

1 AN ACT in relation to vehicles.

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  
5 changing 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.

10 (a) Any municipality may provide by ordinance for a  
11 system of administrative adjudication of vehicular standing  
12 and parking violations and vehicle compliance violations as  
13 defined in this subsection. The administrative system shall  
14 have as its purpose the fair and efficient enforcement of  
15 municipal regulations through the administrative adjudication  
16 of violations of municipal ordinances regulating the standing  
17 and parking of vehicles, the condition and use of vehicle  
18 equipment, and the display of municipal wheel tax licenses  
19 within the municipality's borders. The administrative system  
20 shall ~~only~~ have authority to adjudicate civil offenses  
21 carrying fines not in excess of ~~\$500~~ \$250 that occur after  
22 the effective date of the ordinance adopting such a system  
23 under this Section. For purposes of this Section, "compliance  
24 violation" means a violation of a municipal regulation  
25 governing the condition or use of equipment on a vehicle or  
26 governing the display of a municipal wheel tax license.

27 (a-1) Any municipality may provide by ordinance for a  
28 system of administrative adjudication of parking violations  
29 committed in its central business district that adversely  
30 affect the security of its residents or have the potential to  
31 compromise security in its central business district. The

1 administrative system has authority to adjudicate the  
2 following parking violations committed in the municipality's  
3 central business district:

- 4 (1) parking within 15 feet of a fire hydrant;
- 5 (2) parking in a designated parking tow zone;
- 6 (3) parking in a designated no parking zone; and
- 7 (4) parking in a parking zone which requires person  
8 with disabilities license plates or a person with  
9 disabilities parking decal or device.

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

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

22 (2) A parking, standing, or compliance violation  
23 notice that shall specify the date, time, and place of  
24 violation of a parking, standing, or compliance  
25 regulation; the particular regulation violated; the fine  
26 and any penalty that may be assessed for late payment,  
27 when so provided by ordinance; the vehicle make and state  
28 registration number; and the identification number of the  
29 person issuing the notice. With regard to municipalities  
30 with a population of 1 million or more, it shall be  
31 grounds for dismissal of a parking violation if the State  
32 registration number or vehicle make specified is  
33 incorrect. The violation notice shall state that the  
34 payment of the indicated fine, and of any applicable

1 penalty for late payment, shall operate as a final  
2 disposition of the violation. The notice also shall  
3 contain information as to the availability of a hearing  
4 in which the violation may be contested on its merits.  
5 The violation notice shall specify the time and manner in  
6 which a hearing may be had.

7 (3) Service of the parking, standing, or compliance  
8 violation notice by affixing the original or a facsimile  
9 of the notice to an unlawfully parked vehicle or by  
10 handing the notice to the operator of a vehicle if he or  
11 she is present. A person authorized by ordinance to  
12 issue and serve parking, standing, and compliance  
13 violation notices shall certify as to the correctness of  
14 the facts entered on the violation notice by signing his  
15 or her name to the notice at the time of service or in  
16 the case of a notice produced by a computerized device,  
17 by signing a single certificate to be kept by the traffic  
18 compliance administrator attesting to the correctness of  
19 all notices produced by the device while it was under his  
20 or her control. The original or a facsimile of the  
21 violation notice shall be retained by the traffic  
22 compliance administrator, and shall be a record kept in  
23 the ordinary course of business. A parking, standing, or  
24 compliance violation notice issued, signed and served in  
25 accordance with this Section, or a copy of the notice,  
26 shall be prima facie correct and shall be prima facie  
27 evidence of the correctness of the facts shown on the  
28 notice. The notice or copy shall be admissible in any  
29 subsequent administrative or legal proceedings.

30 (4) An opportunity for a hearing for the registered  
31 owner of the vehicle cited in the parking, standing, or  
32 compliance violation notice in which the owner may  
33 contest the merits of the alleged violation, and during  
34 which formal or technical rules of evidence shall not

1 apply; provided, however, that under Section 11-1306 of  
2 this Code the lessee of a vehicle cited in the violation  
3 notice likewise shall be provided an opportunity for a  
4 hearing of the same kind afforded the registered owner.  
5 The hearings shall be recorded, and the person conducting  
6 the hearing on behalf of the traffic compliance  
7 administrator shall be empowered to administer oaths and  
8 to secure by subpoena both the attendance and testimony  
9 of witnesses and the production of relevant books and  
10 papers. Persons appearing at a hearing under this  
11 Section may be represented by counsel at their expense.  
12 The ordinance may also provide for internal  
13 administrative review following the decision of the  
14 hearing officer.

