



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4111

by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.3

from Ch. 95 1/2, par. 11-208.3

Amends the Illinois Vehicle Code. Requires that service of a parking violation notice shall also require the issuing law enforcement officer or agency to photograph the cited vehicle and nearby signage, if any, showing why the vehicle was issued a parking violation. Provides that the issuing authority may mail the photograph to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State, along with a copy of the notice, within 2 days of the parking violation. Provides that upon issuance of an additional parking violation notice, the issuing law enforcement officer or agency shall mail, to the registered owner or lessee, a photograph of the cited vehicle and nearby signage, if any, showing why the vehicle was issued a parking violation, along with the additional notice.

LRB099 09348 RJF 29553 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-208.3 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations
8 of traffic regulations concerning the standing, parking, or
9 condition of vehicles, automated traffic law violations, and
10 automated speed enforcement system violations.

11 (a) Any municipality or county may provide by ordinance for
12 a system of administrative adjudication of vehicular standing
13 and parking violations and vehicle compliance violations as
14 described in this subsection, automated traffic law violations
15 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
16 automated speed enforcement system violations as defined in
17 Section 11-208.8. The administrative system shall have as its
18 purpose the fair and efficient enforcement of municipal or
19 county regulations through the administrative adjudication of
20 automated speed enforcement system or automated traffic law
21 violations and violations of municipal or county ordinances
22 regulating the standing and parking of vehicles, the condition
23 and use of vehicle equipment, and the display of municipal or

1 county wheel tax licenses within the municipality's or county's
2 borders. The administrative system shall only have authority to
3 adjudicate civil offenses carrying fines not in excess of \$500
4 or requiring the completion of a traffic education program, or
5 both, that occur after the effective date of the ordinance
6 adopting such a system under this Section. For purposes of this
7 Section, "compliance violation" means a violation of a
8 municipal or county regulation governing the condition or use
9 of equipment on a vehicle or governing the display of a
10 municipal or county wheel tax license.

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

13 (1) A traffic compliance administrator authorized to
14 adopt, distribute and process parking, compliance, and
15 automated speed enforcement system or automated traffic
16 law violation notices and other notices required by this
17 Section, collect money paid as fines and penalties for
18 violation of parking and compliance ordinances and
19 automated speed enforcement system or automated traffic
20 law violations, and operate an administrative adjudication
21 system. The traffic compliance administrator also may make
22 a certified report to the Secretary of State under Section
23 6-306.5.

24 (2) A parking, standing, compliance, automated speed
25 enforcement system, or automated traffic law violation
26 notice that shall specify the date, time, and place of

1 violation of a parking, standing, compliance, automated
2 speed enforcement system, or automated traffic law
3 regulation; the particular regulation violated; any
4 requirement to complete a traffic education program; the
5 fine and any penalty that may be assessed for late payment
6 or failure to complete a required traffic education
7 program, or both, when so provided by ordinance; the
8 vehicle make and state registration number; and the
9 identification number of the person issuing the notice.
10 With regard to automated speed enforcement system or
11 automated traffic law violations, vehicle make shall be
12 specified on the automated speed enforcement system or
13 automated traffic law violation notice if the make is
14 available and readily discernible. With regard to
15 municipalities or counties with a population of 1 million
16 or more, it shall be grounds for dismissal of a parking
17 violation if the state registration number or vehicle make
18 specified is incorrect. The violation notice shall state
19 that the completion of any required traffic education
20 program, the payment of any indicated fine, and the payment
21 of any applicable penalty for late payment or failure to
22 complete a required traffic education program, or both,
23 shall operate as a final disposition of the violation. The
24 notice also shall contain information as to the
25 availability of a hearing in which the violation may be
26 contested on its merits. The violation notice shall specify

1 the time and manner in which a hearing may be had.

2 (3) Service of the parking, standing, or compliance
3 violation notice may be accomplished by affixing the
4 original or a facsimile of the notice to an unlawfully
5 parked vehicle or by handing the notice to the operator of
6 a vehicle if he or she is present. The issuing law
7 enforcement officer or agency of a parking violation shall
8 include with the notice a photograph of the cited vehicle
9 and nearby signage, if any, showing why the vehicle was
10 issued a parking violation. The law enforcement officer or
11 agency may mail the photograph to the address of the
12 registered owner or lessee of the cited vehicle as recorded
13 with the Secretary of State, along with a copy of the
14 notice, within 2 business days of the parking violation.
15 Service ~~and service~~ of an automated speed enforcement
16 system or automated traffic law violation notice by mail to
17 the address of the registered owner or lessee of the cited
18 vehicle as recorded with the Secretary of State or the
19 lessor of the motor vehicle within 30 days after the
20 Secretary of State or the lessor of the motor vehicle
21 notifies the municipality or county of the identity of the
22 owner or lessee of the vehicle, but not later than 90 days
23 after the violation, except that in the case of a lessee of
24 a motor vehicle, service of an automated traffic law
25 violation notice may occur no later than 210 days after the
26 violation. A person authorized by ordinance to issue and

