



Sen. Antonio Muñoz

Filed: 4/12/2013

09800SB0923sam001

LRB098 05193 MLW 44163 a

1 AMENDMENT TO SENATE BILL 923

2 AMENDMENT NO. _____. Amend Senate Bill 923 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-105.2, 6-306.5, 11-208, 11-208.3, and
6 11-612 and by adding Section 11-208.9 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation
9 described in Section 11-208.6, 11-208.9, or 11-1201.1 of this
10 Code.

11 (Source: P.A. 96-478, eff. 1-1-10.)

12 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

13 Sec. 6-306.5. Failure to pay fine or penalty for standing,
14 parking, compliance, automated speed enforcement system, or
15 automated traffic law violations; suspension of driving

1 privileges.

2 (a) Upon receipt of a certified report, as prescribed by
3 subsection (c) of this Section, from any municipality or county
4 stating that the owner of a registered vehicle: (1) has failed
5 to pay any fine or penalty due and owing as a result of 10 or
6 more violations of a municipality's or county's vehicular
7 standing, parking, or compliance regulations established by
8 ordinance pursuant to Section 11-208.3 of this Code, (2) has
9 failed to pay any fine or penalty due and owing as a result of 5
10 offenses for automated speed enforcement system violations or
11 automated traffic violations as defined in Sections 11-208.6,
12 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
13 (3) is more than 14 days in default of a payment plan pursuant
14 to which a suspension had been terminated under subsection (c)
15 of this Section, the Secretary of State shall suspend the
16 driving privileges of such person in accordance with the
17 procedures set forth in this Section. The Secretary shall also
18 suspend the driving privileges of an owner of a registered
19 vehicle upon receipt of a certified report, as prescribed by
20 subsection (f) of this Section, from any municipality or county
21 stating that such person has failed to satisfy any fines or
22 penalties imposed by final judgments for 5 or more automated
23 speed enforcement system or automated traffic law violations,
24 or combination thereof, or 10 or more violations of local
25 standing, parking, or compliance regulations after exhaustion
26 of judicial review procedures.

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

14 (c) The report of the appropriate municipal or county
15 official notifying the Secretary of State of unpaid fines or
16 penalties pursuant to this Section shall be certified and shall
17 contain the following:

18 (1) The name, last known address as recorded with the
19 Secretary of State, as provided by the lessor of the cited
20 vehicle at the time of lease, or as recorded in a United
21 States Post Office approved database if any notice sent
22 under Section 11-208.3 of this Code is returned as
23 undeliverable, and drivers license number of the person who
24 failed to pay the fine or penalty or who has defaulted in a
25 payment plan and the registration number of any vehicle
26 known to be registered to such person in this State.

1 (2) The name of the municipality or county making the
2 report pursuant to this Section.

3 (3) A statement that the municipality or county sent a
4 notice of impending drivers license suspension as
5 prescribed by ordinance enacted pursuant to Section
6 11-208.3 of this Code or a notice of default in a payment
7 plan, to the person named in the report at the address
8 recorded with the Secretary of State or at the last address
9 known to the lessor of the cited vehicle at the time of
10 lease or, if any notice sent under Section 11-208.3 of this
11 Code is returned as undeliverable, at the last known
12 address recorded in a United States Post Office approved
13 database; the date on which such notice was sent; and the
14 address to which such notice was sent. In a municipality or
15 county with a population of 1,000,000 or more, the report
16 shall also include a statement that the alleged violator's
17 State vehicle registration number and vehicle make, if
18 specified on the automated speed enforcement system
19 violation or automated traffic law violation notice, are
20 correct as they appear on the citations.

21 (4) A unique identifying reference number for each
22 request of suspension sent whenever a person has failed to
23 pay the fine or penalty or has defaulted on a payment plan.