15 (5) Service of additional notices, sent by first  
16 class United States mail, postage prepaid, to the address  
17 of the registered owner of the cited vehicle as recorded  
18 with the Secretary of State or, under Section 11-1306 of  
19 this Code, to the lessee of the cited vehicle at the last  
20 address known to the lessor of the cited vehicle at the  
21 time of lease. The service shall be deemed complete as  
22 of the date of deposit in the United States mail. The  
23 notices shall be in the following sequence and shall  
24 include but not be limited to the information specified  
25 herein:

26 (i) A second notice of violation. This notice  
27 shall specify the date and location of the violation  
28 cited in the parking, standing, or compliance  
29 violation notice, the particular regulation  
30 violated, the vehicle make and state registration  
31 number, the fine and any penalty that may be  
32 assessed for late payment when so provided by  
33 ordinance, the availability of a hearing in which  
34 the violation may be contested on its merits, and

1 the time and manner in which the hearing may be had.  
2 The notice of violation shall also state that  
3 failure either to pay the indicated fine and any  
4 applicable penalty, or to appear at a hearing on the  
5 merits in the time and manner specified, will result  
6 in a final determination of violation liability for  
7 the cited violation in the amount of the fine or  
8 penalty indicated, and that, upon the occurrence of  
9 a final determination of violation liability for the  
10 failure, and the exhaustion of, or failure to  
11 exhaust, available administrative or judicial  
12 procedures for review, any unpaid fine or penalty  
13 will constitute a debt due and owing the  
14 municipality.

15 (ii) A notice of final determination of  
16 parking, standing, or compliance violation  
17 liability. This notice shall be sent following a  
18 final determination of parking, standing, or  
19 compliance violation liability and the conclusion of  
20 judicial review procedures taken under this Section.  
21 The notice shall state that the unpaid fine or  
22 penalty is a debt due and owing the municipality.  
23 The notice shall contain warnings that failure to  
24 pay any fine or penalty due and owing the  
25 municipality within the time specified may result in  
26 the municipality's filing of a petition in the  
27 Circuit Court to have the unpaid fine or penalty  
28 rendered a judgment as provided by this Section, or  
29 may result in suspension of the person's drivers  
30 license for failure to pay fines or penalties for 10  
31 or more parking violations under Section 6-306.5.

32 (6) A Notice of impending drivers license  
33 suspension. This notice shall be sent to the person  
34 liable for any fine or penalty that remains due and owing

1 on 10 or more parking violations. The notice shall state  
2 that failure to pay the fine or penalty owing within 45  
3 days of the notice's date will result in the municipality  
4 notifying the Secretary of State that the person is  
5 eligible for initiation of suspension proceedings under  
6 Section 6-306.5 of this Code. The notice shall also state  
7 that the person may obtain a photostatic copy of an  
8 original ticket imposing a fine or penalty by sending a  
9 self addressed, stamped envelope to the municipality  
10 along with a request for the photostatic copy. The  
11 notice of impending drivers license suspension shall be  
12 sent by first class United States mail, postage prepaid,  
13 to the address recorded with the Secretary of State.

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

27 (8) A petition to set aside a determination of  
28 parking, standing, or compliance violation liability that  
29 may be filed by a person owing an unpaid fine or penalty.  
30 The petition shall be filed with and ruled upon by the  
31 traffic compliance administrator in the manner and within  
32 the time specified by ordinance. The grounds for the  
33 petition may be limited to: (A) the person not having  
34 been the owner or lessee of the cited vehicle on the date

1 the violation notice was issued, (B) the person having  
2 already paid the fine or penalty for the violation in  
3 question, and (C) excusable failure to appear at or  
4 request a new date for a hearing. With regard to  
5 municipalities with a population of 1 million or more, it  
6 shall be grounds for dismissal of a parking violation if  
7 the State registration number or vehicle make specified  
8 is incorrect. After the determination of parking,  
9 standing, or compliance violation liability has been set  
10 aside upon a showing of just cause, the registered owner  
11 shall be provided with a hearing on the merits for that  
12 violation.

