

HB5535



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5535

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.3

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

Amends the Illinois Vehicle Code. Provides that any ordinance establishing a system of administrative adjudication shall provide for the service of notices (rather than "additional notices") to the address of the registered owner of the cited vehicle.

LRB101 20614 LNS 70260 b

A BILL FOR

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 (Text of Section before amendment by P.A. 101-623)

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

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

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

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

14 (1) A traffic compliance administrator authorized to
15 adopt, distribute, and process parking, compliance, and
16 automated speed enforcement system or automated traffic
17 law violation notices and other notices required by this
18 Section, collect money paid as fines and penalties for
19 violation of parking and compliance ordinances and
20 automated speed enforcement system or automated traffic
21 law violations, and operate an administrative adjudication
22 system. The traffic compliance administrator also may make
23 a certified report to the Secretary of State under Section
24 6-306.5.

25 (2) A parking, standing, compliance, automated speed
26 enforcement system, or automated traffic law violation

1 notice that shall specify or include the date, time, and
2 place of violation of a parking, standing, compliance,
3 automated speed enforcement system, or automated traffic
4 law regulation; the particular regulation violated; any
5 requirement to complete a traffic education program; the
6 fine and any penalty that may be assessed for late payment
7 or failure to complete a required traffic education
8 program, or both, when so provided by ordinance; the
9 vehicle make or a photograph of the vehicle; the state
10 registration number of the vehicle; and the identification
11 number of the person issuing the notice. With regard to
12 automated speed enforcement system or automated traffic
13 law violations, vehicle make shall be specified on the
14 automated speed enforcement system or automated traffic
15 law violation notice if the notice does not include a
16 photograph of the vehicle and the make is available and
17 readily discernible. With regard to municipalities or
18 counties with a population of 1 million or more, it shall
19 be grounds for dismissal of a parking violation if the
20 state registration number or vehicle make specified is
21 incorrect. The violation notice shall state that the
22 completion of any required traffic education program, the
23 payment of any indicated fine, and the payment of any
24 applicable penalty for late payment or failure to complete
25 a required traffic education program, or both, shall
26 operate as a final disposition of the violation. The notice

1 also shall contain information as to the availability of a
2 hearing in which the violation may be contested on its
3 merits. The violation notice shall specify the time and
4 manner in which a hearing may be had.

5 (3) Service of a parking, standing, or compliance
6 violation notice by: (i) affixing the original or a
7 facsimile of the notice to an unlawfully parked or standing
8 vehicle; (ii) handing the notice to the operator of a
9 vehicle if he or she is present; or (iii) mailing the
10 notice to the address of the registered owner or lessee of
11 the cited vehicle as recorded with the Secretary of State
12 or the lessor of the motor vehicle within 30 days after the
13 Secretary of State or the lessor of the motor vehicle
14 notifies the municipality or county of the identity of the
15 owner or lessee of the vehicle, but not later than 90 days
16 after the date of the violation, except that in the case of
17 a lessee of a motor vehicle, service of a parking,
18 standing, or compliance violation notice may occur no later
19 than 210 days after the violation; and service of an
20 automated speed enforcement system or automated traffic
21 law violation notice by mail to the address of the
22 registered owner or lessee of the cited vehicle as recorded
23 with the Secretary of State or the lessor of the motor
24 vehicle within 30 days after the Secretary of State or the
25 lessor of the motor vehicle notifies the municipality or
26 county of the identity of the owner or lessee of the

1 vehicle, but not later than 90 days after the violation,
2 except that in the case of a lessee of a motor vehicle,
3 service of an automated traffic law violation notice may
4 occur no later than 210 days after the violation. A person
5 authorized by ordinance to issue and serve parking,
6 standing, and compliance violation notices shall certify
7 as to the correctness of the facts entered on the violation
8 notice by signing his or her name to the notice at the time
9 of service or, in the case of a notice produced by a
10 computerized device, by signing a single certificate to be
11 kept by the traffic compliance administrator attesting to
12 the correctness of all notices produced by the device while
13 it was under his or her control. In the case of an
14 automated traffic law violation, the ordinance shall
15 require a determination by a technician employed or
16 contracted by the municipality or county that, based on
17 inspection of recorded images, the motor vehicle was being
18 operated in violation of Section 11-208.6, 11-208.9, or
19 11-1201.1 or a local ordinance. If the technician
20 determines that the vehicle entered the intersection as
21 part of a funeral procession or in order to yield the
22 right-of-way to an emergency vehicle, a citation shall not
23 be issued. In municipalities with a population of less than
24 1,000,000 inhabitants and counties with a population of
25 less than 3,000,000 inhabitants, the automated traffic law
26 ordinance shall require that all determinations by a

