

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 Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding
6 Sections 1-105.2 and 11-208.6 as follows:

7 (625 ILCS 5/1-105.2 new)

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

10 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

11 Sec. 6-306.5. Failure to pay fine or penalty for standing,
12 parking, ~~or~~ compliance, or automated traffic law violations;
13 suspension of driving privileges.

14 (a) Upon receipt of a certified report, as prescribed by
15 subsection (c) of this Section, from any municipality stating
16 that the owner of a registered vehicle has: (1) failed to pay
17 any fine or penalty due and owing as a result of 10 or more
18 violations of a municipality's vehicular standing, parking, or
19 compliance regulations established by ordinance pursuant to
20 Section 11-208.3 of this Code, or (2) failed to pay any fine or
21 penalty due and owing as a result of 5 offenses for automated
22 traffic violations as defined in Section 11-208.6, the
23 Secretary of State shall suspend the driving privileges of such
24 person in accordance with the procedures set forth in this
25 Section. The Secretary shall also suspend the driving
26 privileges of an owner of a registered vehicle upon receipt of
27 a certified report, as prescribed by subsection (f) of this
28 Section, from any municipality stating that such person has
29 failed to satisfy any fines or penalties imposed by final
30 judgments for 5 or more automated traffic law violations or 10
31 or more violations of local standing, parking, or compliance

1 regulations after exhaustion of judicial review procedures.

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

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

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

28 (2) The name of the municipality making the report
29 pursuant to this Section.

30 (3) A statement that the municipality sent a notice of
31 impending drivers license suspension as prescribed by
32 ordinance enacted pursuant to Section 11-208.3, to the
33 person named in the report at the address recorded with the
34 Secretary of State or at the last address known to the
35 lessor of the cited vehicle at the time of lease or, if any
36 notice sent under Section 11-208.3 of this Code is returned

1 as undeliverable, at the last known address recorded in a
2 United States Post Office approved database; the date on
3 which such notice was sent; and the address to which such
4 notice was sent. In a municipality with a population of
5 1,000,000 or more, the report shall also include a
6 statement that the alleged violator's State vehicle
7 registration number and vehicle make, if specified on the
8 automated traffic law violation notice, are correct as they
9 appear on the citations.

10 (d) Any municipality making a certified report to the
11 Secretary of State pursuant to this Section shall notify the
12 Secretary of State, in a form prescribed by the Secretary,
13 whenever a person named in the certified report has paid the
14 previously reported fine or penalty or whenever the
15 municipality determines that the original report was in error.
16 A certified copy of such notification shall also be given upon
17 request and at no additional charge to the person named
18 therein. Upon receipt of the municipality's notification or
19 presentation of a certified copy of such notification, the
20 Secretary of State shall terminate the suspension.

21 (e) Any municipality making a certified report to the
22 Secretary of State pursuant to this Section shall also by
23 ordinance establish procedures for persons to challenge the
24 accuracy of the certified report. The ordinance shall also
25 state the grounds for such a challenge, which may be limited to
26 (1) the person not having been the owner or lessee of the
27 vehicle or vehicles receiving 10 or more standing, parking, or
28 compliance violation notices or 5 or more automated traffic law
29 violations on the date or dates such notices were issued; and
30 (2) the person having already paid the fine or penalty for the
31 10 or more standing, parking, or compliance violations or 5 or
32 more automated traffic law violations indicated on the
33 certified report.

34 (f) Any municipality, other than a municipality
35 establishing vehicular standing, parking, and compliance
36 regulations pursuant to Section 11-208.3 or automated traffic

1 law regulations under Section 11-208.6, may also cause a
2 suspension of a person's drivers license pursuant to this
3 Section. Such municipality may invoke this sanction by making a
4 certified report to the Secretary of State upon a person's
5 failure to satisfy any fine or penalty imposed by final
6 judgment for 10 or more violations of local standing, parking,
7 or compliance regulations or 5 or more automated traffic law
8 violations after exhaustion of judicial review procedures, but
9 only if:

10 (1) the municipality complies with the provisions of
11 this Section in all respects except in regard to enacting
12 an ordinance pursuant to Section 11-208.3;

13 (2) the municipality has sent a notice of impending
14 drivers license suspension as prescribed by an ordinance
15 enacted pursuant to subsection (g) of this Section; and

16 (3) in municipalities with a population of 1,000,000 or
17 more, the municipality has verified that the alleged
18 violator's State vehicle registration number and vehicle
19 make, if specified, are correct as they appear on the
20 citations.