24 (d) Any municipality or county making a certified report to
25 the Secretary of State pursuant to this Section shall notify
26 the Secretary of State, in a form prescribed by the Secretary,

1 whenever a person named in the certified report has paid the
2 previously reported fine or penalty, whenever a person named in
3 the certified report has entered into a payment plan pursuant
4 to which the municipality or county has agreed to terminate the
5 suspension, or whenever the municipality or county determines
6 that the original report was in error. A certified copy of such
7 notification shall also be given upon request and at no
8 additional charge to the person named therein. Upon receipt of
9 the municipality's or county's notification or presentation of
10 a certified copy of such notification, the Secretary of State
11 shall terminate the suspension.

12 (e) Any municipality or county making a certified report to
13 the 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 a combination of 5 or more
20 automated speed enforcement system or automated traffic law
21 violations on the date or dates such notices were issued; and
22 (2) the person having already paid the fine or penalty for the
23 10 or more standing, parking, or compliance violations or
24 combination of 5 or more automated speed enforcement system or
25 automated traffic law violations indicated on the certified
26 report.

1 (f) Any municipality or county, other than a municipality
2 or county establishing vehicular standing, parking, and
3 compliance regulations pursuant to Section 11-208.3, automated
4 speed enforcement system regulations under Section 11-208.8,
5 or automated traffic law regulations under Section 11-208.6,
6 11-208.9, or 11-1201.1, may also cause a suspension of a
7 person's drivers license pursuant to this Section. Such
8 municipality or county may invoke this sanction by making a
9 certified report to the Secretary of State upon a person's
10 failure to satisfy any fine or penalty imposed by final
11 judgment for 10 or more violations of local standing, parking,
12 or compliance regulations or a combination of 5 or more
13 automated speed enforcement system or automated traffic law
14 violations after exhaustion of judicial review procedures, but
15 only if:

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

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

23 (3) in municipalities or counties with a population of
24 1,000,000 or more, the municipality or county has verified
25 that the alleged violator's State vehicle registration
26 number and vehicle make are correct as they appear on the

1 citations.

2 (g) Any municipality or county, other than a municipality
3 or county establishing standing, parking, and compliance
4 regulations pursuant to Section 11-208.3, automated speed
5 enforcement system regulations under Section 11-208.8, or
6 automated traffic law regulations under Section 11-208.6,
7 11-208.9, or 11-1201.1, may provide by ordinance for the
8 sending of a notice of impending drivers license suspension to
9 the person who has failed to satisfy any fine or penalty
10 imposed by final judgment for 10 or more violations of local
11 standing, parking, or compliance regulations or a combination
12 of 5 or more automated speed enforcement system or automated
13 traffic law violations after exhaustion of judicial review
14 procedures. An ordinance so providing shall specify that the
15 notice sent to the person liable for any fine or penalty shall
16 state that failure to pay the fine or penalty owing within 45
17 days of the notice's date will result in the municipality or
18 county notifying the Secretary of State that the person's
19 drivers license is eligible for suspension pursuant to this
20 Section. The notice of impending drivers license suspension
21 shall be sent by first class United States mail, postage
22 prepaid, to the address recorded with the Secretary of State or
23 at the last address known to the lessor of the cited vehicle at
24 the time of lease or, if any notice sent under Section 11-208.3
25 of this Code is returned as undeliverable, to the last known
26 address recorded in a United States Post Office approved

1 database.

2 (h) An administrative hearing to contest an impending
3 suspension or a suspension made pursuant to this Section may be
4 had upon filing a written request with the Secretary of State.
5 The filing fee for this hearing shall be \$20, to be paid at the
6 time the request is made. A municipality or county which files
7 a certified report with the Secretary of State pursuant to this
8 Section shall reimburse the Secretary for all reasonable costs
9 incurred by the Secretary as a result of the filing of the
10 report, including but not limited to the costs of providing the
11 notice required pursuant to subsection (b) and the costs
12 incurred by the Secretary in any hearing conducted with respect
13 to the report pursuant to this subsection and any appeal from
14 such a hearing.