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

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

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

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

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

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

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

11 (i) A second notice of parking, standing, or
12 compliance violation if the first notice of the
13 violation was issued by affixing the original or a
14 facsimile of the notice to the unlawfully parked
15 vehicle or by handing the notice to the operator. This
16 notice shall specify or include the date and location
17 of the violation cited in the parking, standing, or
18 compliance violation notice, the particular regulation
19 violated, the vehicle make or a photograph of the
20 vehicle, the state registration number of the vehicle,
21 any requirement to complete a traffic education
22 program, the fine and any penalty that may be assessed
23 for late payment or failure to complete a traffic
24 education program, or both, when so provided by
25 ordinance, the availability of a hearing in which the
26 violation may be contested on its merits, and the time

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

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

1 county. The notice shall contain warnings that failure
2 to complete any required traffic education program or
3 to pay any fine or penalty due and owing the
4 municipality or county, or both, within the time
5 specified may result in the municipality's or county's
6 filing of a petition in the Circuit Court to have the
7 incomplete traffic education program or unpaid fine or
8 penalty, or both, rendered a judgment as provided by
9 this Section, or may result in suspension of the
10 person's driver's ~~drivers~~ license for failure to
11 complete a traffic education program or to pay fines or
12 penalties, or both, for 10 or more parking violations
13 under Section 6-306.5, or a combination of 5 or more
14 automated traffic law violations under Section
15 11-208.6 or 11-208.9 or automated speed enforcement
16 system violations under Section 11-208.8.

17 (6) A notice of impending driver's ~~drivers~~ license
18 suspension. This notice shall be sent to the person liable
19 for failure to complete a required traffic education
20 program or to pay any fine or penalty that remains due and
21 owing, or both, on 10 or more parking violations or
22 combination of 5 or more unpaid automated speed enforcement
23 system or automated traffic law violations. The notice
24 shall state that failure to complete a required traffic
25 education program or to pay the fine or penalty owing, or
26 both, within 45 days of the notice's date will result in

1 the municipality or county notifying the Secretary of State
2 that the person is eligible for initiation of suspension
3 proceedings under Section 6-306.5 of this Code. The notice
4 shall also state that the person may obtain a photostatic
5 copy of an original ticket imposing a fine or penalty by
6 sending a self-addressed ~~self-addressed~~, stamped envelope
7 to the municipality or county along with a request for the
8 photostatic copy. The notice of impending driver's ~~drivers~~
9 license suspension shall be sent by first class United
10 States mail, postage prepaid, to the address recorded with
11 the Secretary of State or, if any notice to that address is
12 returned as undeliverable, to the last known address
13 recorded in a United States Post Office approved database.

14 (7) Final determinations of violation liability. A
15 final determination of violation liability shall occur
16 following failure to complete the required traffic
17 education program or to pay the fine or penalty, or both,
18 after a hearing officer's determination of violation
19 liability and the exhaustion of or failure to exhaust any
20 administrative review procedures provided by ordinance.
21 Where a person fails to appear at a hearing to contest the
22 alleged violation in the time and manner specified in a
23 prior mailed notice, the hearing officer's determination
24 of violation liability shall become final: (A) upon denial
25 of a timely petition to set aside that determination, or
26 (B) upon expiration of the period for filing the petition

1 without a filing having been made.

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

1 (9) Procedures for non-residents. Procedures by which
2 persons who are not residents of the municipality or county
3 may contest the merits of the alleged violation without
4 attending a hearing.