21 (g) Any municipality, other than a municipality
22 establishing standing, parking, and compliance regulations
23 pursuant to Section 11-208.3 or automated traffic law
24 regulations under Section 11-208.6, may provide by ordinance
25 for the sending of a notice of impending drivers license
26 suspension to the person who has failed to satisfy any fine or
27 penalty imposed by final judgment for 10 or more violations of
28 local standing, parking, or compliance regulations or 5 or more
29 automated traffic law violations after exhaustion of judicial
30 review procedures. An ordinance so providing shall specify that
31 the notice sent to the person liable for any fine or penalty
32 shall state that failure to pay the fine or penalty owing
33 within 45 days of the notice's date will result in the
34 municipality notifying the Secretary of State that the person's
35 drivers license is eligible for suspension pursuant to this
36 Section. The notice of impending drivers license suspension

1 shall be sent by first class United States mail, postage
2 prepaid, to the address recorded with the Secretary of State or
3 at the last address known to the lessor of the cited vehicle at
4 the time of lease or, if any notice sent under Section 11-208.3
5 of this Code is returned as undeliverable, to the last known
6 address recorded in a United States Post Office approved
7 database.

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

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

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

25 (Source: P.A. 94-294, eff. 1-1-06.)

26 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

27 Sec. 11-208. Powers of local authorities.

28 (a) The provisions of this Code shall not be deemed to
29 prevent local authorities with respect to streets and highways
30 under their jurisdiction and within the reasonable exercise of
31 the police power from:

32 1. Regulating the standing or parking of vehicles,
33 except as limited by Section 11-1306 of this Act;

34 2. Regulating traffic by means of police officers or
35 traffic control signals;

1 3. Regulating or prohibiting processions or
2 assemblages on the highways;

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

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

8 6. Designating any highway as a through highway, as
9 authorized in Section 11-302, and requiring that all
10 vehicles stop before entering or crossing the same or
11 designating any intersection as a stop intersection or a
12 yield right-of-way intersection and requiring all vehicles
13 to stop or yield the right-of-way at one or more entrances
14 to such intersections;

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

17 8. Regulating the operation of bicycles and requiring
18 the registration and licensing of same, including the
19 requirement of a registration fee;

20 9. Regulating or prohibiting the turning of vehicles
21 or specified types of vehicles at intersections;

22 10. Altering the speed limits as authorized in
23 Section 11-604;

24 11. Prohibiting U-turns;

25 12. Prohibiting pedestrian crossings at other than
26 designated and marked crosswalks or at intersections;

27 13. Prohibiting parking during snow removal
28 operation;

29 14. Imposing fines in accordance with Section
30 11-1301.3 as penalties for use of any parking place
31 reserved for persons with disabilities, as defined by
32 Section 1-159.1, or disabled veterans by any person using a
33 motor vehicle not bearing registration plates specified in
34 Section 11-1301.1 or a special decal or device as defined
35 in Section 11-1301.2 as evidence that the vehicle is
36 operated by or for a person with disabilities or disabled

1 veteran;

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

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

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

10 (c) The provisions of this Code shall not prevent any
11 municipality having a population of 500,000 or more inhabitants
12 from prohibiting any person from driving or operating any motor
13 vehicle upon the roadways of such municipality with headlamps
14 on high beam or bright.

15 (d) The provisions of this Code shall not be deemed to
16 prevent local authorities within the reasonable exercise of
17 their police power from prohibiting, on private property, the
18 unauthorized use of parking spaces reserved for persons with
19 disabilities.

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

1 (f) A municipality or county designated in Section
2 11-208.6 may enact an ordinance providing for an automated
3 traffic law enforcement system to enforce violations of Section
4 11-306 of this Code or a similar provision of a local ordinance
5 and imposing liability on a registered owner of a vehicle used
6 in such a violation.

7 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
8 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

9 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

10 Sec. 11-208.3. Administrative adjudication of violations
11 of traffic regulations concerning the standing, parking, or
12 condition of vehicles and automated traffic law violations.