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

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

19 (Source: P.A. 96-478, eff. 1-1-10; 96-1184, eff. 7-22-10;
20 96-1386, eff. 7-29-10; 97-333, eff. 8-12-11; 97-672, eff.
21 7-1-12.)

22 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)
23 Sec. 11-208. Powers of local authorities.

24 (a) The provisions of this Code shall not be deemed to
25 prevent local authorities with respect to streets and highways

1 under their jurisdiction and within the reasonable exercise of
2 the police power from:

3 1. Regulating the standing or parking of vehicles,
4 except as limited by Sections 11-1306 and 11-1307 of this
5 Act;

6 2. Regulating traffic by means of police officers or
7 traffic control signals;

8 3. Regulating or prohibiting processions or
9 assemblages on the highways;

10 4. Designating particular highways as one-way highways
11 and requiring that all vehicles thereon be moved in one
12 specific direction;

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

15 6. Designating any highway as a through highway, as
16 authorized in Section 11-302, and requiring that all
17 vehicles stop before entering or crossing the same or
18 designating any intersection as a stop intersection or a
19 yield right-of-way intersection and requiring all vehicles
20 to stop or yield the right-of-way at one or more entrances
21 to such intersections;

22 7. Restricting the use of highways as authorized in
23 Chapter 15;

24 8. Regulating the operation of bicycles and requiring
25 the registration and licensing of same, including the
26 requirement of a registration fee;

1 9. Regulating or prohibiting the turning of vehicles or
2 specified types of vehicles at intersections;

3 10. Altering the speed limits as authorized in Section
4 11-604;

5 11. Prohibiting U-turns;

6 12. Prohibiting pedestrian crossings at other than
7 designated and marked crosswalks or at intersections;

8 13. Prohibiting parking during snow removal operation;

9 14. Imposing fines in accordance with Section
10 11-1301.3 as penalties for use of any parking place
11 reserved for persons with disabilities, as defined by
12 Section 1-159.1, or disabled veterans by any person using a
13 motor vehicle not bearing registration plates specified in
14 Section 11-1301.1 or a special decal or device as defined
15 in Section 11-1301.2 as evidence that the vehicle is
16 operated by or for a person with disabilities or disabled
17 veteran;

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

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

22 (b) No ordinance or regulation enacted under subsections 1,
23 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
24 until signs giving reasonable notice of such local traffic
25 regulations are posted.

26 (c) The provisions of this Code shall not prevent any

1 municipality having a population of 500,000 or more inhabitants
2 from prohibiting any person from driving or operating any motor
3 vehicle upon the roadways of such municipality with headlamps
4 on high beam or bright.

5 (d) The provisions of this Code shall not be deemed to
6 prevent local authorities within the reasonable exercise of
7 their police power from prohibiting, on private property, the
8 unauthorized use of parking spaces reserved for persons with
9 disabilities.

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

1 (f) A municipality or county designated in Section 11-208.6
2 may enact an ordinance providing for an automated traffic law
3 enforcement system to enforce violations of this Code or a
4 similar provision of a local ordinance and imposing liability
5 on a registered owner or lessee of a vehicle used in such a
6 violation.

7 (g) A municipality or county, as provided in Section
8 11-1201.1, may enact an ordinance providing for an automated
9 traffic law enforcement system to enforce violations of Section
10 11-1201 of this Code or a similar provision of a local
11 ordinance and imposing liability on a registered owner of a
12 vehicle used in such a violation.

13 (h) A municipality designated in Section 11-208.8 may enact
14 an ordinance providing for an automated speed enforcement
15 system to enforce violations of Article VI of Chapter 11 of
16 this Code or a similar provision of a local ordinance.

17 (i) A municipality or county designated in Section 11-208.9
18 may enact an ordinance providing for an automated traffic law
19 enforcement system to enforce violations of Section 11-1414 of
20 this Code or a similar provision of a local ordinance and
21 imposing liability on a registered owner or lessee of a vehicle
22 used in such a violation.