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

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

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

1 immobilization under this Section shall provide:

2 (1) Criteria for the designation of vehicles eligible
3 for immobilization. A vehicle shall be eligible for
4 immobilization when the registered owner of the vehicle has
5 accumulated the number of incomplete traffic education
6 programs or unpaid final determinations of parking,
7 standing, compliance, automated speed enforcement system,
8 or automated traffic law violation liability, or both, as
9 determined by ordinance.

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

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

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

4 (d) Judicial review of final determinations of parking,
5 standing, compliance, automated speed enforcement system, or
6 automated traffic law violations and final administrative
7 decisions issued after hearings regarding vehicle
8 immobilization and impoundment made under this Section shall be
9 subject to the provisions of the Administrative Review Law.

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

22 (f) After the expiration of the period within which
23 judicial review may be sought for a final determination of
24 parking, standing, compliance, automated speed enforcement
25 system, or automated traffic law violation, the municipality or
26 county may commence a proceeding in the Circuit Court for

1 purposes of obtaining a judgment on the final determination of
2 violation. Nothing in this Section shall prevent a municipality
3 or county from consolidating multiple final determinations of
4 parking, standing, compliance, automated speed enforcement
5 system, or automated traffic law violations against a person in
6 a proceeding. Upon commencement of the action, the municipality
7 or county shall file a certified copy or record of the final
8 determination of parking, standing, compliance, automated
9 speed enforcement system, or automated traffic law violation,
10 which shall be accompanied by a certification that recites
11 facts sufficient to show that the final determination of
12 violation was issued in accordance with this Section and the
13 applicable municipal or county ordinance. Service of the
14 summons and a copy of the petition may be by any method
15 provided by Section 2-203 of the Code of Civil Procedure or by
16 certified mail, return receipt requested, provided that the
17 total amount of fines and penalties for final determinations of
18 parking, standing, compliance, automated speed enforcement
19 system, or automated traffic law violations does not exceed
20 \$2500. If the court is satisfied that the final determination
21 of parking, standing, compliance, automated speed enforcement
22 system, or automated traffic law violation was entered in
23 accordance with the requirements of this Section and the
24 applicable municipal or county ordinance, and that the
25 registered owner or the lessee, as the case may be, had an
26 opportunity for an administrative hearing and for judicial

1 review as provided in this Section, the court shall render
2 judgment in favor of the municipality or county and against the
3 registered owner or the lessee for the amount indicated in the
4 final determination of parking, standing, compliance,
5 automated speed enforcement system, or automated traffic law
6 violation, plus costs. The judgment shall have the same effect
7 and may be enforced in the same manner as other judgments for
8 the recovery of money.

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

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

18 (Source: P.A. 101-32, eff. 6-28-19; revised 1-21-20.)

19 (Text of Section after amendment by P.A. 101-623)

20 Sec. 11-208.3. Administrative adjudication of violations
21 of traffic regulations concerning the standing, parking, or
22 condition of vehicles, automated traffic law violations, and
23 automated speed enforcement system violations.

24 (a) Any municipality or county may provide by ordinance for
25 a system of administrative adjudication of vehicular standing

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

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

24 (1) A traffic compliance administrator authorized to
25 adopt, distribute, and process parking, compliance, and
26 automated speed enforcement system or automated traffic

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

9 (2) A parking, standing, compliance, automated speed
10 enforcement system, or automated traffic law violation
11 notice that shall specify or include the date, time, and
12 place of violation of a parking, standing, compliance,
13 automated speed enforcement system, or automated traffic
14 law regulation; the particular regulation violated; any
15 requirement to complete a traffic education program; the
16 fine and any penalty that may be assessed for late payment
17 or failure to complete a required traffic education
18 program, or both, when so provided by ordinance; the
19 vehicle make or a photograph of the vehicle; the state
20 registration number of the vehicle; and the identification
21 number of the person issuing the notice. With regard to
22 automated speed enforcement system or automated traffic
23 law violations, vehicle make shall be specified on the
24 automated speed enforcement system or automated traffic
25 law violation notice if the notice does not include a
26 photograph of the vehicle and the make is available and