13 (a) Any municipality may provide by ordinance for a system
14 of administrative adjudication of vehicular standing and
15 parking violations and vehicle compliance violations as
16 defined in this subsection and automated traffic law violations
17 as defined in Section 11-208.6. The administrative system shall
18 have as its purpose the fair and efficient enforcement of
19 municipal regulations through the administrative adjudication
20 of automated traffic law violations and violations of municipal
21 ordinances regulating the standing and parking of vehicles, the
22 condition and use of vehicle equipment, and the display of
23 municipal wheel tax licenses within the municipality's
24 borders. The administrative system shall only have authority to
25 adjudicate civil offenses carrying fines not in excess of \$250
26 that occur after the effective date of the ordinance adopting
27 such a system under this Section. For purposes of this Section,
28 "compliance violation" means a violation of a municipal
29 regulation governing the condition or use of equipment on a
30 vehicle or governing the display of a municipal wheel tax
31 license.

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

34 (1) A traffic compliance administrator authorized to
35 adopt, distribute and process parking, ~~and~~ and compliance, and

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

8 (2) A parking, standing, ~~or~~ compliance, or automated
9 traffic law violation notice that shall specify the date,
10 time, and place of violation of a parking, standing, or
11 compliance, or automated traffic law regulation; the
12 particular regulation violated; the fine and any penalty
13 that may be assessed for late payment, when so provided by
14 ordinance; the vehicle make and state registration number;
15 and the identification number of the person issuing the
16 notice. With regard to automated traffic law violations,
17 vehicle make shall be specified on the automated traffic
18 law violation notice if the make is available and readily
19 discernible. With regard to municipalities with a
20 population of 1 million or more, it shall be grounds for
21 dismissal of a parking violation if the State registration
22 number or vehicle make specified is incorrect. The
23 violation notice shall state that the payment of the
24 indicated fine, and of any applicable penalty for late
25 payment, shall operate as a final disposition of the
26 violation. The notice also shall contain information as to
27 the availability of a hearing in which the violation may be
28 contested on its merits. The violation notice shall specify
29 the time and manner in which a hearing may be had.

30 (3) Service of the parking, standing, or compliance
31 violation notice by affixing the original or a facsimile of
32 the notice to an unlawfully parked vehicle or by handing
33 the notice to the operator of a vehicle if he or she is
34 present and service of an automated traffic law violation
35 notice by mail to the address of the registered owner of
36 the cited vehicle as recorded with the Secretary of State

1 within 30 days after the Secretary of State notifies the
2 municipality or county of the identity of the owner of the
3 vehicle, but in no event later than 90 days after the
4 violation. A person authorized by ordinance to issue and
5 serve parking, standing, and compliance violation notices
6 shall certify as to the correctness of the facts entered on
7 the violation notice by signing his or her name to the
8 notice at the time of service or in the case of a notice
9 produced by a computerized device, by signing a single
10 certificate to be kept by the traffic compliance
11 administrator attesting to the correctness of all notices
12 produced by the device while it was under his or her
13 control. In the case of an automated traffic law violation,
14 the ordinance shall require a determination by a technician
15 employed or contracted by the municipality or county that,
16 based on inspection of recorded images, the motor vehicle
17 was being operated in violation of Section 11-208.6 or a
18 local ordinance. If the technician determines that the
19 vehicle entered the intersection as part of a funeral
20 procession or in order to yield the right-of-way to an
21 emergency vehicle, a citation shall not be issued. The
22 original or a facsimile of the violation notice or, in the
23 case of a notice produced by a computerized device, a
24 printed record generated by the device showing the facts
25 entered on the notice, shall be retained by the traffic
26 compliance administrator, and shall be a record kept in the
27 ordinary course of business. A parking, standing, ~~or~~
28 compliance, or automated traffic law violation notice
29 issued, signed and served in accordance with this Section,
30 a copy of the notice, or the computer generated record
31 shall be prima facie correct and shall be prima facie
32 evidence of the correctness of the facts shown on the
33 notice. The notice, copy, or computer generated record
34 shall be admissible in any subsequent administrative or
35 legal proceedings.