13 (9) Procedures for non-residents. Procedures by  
14 which persons who are not residents of the municipality  
15 may contest the merits of the alleged violation without  
16 attending a hearing.

17 (10) A schedule of civil fines for violations of  
18 vehicular standing, parking, and compliance regulations  
19 enacted by ordinance pursuant to this Section, and a  
20 schedule of penalties for late payment of the fines,  
21 provided, however, that the total amount of the fine and  
22 penalty for any one violation, other than a violation to  
23 which subsection (a-1) applies, shall not exceed \$500  
24 \$250.

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

28 (c) Any municipality establishing vehicular standing,  
29 parking, and compliance regulations under this Section may  
30 also provide by ordinance for a program of vehicle  
31 immobilization for the purpose of facilitating enforcement of  
32 those regulations. The program of vehicle immobilization  
33 shall provide for immobilizing any eligible vehicle upon the  
34 public way by presence of a restraint in a manner to prevent

1 operation of the vehicle. Any ordinance establishing a  
2 program of vehicle immobilization under this Section shall  
3 provide:

4 (1) Criteria for the designation of vehicles  
5 eligible for immobilization. A vehicle shall be eligible  
6 for immobilization when the registered owner of the  
7 vehicle has accumulated the number of unpaid final  
8 determinations of parking, standing, or compliance  
9 violation liability as determined by ordinance.

10 (2) A notice of impending vehicle immobilization  
11 and a right to a hearing to challenge the validity of the  
12 notice by disproving liability for the unpaid final  
13 determinations of parking, standing, or compliance  
14 violation liability listed on the notice.

15 (3) The right to a prompt hearing after a vehicle  
16 has been immobilized or subsequently towed without  
17 payment of the outstanding fines and penalties on  
18 parking, standing, or compliance violations for which  
19 final determinations have been issued. An order issued  
20 after the hearing is a final administrative decision  
21 within 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  
26 impoundment.

27 (d) Judicial review of final determinations of parking,  
28 standing, and compliance violations and final administrative  
29 decisions issued after hearings regarding vehicle  
30 immobilization and impoundment made under this Section shall  
31 be subject to the provisions of the Administrative Review  
32 Law.

33 (e) Any fine, penalty, or part of any fine or any  
34 penalty remaining unpaid after the exhaustion of, or the



1 failure to exhaust, administrative remedies created under  
2 this Section and the conclusion of any judicial review  
3 procedures shall be a debt due and owing the municipality  
4 and, as such, may be collected in accordance with applicable  
5 law. Payment in full of any fine or penalty resulting from a  
6 standing, parking, or compliance violation shall constitute a  
7 final disposition of that violation.

8 (f) After the expiration of the period within which  
9 judicial review may be sought for a final determination of  
10 parking, standing, or compliance violation, the municipality  
11 may commence a proceeding in the Circuit Court for purposes  
12 of obtaining a judgment on the final determination of  
13 violation. Nothing in this Section shall prevent a  
14 municipality from consolidating multiple final determinations  
15 of parking, standing, or compliance violation against a  
16 person in a proceeding. Upon commencement of the action, the  
17 municipality shall file a certified copy of the final  
18 determination of parking, standing, or compliance violation,  
19 which shall be accompanied by a certification that recites  
20 facts sufficient to show that the final determination of  
21 violation was issued in accordance with this Section and the  
22 applicable municipal ordinance. Service of the summons and a  
23 copy of the petition may be by any method provided by Section  
24 2-203 of the Code of Civil Procedure or by certified mail,  
25 return receipt requested, provided that the total amount of  
26 fines and penalties for final determinations of parking,  
27 standing, or compliance violations does not exceed \$3,500  
28 \$2500. If the court is satisfied that the final  
29 determination of parking, standing, or compliance violation  
30 was entered in accordance with the requirements of this  
31 Section and the applicable municipal ordinance, and that the  
32 registered owner or the lessee, as the case may be, had an  
33 opportunity for an administrative hearing and for judicial  
34 review as provided in this Section, the court shall render

1 judgment in favor of the municipality and against the  
2 registered owner or the lessee for the amount indicated in  
3 the final determination of parking, standing, or compliance  
4 violation, plus costs. The judgment shall have the same  
5 effect and may be enforced in the same manner as other  
6 judgments for the recovery of money.

7 (Source: P.A. 88-415; 88-437; 88-670, eff. 12-2-94; 89-190,  
8 eff. 1-1-96.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.