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

15 (3) Service of a parking, standing, or compliance
16 violation notice by: (i) affixing the original or a
17 facsimile of the notice to an unlawfully parked or standing
18 vehicle; (ii) handing the notice to the operator of a
19 vehicle if he or she is present; or (iii) mailing the
20 notice to the address of the registered owner or lessee of
21 the cited vehicle as recorded with the Secretary of State
22 or the lessor of the motor vehicle within 30 days after the
23 Secretary of State or the lessor of the motor vehicle
24 notifies the municipality or county of the identity of the
25 owner or lessee of the vehicle, but not later than 90 days
26 after the date of the violation, except that in the case of

1 a lessee of a motor vehicle, service of a parking,
2 standing, or compliance violation notice may occur no later
3 than 210 days after the violation; and service of an
4 automated speed enforcement system or automated traffic
5 law violation notice by mail to the address of the
6 registered owner or lessee of the cited vehicle as recorded
7 with the Secretary of State or the lessor of the motor
8 vehicle within 30 days after the Secretary of State or the
9 lessor of the motor vehicle notifies the municipality or
10 county of the identity of the owner or lessee of the
11 vehicle, but not later than 90 days after the violation,
12 except that in the case of a lessee of a motor vehicle,
13 service of an automated traffic law violation notice may
14 occur no later than 210 days after the violation. A person
15 authorized by ordinance to issue and serve parking,
16 standing, and compliance violation notices shall certify
17 as to the correctness of the facts entered on the violation
18 notice by signing his or her name to the notice at the time
19 of service or, in the case of a notice produced by a
20 computerized device, by signing a single certificate to be
21 kept by the traffic compliance administrator attesting to
22 the correctness of all notices produced by the device while
23 it was under his or her control. In the case of an
24 automated traffic law violation, the ordinance shall
25 require a determination by a technician employed or
26 contracted by the municipality or county that, based on

1 inspection of recorded images, the motor vehicle was being
2 operated in violation of Section 11-208.6, 11-208.9, or
3 11-1201.1 or a local ordinance. If the technician
4 determines that the vehicle entered the intersection as
5 part of a funeral procession or in order to yield the
6 right-of-way to an emergency vehicle, a citation shall not
7 be issued. In municipalities with a population of less than
8 1,000,000 inhabitants and counties with a population of
9 less than 3,000,000 inhabitants, the automated traffic law
10 ordinance shall require that all determinations by a
11 technician that a motor vehicle was being operated in
12 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a
13 local ordinance must be reviewed and approved by a law
14 enforcement officer or retired law enforcement officer of
15 the municipality or county issuing the violation. In
16 municipalities with a population of 1,000,000 or more
17 inhabitants and counties with a population of 3,000,000 or
18 more inhabitants, the automated traffic law ordinance
19 shall require that all determinations by a technician that
20 a motor vehicle was being operated in violation of Section
21 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must
22 be reviewed and approved by a law enforcement officer or
23 retired law enforcement officer of the municipality or
24 county issuing the violation or by an additional fully
25 trained ~~fully-trained~~ reviewing technician who is not
26 employed by the contractor who employs the technician who

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

1 produced by lidar or other independent equipment. Radar or
2 lidar equipment shall undergo an internal validation test
3 no less frequently than once each week. Qualified
4 technicians shall test loop-based ~~loop-based~~ equipment no
5 less frequently than once a year. Radar equipment shall be
6 checked for accuracy by a qualified technician when the
7 unit is serviced, when unusual or suspect readings persist,
8 or when deemed necessary by a reviewing technician. Radar
9 equipment shall be checked with the internal frequency
10 generator and the internal circuit test whenever the radar
11 is turned on. Technicians must be alert for any unusual or
12 suspect readings, and if unusual or suspect readings of a
13 radar unit persist, that unit shall immediately be removed
14 from service and not returned to service until it has been
15 checked by a qualified technician and determined to be
16 functioning properly. Documentation of the annual
17 calibration results, including the equipment tested, test
18 date, technician performing the test, and test results,
19 shall be maintained and available for use in the
20 determination of an automated speed enforcement system
21 violation and issuance of a citation. The technician
22 performing the calibration and testing of the automated
23 speed enforcement equipment shall be trained and certified
24 in the use of equipment for speed enforcement purposes.
25 Training on the speed enforcement equipment may be
26 conducted by law enforcement, civilian, or manufacturer's