23 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11; 97-29,
24 eff. 1-1-12; 97-672, eff. 7-1-12.)

25 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

1 Sec. 11-208.3. Administrative adjudication of violations
2 of traffic regulations concerning the standing, parking, or
3 condition of vehicles, automated traffic law violations, and
4 automated speed enforcement system violations.

5 (a) Any municipality or county may provide by ordinance for
6 a system of administrative adjudication of vehicular standing
7 and parking violations and vehicle compliance violations as
8 described in this subsection, automated traffic law violations
9 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
10 automated speed enforcement system violations as defined in
11 Section 11-208.8. The administrative system shall have as its
12 purpose the fair and efficient enforcement of municipal or
13 county regulations through the administrative adjudication of
14 automated speed enforcement system or automated traffic law
15 violations and violations of municipal or county ordinances
16 regulating the standing and parking of vehicles, the condition
17 and use of vehicle equipment, and the display of municipal or
18 county wheel tax licenses within the municipality's or county's
19 borders. The administrative system shall only have authority to
20 adjudicate civil offenses carrying fines not in excess of \$500
21 or requiring the completion of a traffic education program, or
22 both, that occur after the effective date of the ordinance
23 adopting such a system under this Section. For purposes of this
24 Section, "compliance violation" means a violation of a
25 municipal or county regulation governing the condition or use
26 of equipment on a vehicle or governing the display of a

1 municipal or county 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 enforcement system or automated traffic
7 law violation notices and other notices required by this
8 Section, collect money paid as fines and penalties for
9 violation of parking and compliance ordinances and
10 automated speed enforcement system or automated traffic
11 law violations, and operate an administrative adjudication
12 system. The traffic compliance administrator also may make
13 a certified report to the Secretary of State under Section
14 6-306.5.

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

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

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

1 lessor of the motor vehicle within 30 days after the
2 Secretary of State or the lessor of the motor vehicle
3 notifies the municipality or county of the identity of the
4 owner or lessee of the vehicle, but not later than 90 days
5 after the violation, except that in the case of a lessee of
6 a motor vehicle, service of an automated traffic law
7 violation notice may occur no later than 210 days after the
8 violation. A person authorized by ordinance to issue and
9 serve parking, standing, and compliance violation notices
10 shall certify as to the correctness of the facts entered on
11 the violation notice by signing his or her name to the
12 notice at the time of service or in the case of a notice
13 produced by a computerized device, by signing a single
14 certificate to be kept by the traffic compliance
15 administrator attesting to the correctness of all notices
16 produced by the device while it was under his or her
17 control. In the case of an automated traffic law violation,
18 the ordinance shall require a determination by a technician
19 employed or contracted by the municipality or county that,
20 based on inspection of recorded images, the motor vehicle
21 was being operated in violation of Section 11-208.6,
22 11-208.9, or 11-1201.1 or a local ordinance. If the
23 technician determines that the vehicle entered the
24 intersection as part of a funeral procession or in order to
25 yield the right-of-way to an emergency vehicle, a citation
26 shall not be issued. In municipalities with a population of

1 less than 1,000,000 inhabitants and counties with a
2 population of less than 3,000,000 inhabitants, the
3 automated traffic law ordinance shall require that all
4 determinations by a technician that a motor vehicle was
5 being operated in violation of Section 11-208.6, 11-208.9,
6 or 11-1201.1 or a local ordinance must be reviewed and
7 approved by a law enforcement officer or retired law
8 enforcement officer of the municipality or county issuing
9 the violation. In municipalities with a population of
10 1,000,000 or more inhabitants and counties with a
11 population of 3,000,000 or more inhabitants, the automated
12 traffic law ordinance shall require that all
13 determinations by a technician that a motor vehicle was
14 being operated in violation of Section 11-208.6, 11-208.9,
15 or 11-1201.1 or a local ordinance must be reviewed and
16 approved by a law enforcement officer or retired law
17 enforcement officer of the municipality or county issuing
18 the violation or by an additional fully-trained reviewing
19 technician who is not employed by the contractor who
20 employs the technician who made the initial determination.
21 In the case of an automated speed enforcement system
22 violation, the ordinance shall require a determination by a
23 technician employed by the municipality, based upon an
24 inspection of recorded images, video or other
25 documentation, including documentation of the speed limit
26 and automated speed enforcement signage, and documentation