1 serve parking, standing, and compliance violation notices
2 shall certify as to the correctness of the facts entered on
3 the violation notice by signing his or her name to the
4 notice at the time of service or in the case of a notice
5 produced by a computerized device, by signing a single
6 certificate to be kept by the traffic compliance
7 administrator attesting to the correctness of all notices
8 produced by the device while it was under his or her
9 control. In the case of an automated traffic law violation,
10 the ordinance shall require a determination by a technician
11 employed or contracted by the municipality or county that,
12 based on inspection of recorded images, the motor vehicle
13 was being operated in violation of Section 11-208.6,
14 11-208.9, or 11-1201.1 or a local ordinance. If the
15 technician determines that the vehicle entered the
16 intersection as part of a funeral procession or in order to
17 yield the right-of-way to an emergency vehicle, a citation
18 shall not be issued. In municipalities with a population of
19 less than 1,000,000 inhabitants and counties with a
20 population of less than 3,000,000 inhabitants, the
21 automated traffic law ordinance shall require that all
22 determinations by a technician that a motor vehicle was
23 being operated in violation of Section 11-208.6, 11-208.9,
24 or 11-1201.1 or a local ordinance must be reviewed and
25 approved by a law enforcement officer or retired law
26 enforcement officer of the municipality or county issuing

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

1 enforcement ordinance shall require that all
2 determinations by a technician that a violation occurred be
3 reviewed and approved by a law enforcement officer or
4 retired law enforcement officer of the municipality
5 issuing the violation or by an additional fully trained
6 reviewing technician who is not employed by the contractor
7 who employs the technician who made the initial
8 determination. Routine and independent calibration of the
9 speeds produced by automated speed enforcement systems and
10 equipment shall be conducted annually by a qualified
11 technician. Speeds produced by an automated speed
12 enforcement system shall be compared with speeds produced
13 by lidar or other independent equipment. Radar or lidar
14 equipment shall undergo an internal validation test no less
15 frequently than once each week. Qualified technicians
16 shall test loop based equipment no less frequently than
17 once a year. Radar equipment shall be checked for accuracy
18 by a qualified technician when the unit is serviced, when
19 unusual or suspect readings persist, or when deemed
20 necessary by a reviewing technician. Radar equipment shall
21 be checked with the internal frequency generator and the
22 internal circuit test whenever the radar is turned on.
23 Technicians must be alert for any unusual or suspect
24 readings, and if unusual or suspect readings of a radar
25 unit persist, that unit shall immediately be removed from
26 service and not returned to service until it has been

1 checked by a qualified technician and determined to be
2 functioning properly. Documentation of the annual
3 calibration results, including the equipment tested, test
4 date, technician performing the test, and test results,
5 shall be maintained and available for use in the
6 determination of an automated speed enforcement system
7 violation and issuance of a citation. The technician
8 performing the calibration and testing of the automated
9 speed enforcement equipment shall be trained and certified
10 in the use of equipment for speed enforcement purposes.
11 Training on the speed enforcement equipment may be
12 conducted by law enforcement, civilian, or manufacturer's
13 personnel and if applicable may be equivalent to the
14 equipment use and operations training included in the Speed
15 Measuring Device Operator Program developed by the
16 National Highway Traffic Safety Administration (NHTSA).
17 The vendor or technician who performs the work shall keep
18 accurate records on each piece of equipment the technician
19 calibrates and tests. As used in this paragraph,
20 "fully-trained reviewing technician" means a person who
21 has received at least 40 hours of supervised training in
22 subjects which shall include image inspection and
23 interpretation, the elements necessary to prove a
24 violation, license plate identification, and traffic
25 safety and management. In all municipalities and counties,
26 the automated speed enforcement system or automated

1 traffic law ordinance shall require that no additional fee
2 shall be charged to the alleged violator for exercising his
3 or her right to an administrative hearing, and persons
4 shall be given at least 25 days following an administrative
5 hearing to pay any civil penalty imposed by a finding that
6 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
7 similar local ordinance has been violated. The original or
8 a facsimile of the violation notice or, in the case of a
9 notice produced by a computerized device, a printed record
10 generated by the device showing the facts entered on the
11 notice, shall be retained by the traffic compliance
12 administrator, and shall be a record kept in the ordinary
13 course of business. A parking, standing, compliance,
14 automated speed enforcement system, or automated traffic
15 law violation notice issued, signed and served in
16 accordance with this Section, a copy of the notice, or the
17 computer generated record shall be prima facie correct and
18 shall be prima facie evidence of the correctness of the
19 facts shown on the notice. The notice, copy, or computer
20 generated record shall be admissible in any subsequent
21 administrative or legal proceedings.

22 (4) An opportunity for a hearing for the registered
23 owner of the vehicle cited in the parking, standing,
24 compliance, automated speed enforcement system, or
25 automated traffic law violation notice in which the owner
26 may contest the merits of the alleged violation, and during

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

15 (5) Service of additional notices, sent by first class
16 United States mail, postage prepaid, to the address of the
17 registered owner of the cited vehicle as recorded with the
18 Secretary of State or, if any notice to that address is
19 returned as undeliverable, to the last known address
20 recorded in a United States Post Office approved database,
21 or, under Section 11-1306 or subsection (p) of Section
22 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
23 of this Code, to the lessee of the cited vehicle at the
24 last address known to the lessor of the cited vehicle at
25 the time of lease or, if any notice to that address is
26 returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database.
2 Service of an additional parking violation notice shall
3 also require the issuing law enforcement officer or agency
4 to mail, by any method applicable under this paragraph (5),
5 a photograph of the cited vehicle and nearby signage, if
6 any, showing why the vehicle was issued a parking
7 violation, along with the additional notice. The service
8 shall be deemed complete as of the date of deposit in the
9 United States mail. The notices shall be in the following
10 sequence and shall include but not be limited to the
11 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. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,
15 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)