1 personnel and if applicable may be equivalent to the
2 equipment use and operations training included in the Speed
3 Measuring Device Operator Program developed by the
4 National Highway Traffic Safety Administration (NHTSA).
5 The vendor or technician who performs the work shall keep
6 accurate records on each piece of equipment the technician
7 calibrates and tests. As used in this paragraph, "fully
8 trained ~~fully trained~~ reviewing technician" means a person
9 who has received at least 40 hours of supervised training
10 in subjects which shall include image inspection and
11 interpretation, the elements necessary to prove a
12 violation, license plate identification, and traffic
13 safety and management. In all municipalities and counties,
14 the automated speed enforcement system or automated
15 traffic law ordinance shall require that no additional fee
16 shall be charged to the alleged violator for exercising his
17 or her right to an administrative hearing, and persons
18 shall be given at least 25 days following an administrative
19 hearing to pay any civil penalty imposed by a finding that
20 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
21 similar local ordinance has been violated. The original or
22 a facsimile of the violation notice or, in the case of a
23 notice produced by a computerized device, a printed record
24 generated by the device showing the facts entered on the
25 notice, shall be retained by the traffic compliance
26 administrator, and shall be a record kept in the ordinary

1 course of business. A parking, standing, compliance,
2 automated speed enforcement system, or automated traffic
3 law violation notice issued, signed, and served in
4 accordance with this Section, a copy of the notice, or the
5 computer-generated ~~computer-generated~~ record shall be
6 prima facie correct and shall be prima facie evidence of
7 the correctness of the facts shown on the notice. The
8 notice, copy, or computer-generated ~~computer-generated~~
9 record shall be admissible in any subsequent
10 administrative or legal proceedings.

11 (4) An opportunity for a hearing for the registered
12 owner of the vehicle cited in the parking, standing,
13 compliance, automated speed enforcement system, or
14 automated traffic law violation notice in which the owner
15 may contest the merits of the alleged violation, and during
16 which formal or technical rules of evidence shall not
17 apply; provided, however, that under Section 11-1306 of
18 this Code the lessee of a vehicle cited in the violation
19 notice likewise shall be provided an opportunity for a
20 hearing of the same kind afforded the registered owner. The
21 hearings shall be recorded, and the person conducting the
22 hearing on behalf of the traffic compliance administrator
23 shall be empowered to administer oaths and to secure by
24 subpoena both the attendance and testimony of witnesses and
25 the production of relevant books and papers. Persons
26 appearing at a hearing under this Section may be

1 represented by counsel at their expense. The ordinance may
2 also provide for internal administrative review following
3 the decision of the hearing officer.

4 (5) Service of ~~additional~~ notices, sent by first class
5 United States mail, postage prepaid, to the address of the
6 registered owner of the cited vehicle as recorded with the
7 Secretary of State or, if any notice to that address is
8 returned as undeliverable, to the last known address
9 recorded in a United States Post Office approved database,
10 or, under Section 11-1306 or subsection (p) of Section
11 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
12 of this Code, to the lessee of the cited vehicle at the
13 last address known to the lessor of the cited vehicle at
14 the time of lease or, if any notice to that address is
15 returned as undeliverable, to the last known address
16 recorded in a United States Post Office approved database.
17 The service shall be deemed complete as of the date of
18 deposit in the United States mail. The notices shall be in
19 the following sequence and shall include, but not be
20 limited to the information specified herein:

21 (i) A second notice of parking, standing, or
22 compliance violation if the first notice of the
23 violation was issued by affixing the original or a
24 facsimile of the notice to the unlawfully parked
25 vehicle or by handing the notice to the operator. This
26 notice shall specify or include the date and location