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

1 or when deemed necessary by a reviewing technician. Radar
2 equipment shall be checked with certified tuning forks, the
3 internal circuit test, and diode display test whenever the
4 radar is turned on. Technicians must be alert for any
5 unusual or suspect readings, and if unusual or suspect
6 readings of a radar unit persist, that unit shall
7 immediately be removed from service and not returned to
8 service until it has been checked by a qualified technician
9 and determined to be functioning properly. Documentation
10 of the calibration results, including the equipment
11 tested, test date, technician performing the test, and test
12 results, shall be maintained and available for use in the
13 determination of an automated speed enforcement system
14 violation and issuance of a citation. The technician
15 performing the calibration and testing of the automated
16 speed enforcement equipment shall be trained and certified
17 in the use of equipment for speed enforcement purposes.
18 Training on the speed enforcement equipment may be
19 conducted by law enforcement, civilian, or manufacturer's
20 personnel and shall be equivalent to the equipment use and
21 operations training included in the Speed Measuring Device
22 Operator Program developed by the National Highway Traffic
23 Safety Administration (NHTSA). The technician who performs
24 the work shall keep accurate records on each piece of
25 equipment the technician calibrates and tests. As used in
26 this paragraph, "fully-trained reviewing technician" means

1 a person who has received at least 40 hours of supervised
2 training in subjects which shall include image inspection
3 and interpretation, the elements necessary to prove a
4 violation, license plate identification, and traffic
5 safety and management. In all municipalities and counties,
6 the automated speed enforcement system or automated
7 traffic law ordinance shall require that no additional fee
8 shall be charged to the alleged violator for exercising his
9 or her right to an administrative hearing, and persons
10 shall be given at least 25 days following an administrative
11 hearing to pay any civil penalty imposed by a finding that
12 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
13 similar local ordinance has been violated. The original or
14 a facsimile of the violation notice or, in the case of a
15 notice produced by a computerized device, a printed record
16 generated by the device showing the facts entered on the
17 notice, shall be retained by the traffic compliance
18 administrator, and shall be a record kept in the ordinary
19 course of business. A parking, standing, compliance,
20 automated speed enforcement system, or automated traffic
21 law violation notice issued, signed and served in
22 accordance with this Section, a copy of the notice, or the
23 computer generated record shall be prima facie correct and
24 shall be prima facie evidence of the correctness of the
25 facts shown on the notice. The notice, copy, or computer
26 generated record shall be admissible in any subsequent

1 administrative or legal proceedings.

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

21 (5) Service of additional notices, sent by first class
22 United States mail, postage prepaid, to the address of the
23 registered owner of the cited vehicle as recorded with the
24 Secretary of State or, if any notice to that address is
25 returned as undeliverable, to the last known address
26 recorded in a United States Post Office approved database,

1 or, under Section 11-1306 or subsection (p) of Section
2 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
3 of this Code, to the lessee of the cited vehicle at the
4 last address known to the lessor of the cited vehicle at
5 the time of lease or, if any notice to that address is
6 returned as undeliverable, to the last known address
7 recorded in a United States Post Office approved database.
8 The service shall be deemed complete as of the date of
9 deposit in the United States mail. The notices shall be in
10 the following sequence and shall include but not be limited
11 to the information specified herein:

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

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

12 (ii) A notice of final determination of parking,
13 standing, compliance, automated speed enforcement
14 system, or automated traffic law violation liability.
15 This notice shall be sent following a final
16 determination of parking, standing, compliance,
17 automated speed enforcement system, or automated
18 traffic law violation liability and the conclusion of
19 judicial review procedures taken under this Section.
20 The notice shall state that the incomplete traffic
21 education program or the unpaid fine or penalty, or
22 both, is a debt due and owing the municipality or
23 county. The notice shall contain warnings that failure
24 to complete any required traffic education program or
25 to pay any fine or penalty due and owing the
26 municipality or county, or both, within the time

1 specified may result in the municipality's or county's
2 filing of a petition in the Circuit Court to have the
3 incomplete traffic education program or unpaid fine or
4 penalty, or both, rendered a judgment as provided by
5 this Section, or may result in suspension of the
6 person's drivers license for failure to complete a
7 traffic education program or to pay fines or penalties,
8 or both, for 10 or more parking violations under
9 Section 6-306.5, or a combination of 5 or more
10 automated traffic law violations under Section
11 11-208.6 or 11-208.9 or automated speed enforcement
12 system violations under Section 11-208.8.

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

1 original ticket imposing a fine or penalty by sending a
2 self addressed, stamped envelope to the municipality or
3 county along with a request for the photostatic copy. The
4 notice of impending drivers license suspension shall be
5 sent by first class United States mail, postage prepaid, to
6 the address recorded with the Secretary of State or, if any
7 notice to that address is returned as undeliverable, to the
8 last known address recorded in a United States Post Office
9 approved database.

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

24 (8) A petition to set aside a determination of parking,
25 standing, compliance, automated speed enforcement system,
26 or automated traffic law violation liability that may be

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

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

1 (10) A schedule of civil fines for violations of
2 vehicular standing, parking, compliance, automated speed
3 enforcement system, or automated traffic law regulations
4 enacted by ordinance pursuant to this Section, and a
5 schedule of penalties for late payment of the fines or
6 failure to complete required traffic education programs,
7 provided, however, that the total amount of the fine and
8 penalty for any one violation shall not exceed \$250, except
9 as provided in subsection (c) of Section 11-1301.3 of this
10 Code.

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

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

24 (1) Criteria for the designation of vehicles eligible
25 for immobilization. A vehicle shall be eligible for
26 immobilization when the registered owner of the vehicle has

1 accumulated the number of incomplete traffic education
2 programs or unpaid final determinations of parking,
3 standing, compliance, automated speed enforcement system,
4 or automated traffic law violation liability, or both, as
5 determined by ordinance.

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

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

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

26 (d) Judicial review of final determinations of parking,

1 standing, compliance, automated speed enforcement system, or
2 automated traffic law violations and final administrative
3 decisions issued after hearings regarding vehicle
4 immobilization and impoundment made under this Section shall be
5 subject to the provisions of the Administrative Review Law.

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

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

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

1 automated speed enforcement system, or automated traffic law
2 violation, plus costs. The judgment shall have the same effect
3 and may be enforced in the same manner as other judgments for
4 the recovery of money.

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

7 A low-income individual required to complete a traffic
8 education program under this Section who provides proof of
9 eligibility for the federal earned income tax credit under
10 Section 32 of the Internal Revenue Code or the Illinois earned
11 income tax credit under Section 212 of the Illinois Income Tax
12 Act shall not be required to pay any fee for participating in a
13 required traffic education program.

14 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
15 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
16 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672, eff.
17 7-1-12.)

18 (625 ILCS 5/11-208.9 new)

19 Sec. 11-208.9. Automated traffic law enforcement system;
20 approaching, overtaking, and passing a school bus.

21 (a) As used in this Section, "automated traffic law
22 enforcement system" means a device with one or more motor
23 vehicle sensors working in conjunction with the visual signals
24 on a school bus, as specified in Sections 12-803 and 12-805 of
25 this Code, to produce recorded images of motor vehicles that

1 fail to stop before meeting or overtaking, from either
2 direction, any school bus stopped at any location for the
3 purpose of receiving or discharging pupils in violation of
4 Section 11-1414 of this Code or a similar provision of a local
5 ordinance.

