, which shall not be less than 7 days from the date that
4 notice is served. If notice is served by mail, the 7-day period
5 shall begin to run on the date that the notice was deposited in
6 the mail.

7 Upon being recorded in the manner required by Article XII
8 of the Code of Civil Procedure or by the Uniform Commercial
9 Code, a lien shall be imposed on the real estate or personal
10 estate, or both, of the defendant in the amount of any debt due
11 and owing the municipality under this Section. The lien may be
12 enforced in the same manner as a judgment lien pursuant to a
13 judgment of a court of competent jurisdiction.

14 A hearing officer may set aside any judgment entered by
15 default and set a new hearing date, upon a petition filed
16 within 21 days after the issuance of the order of default, if
17 the hearing officer determines that the petitioner's failure to
18 appear at the hearing was for good cause or at any time if the
19 petitioner establishes that the municipality did not provide
20 proper service of process. If any judgment is set aside
21 pursuant to this subsection (c), the hearing officer shall have
22 authority to enter an order extinguishing any lien which has
23 been recorded for any debt due and owing the municipality as a
24 result of the vacated default judgment.

25 (Source: P.A. 90-777, eff. 1-1-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".