1 of the violation cited in the parking, standing, or
2 compliance violation notice, the particular regulation
3 violated, the vehicle make or a photograph of the
4 vehicle, the state registration number of the vehicle,
5 any requirement to complete a traffic education
6 program, the fine and any penalty that may be assessed
7 for late payment or failure to complete a traffic
8 education program, or both, when so provided by
9 ordinance, the availability of a hearing in which the
10 violation may be contested on its merits, and the time
11 and manner in which the hearing may be had. The notice
12 of violation shall also state that failure to complete
13 a required traffic education program, to pay the
14 indicated fine and any applicable penalty, or to appear
15 at a hearing on the merits in the time and manner
16 specified, will result in a final determination of
17 violation liability for the cited violation in the
18 amount of the fine or penalty indicated, and that, upon
19 the occurrence of a final determination of violation
20 liability for the failure, and the exhaustion of, or
21 failure to exhaust, available administrative or
22 judicial procedures for review, any incomplete traffic
23 education program or any unpaid fine or penalty, or
24 both, will constitute a debt due and owing the
25 municipality or county.

26 (ii) A notice of final determination of parking,

1 standing, compliance, automated speed enforcement
2 system, or automated traffic law violation liability.
3 This notice shall be sent following a final
4 determination of parking, standing, compliance,
5 automated speed enforcement system, or automated
6 traffic law violation liability and the conclusion of
7 judicial review procedures taken under this Section.
8 The notice shall state that the incomplete traffic
9 education program or the unpaid fine or penalty, or
10 both, is a debt due and owing the municipality or
11 county. The notice shall contain warnings that failure
12 to complete any required traffic education program or
13 to pay any fine or penalty due and owing the
14 municipality or county, or both, within the time
15 specified may result in the municipality's or county's
16 filing of a petition in the Circuit Court to have the
17 incomplete traffic education program or unpaid fine or
18 penalty, or both, rendered a judgment as provided by
19 this Section, or, where applicable, may result in
20 suspension of the person's driver's ~~drivers~~ license
21 for failure to complete a traffic education program or
22 to pay fines or penalties, or both, for 5 or more
23 automated traffic law violations under Section
24 11-208.6 or 11-208.9 or automated speed enforcement
25 system violations under Section 11-208.8.

26 (6) A notice of impending driver's ~~drivers~~ license

1 suspension. This notice shall be sent to the person liable
2 for failure to complete a required traffic education
3 program or to pay any fine or penalty that remains due and
4 owing, or both, on 5 or more unpaid automated speed
5 enforcement system or automated traffic law violations.
6 The notice shall state that failure to complete a required
7 traffic education program or to pay the fine or penalty
8 owing, or both, within 45 days of the notice's date will
9 result in the municipality or county notifying the
10 Secretary of State that the person is eligible for
11 initiation of suspension proceedings under Section 6-306.5
12 of this Code. The notice shall also state that the person
13 may obtain a photostatic copy of an original ticket
14 imposing a fine or penalty by sending a self-addressed ~~self~~
15 ~~addressed~~, stamped envelope to the municipality or county
16 along with a request for the photostatic copy. The notice
17 of impending driver's ~~drivers~~ license suspension shall be
18 sent by first class United States mail, postage prepaid, to
19 the address recorded with the Secretary of State or, if any
20 notice to that address is returned as undeliverable, to the
21 last known address recorded in a United States Post Office
22 approved database.

23 (7) Final determinations of violation liability. A
24 final determination of violation liability shall occur
25 following failure to complete the required traffic
26 education program or to pay the fine or penalty, or both,

1 after a hearing officer's determination of violation
2 liability and the exhaustion of or failure to exhaust any
3 administrative review procedures provided by ordinance.
4 Where a person fails to appear at a hearing to contest the
5 alleged violation in the time and manner specified in a
6 prior mailed notice, the hearing officer's determination
7 of violation liability shall become final: (A) upon denial
8 of a timely petition to set aside that determination, or
9 (B) upon expiration of the period for filing the petition
10 without a filing having been made.