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

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

15 (1) 2 or more photographs;

16 (2) 2 or more microphotographs;

17 (3) 2 or more electronic images; or

18 (4) a video recording showing the motor vehicle and, on
19 at least one image or portion of the recording, clearly
20 identifying the registration plate number of the motor
21 vehicle.

22 (c) A municipality or county that produces a recorded image
23 of a motor vehicle's violation of a provision of this Code or a
24 local ordinance must make the recorded images of a violation
25 accessible to the alleged violator by providing the alleged
26 violator with a website address, accessible through the

1 Internet.

2 (d) For each violation of a provision of this Code or a
3 local ordinance recorded by an automatic traffic law
4 enforcement system, the county or municipality having
5 jurisdiction shall issue a written notice of the violation to
6 the registered owner of the vehicle as the alleged violator.
7 The notice shall be delivered to the registered owner of the
8 vehicle, by mail, within 30 days after the Secretary of State
9 notifies the municipality or county of the identity of the
10 owner of the vehicle, but in no event later than 90 days after
11 the violation.

12 (e) The notice required under subsection (d) shall include:

13 (1) the name and address of the registered owner of the
14 vehicle;

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

17 (3) the violation charged;

18 (4) the location where the violation occurred;

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

20 (6) a copy of the recorded images;

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

23 (8) a statement that recorded images are evidence of a
24 violation of overtaking or passing a school bus stopped for
25 the purpose of receiving or discharging pupils;

26 (9) a warning that failure to pay the civil penalty or

1 to contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle;

4 (10) a statement that the person may elect to proceed
5 by:

6 (A) paying the fine; or

7 (B) challenging the charge in court, by mail, or by
8 administrative hearing; and

9 (11) a website address, accessible through the
10 Internet, where the person may view the recorded images of
11 the violation.

12 (f) If a person charged with a traffic violation, as a
13 result of an automated traffic law enforcement system under
14 this Section, does not pay the fine or successfully contest the
15 civil penalty resulting from that violation, the Secretary of
16 State shall suspend the driving privileges of the registered
17 owner of the vehicle under Section 6-306.5 of this Code for
18 failing to pay any fine or penalty due and owing as a result of
19 a combination of 5 violations of the automated traffic law
20 enforcement system or the automated speed enforcement system
21 under Section 11-208.8 of this Code.

22 (g) Based on inspection of recorded images produced by an
23 automated traffic law enforcement system, a notice alleging
24 that the violation occurred shall be evidence of the facts
25 contained in the notice and admissible in any proceeding
26 alleging a violation under this Section.

1 (h) Recorded images made by an automatic traffic law
2 enforcement system are confidential and shall be made available
3 only to the alleged violator and governmental and law
4 enforcement agencies for purposes of adjudicating a violation
5 of this Section, for statistical purposes, or for other
6 governmental purposes. Any recorded image evidencing a
7 violation of this Section, however, may be admissible in any
8 proceeding resulting from the issuance of the citation.

9 (i) The court or hearing officer may consider in defense of
10 a violation:

11 (1) that the motor vehicle or registration plates of
12 the motor vehicle were stolen before the violation occurred
13 and not under the control of or in the possession of the
14 owner at the time of the violation;

15 (2) that the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer for a
17 violation of Section 11-1414 of this Code within one-eight
18 of a mile and 15 minutes of the violation that was recorded
19 by the system;

20 (3) that the visual signals required by Sections 12-803
21 and 12-805 of this Code were damaged, not activated, not
22 present in violation of Sections 12-803 and 12-805, or
23 inoperable; and

24 (4) any other evidence or issues provided by municipal
25 or county ordinance.