11 (8) A petition to set aside a determination of parking,
12 standing, compliance, automated speed enforcement system,
13 or automated traffic law violation liability that may be
14 filed by a person owing an unpaid fine or penalty. A
15 petition to set aside a determination of liability may also
16 be filed by a person required to complete a traffic
17 education program. The petition shall be filed with and
18 ruled upon by the traffic compliance administrator in the
19 manner and within the time specified by ordinance. The
20 grounds for the petition may be limited to: (A) the person
21 not having been the owner or lessee of the cited vehicle on
22 the date the violation notice was issued, (B) the person
23 having already completed the required traffic education
24 program or paid the fine or penalty, or both, for the
25 violation in question, and (C) excusable failure to appear
26 at or request a new date for a hearing. With regard to

1 municipalities or counties with a population of 1 million
2 or more, it shall be grounds for dismissal of a parking
3 violation if the state registration number or vehicle make,
4 only if specified in the violation notice, is incorrect.
5 After the determination of parking, standing, compliance,
6 automated speed enforcement system, or automated traffic
7 law violation liability has been set aside upon a showing
8 of just cause, the registered owner shall be provided with
9 a hearing on the merits for that violation.

10 (9) Procedures for non-residents. Procedures by which
11 persons who are not residents of the municipality or county
12 may contest the merits of the alleged violation without
13 attending a hearing.

14 (10) A schedule of civil fines for violations of
15 vehicular standing, parking, compliance, automated speed
16 enforcement system, or automated traffic law regulations
17 enacted by ordinance pursuant to this Section, and a
18 schedule of penalties for late payment of the fines or
19 failure to complete required traffic education programs,
20 provided, however, that the total amount of the fine and
21 penalty for any one violation shall not exceed \$250, except
22 as provided in subsection (c) of Section 11-1301.3 of this
23 Code.

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

1 (c) Any municipality or county establishing vehicular
2 standing, parking, compliance, automated speed enforcement
3 system, or automated traffic law regulations under this Section
4 may also provide by ordinance for a program of vehicle
5 immobilization for the purpose of facilitating enforcement of
6 those regulations. The program of vehicle immobilization shall
7 provide for immobilizing any eligible vehicle upon the public
8 way by presence of a restraint in a manner to prevent operation
9 of the vehicle. Any ordinance establishing a program of vehicle
10 immobilization under this Section shall provide:

11 (1) Criteria for the designation of vehicles eligible
12 for immobilization. A vehicle shall be eligible for
13 immobilization when the registered owner of the vehicle has
14 accumulated the number of incomplete traffic education
15 programs or unpaid final determinations of parking,
16 standing, compliance, automated speed enforcement system,
17 or automated traffic law violation liability, or both, as
18 determined by ordinance.

19 (2) A notice of impending vehicle immobilization and a
20 right to a hearing to challenge the validity of the notice
21 by disproving liability for the incomplete traffic
22 education programs or unpaid final determinations of
23 parking, standing, compliance, automated speed enforcement
24 system, or automated traffic law violation liability, or
25 both, listed on the notice.

26 (3) The right to a prompt hearing after a vehicle has

1 been immobilized or subsequently towed without the
2 completion of the required traffic education program or
3 payment of the outstanding fines and penalties on parking,
4 standing, compliance, automated speed enforcement system,
5 or automated traffic law violations, or both, for which
6 final determinations have been issued. An order issued
7 after the hearing is a final administrative decision within
8 the meaning of Section 3-101 of the Code of Civil
9 Procedure.

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

13 (d) Judicial review of final determinations of parking,
14 standing, compliance, automated speed enforcement system, or
15 automated traffic law violations and final administrative
16 decisions issued after hearings regarding vehicle
17 immobilization and impoundment made under this Section shall be
18 subject to the provisions of the Administrative Review Law.

19 (e) Any fine, penalty, incomplete traffic education
20 program, or part of any fine or any penalty remaining unpaid
21 after the exhaustion of, or the failure to exhaust,
22 administrative remedies created under this Section and the
23 conclusion of any judicial review procedures shall be a debt
24 due and owing the municipality or county and, as such, may be
25 collected in accordance with applicable law. Completion of any
26 required traffic education program and payment in full of any

1 fine or penalty resulting from a standing, parking, compliance,
2 automated speed enforcement system, or automated traffic law
3 violation shall constitute a final disposition of that
4 violation.

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

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

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

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

1 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
2 revised 1-21-20.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.