26 (j) To demonstrate that the motor vehicle or the

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

7 (k) Unless the driver of the motor vehicle received a
8 Uniform Traffic Citation from a police officer at the time of
9 the violation, the motor vehicle owner is subject to a civil
10 penalty not exceeding \$150 for a first time violation or \$500
11 for a second or subsequent violation, plus an additional
12 penalty of not more than \$100 for failure to pay the original
13 penalty in a timely manner, if the motor vehicle is recorded by
14 an automated traffic law enforcement system. A violation for
15 which a civil penalty is imposed under this Section is not a
16 violation of a traffic regulation governing the movement of
17 vehicles and may not be recorded on the driving record of the
18 owner of the vehicle, but may be recorded by the municipality
19 or county for the purpose of determining if a person is subject
20 to the higher fine for a second or subsequent offense.

21 (l) A school bus equipped with an automated traffic law
22 enforcement system must be posted with a sign indicating that
23 the school bus is being monitored by an automated traffic law
24 enforcement system.

25 (m) A municipality or county that has one or more school
26 buses equipped with an automated traffic law enforcement system

1 must provide notice to drivers by posting a list of school
2 districts using school buses equipped with an automated traffic
3 law system on the municipality or county website. School
4 districts that have one or more school buses equipped with an
5 automated traffic law enforcement system must provide notice to
6 drivers by posting that information on their websites.

7 (n) A municipality or county operating an automated traffic
8 law enforcement system shall conduct a statistical analysis to
9 assess the safety impact in each school district using school
10 buses equipped with an automated traffic law enforcement system
11 following installation of the system. The statistical analysis
12 shall be based upon the best available crash, traffic, and
13 other data, and shall cover a period of time before and after
14 installation of the system sufficient to provide a
15 statistically valid comparison of safety impact. The
16 statistical analysis shall be consistent with professional
17 judgment and acceptable industry practice. The statistical
18 analysis also shall be consistent with the data required for
19 valid comparisons of before and after conditions and shall be
20 conducted within a reasonable period following the
21 installation of the automated traffic law enforcement system.
22 The statistical analysis required by this subsection shall be
23 made available to the public and shall be published on the
24 website of the municipality or county. If the statistical
25 analysis for the 36 month period following installation of the
26 system indicates that there has been an increase in the rate of

1 accidents at the approach to school buses monitored by the
2 system, the municipality or county shall undertake additional
3 studies to determine the cause and severity of the accidents,
4 and may take any action that it determines is necessary or
5 appropriate to reduce the number or severity of the accidents
6 involving school buses equipped with an automated traffic law
7 enforcement system.

8 (o) The compensation paid for an automated traffic law
9 enforcement system must be based on the value of the equipment
10 or the services provided and may not be based on the number of
11 traffic citations issued or the revenue generated by the
12 system.

13 (p) No person who is the lessor of a motor vehicle pursuant
14 to a written lease agreement shall be liable for an automated
15 speed or traffic law enforcement system violation involving
16 such motor vehicle during the period of the lease; provided
17 that upon the request of the appropriate authority received
18 within 120 days after the violation occurred, the lessor
19 provides within 60 days after such receipt the name and address
20 of the lessee. The drivers license number of a lessee may be
21 subsequently individually requested by the appropriate
22 authority if needed for enforcement of this Section.

23 Upon the provision of information by the lessor pursuant to
24 this subsection, the county or municipality may issue the
25 violation to the lessee of the vehicle in the same manner as it
26 would issue a violation to a registered owner of a vehicle

1 pursuant to this Section, and the lessee may be held liable for
2 the violation.

3 (q) A municipality or county shall make a certified report
4 to the Secretary of State pursuant to Section 6-306.5 of this
5 Code whenever a registered owner of a vehicle has failed to pay
6 any fine or penalty due and owing as a result of a combination
7 of 5 offenses for automated traffic law or speed enforcement
8 system violations.

9 (r) A municipality or county that chooses to implement an
10 automated traffic law enforcement system under this Section
11 shall do so on a school district by school district basis. Each
12 school district shall be responsible for entering into its own
13 contract with vendors for the installation, maintenance, and
14 operation of its automatic traffic law enforcement system. This
15 contract must be approved by the elected school board of that
16 district."