36 (4) An opportunity for a hearing for the registered

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

18 (5) Service of additional notices, sent by first class
19 United States mail, postage prepaid, to the address of the
20 registered owner of the cited vehicle as recorded with the
21 Secretary of State or, if any notice to that address is
22 returned as undeliverable, to the last known address
23 recorded in a United States Post Office approved database,
24 or, under Section 11-1306 of this Code, to the lessee of
25 the cited vehicle at the last address known to the lessor
26 of the cited vehicle at the time of lease or, if any notice
27 to that address is returned as undeliverable, to the last
28 known address recorded in a United States Post Office
29 approved database. The service shall be deemed complete as
30 of the date of deposit in the United States mail. The
31 notices shall be in the following sequence and shall
32 include but not be limited to the information specified
33 herein:

34 (i) A second notice of parking, standing, or
35 compliance violation. This notice shall specify the
36 date and location of the violation cited in the

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

20 (ii) A notice of final determination of parking,
21 standing, ~~or~~ compliance, or automated traffic law
22 violation liability. This notice shall be sent
23 following a final determination of parking, standing,
24 ~~or~~ compliance, or automated traffic law violation
25 liability and the conclusion of judicial review
26 procedures taken under this Section. The notice shall
27 state that the unpaid fine or penalty is a debt due and
28 owing the municipality. The notice shall contain
29 warnings that failure to pay any fine or penalty due
30 and owing the municipality within the time specified
31 may result in the municipality's filing of a petition
32 in the Circuit Court to have the unpaid fine or penalty
33 rendered a judgment as provided by this Section, or may
34 result in suspension of the person's drivers license
35 for failure to pay fines or penalties for 10 or more
36 parking violations under Section 6-306.5 or 5 or more

1 automated traffic law violations under Section
2 11-208.6.

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

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

35 (8) A petition to set aside a determination of parking,
36 standing, ~~or~~ compliance, or automated traffic law

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

19 (9) Procedures for non-residents. Procedures by which
20 persons who are not residents of the municipality may
21 contest the merits of the alleged violation without
22 attending a hearing.

23 (10) A schedule of civil fines for violations of
24 vehicular standing, parking, ~~and~~ compliance, or automated
25 traffic law regulations enacted by ordinance pursuant to
26 this Section, and a schedule of penalties for late payment
27 of the fines, provided, however, that the total amount of
28 the fine and penalty for any one violation shall not exceed
29 \$250.

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

33 (c) Any municipality establishing vehicular standing,
34 parking, ~~and~~ compliance, or automated traffic law regulations
35 under this Section may also provide by ordinance for a program
36 of vehicle immobilization for the purpose of facilitating

1 enforcement of those regulations. The program of vehicle
2 immobilization shall provide for immobilizing any eligible
3 vehicle upon the public way by presence of a restraint in a
4 manner to prevent operation of the vehicle. Any ordinance
5 establishing a program of vehicle immobilization under this
6 Section shall provide:

7 (1) Criteria for the designation of vehicles eligible
8 for immobilization. A vehicle shall be eligible for
9 immobilization when the registered owner of the vehicle has
10 accumulated the number of unpaid final determinations of
11 parking, standing, ~~or~~ compliance, or automated traffic law
12 violation liability as determined by ordinance.

13 (2) A notice of impending vehicle immobilization and a
14 right to a hearing to challenge the validity of the notice
15 by disproving liability for the unpaid final
16 determinations of parking, standing, ~~or~~ or
17 automated traffic law violation liability listed on the
18 notice.

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

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

30 (d) Judicial review of final determinations of parking,
31 standing, ~~and~~ or automated traffic law violations
32 and final administrative decisions issued after hearings
33 regarding vehicle immobilization and impoundment made under
34 this Section shall be subject to the provisions of the
35 Administrative Review Law.

36 (e) Any fine, penalty, or part of any fine or any penalty

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

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

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

8 (Source: P.A. 94-294, eff. 1-1-06.)

9 (625 ILCS 5/11-208.6 new)

10 Sec. 11-208.6. Automated traffic law enforcement system.

11 (a) As used in this Section, "automated traffic law
12 enforcement system" means a device with one or more motor
13 vehicle sensors working in conjunction with a red light signal
14 to produce recorded images of motor vehicles entering an
15 intersection against a red signal indication in violation of
16 Section 11-306 of this Code or a similar provision of a local
17 ordinance.

18 An automated traffic law enforcement system is a system, in
19 a municipality or county operated by a governmental agency,
20 that produces a recorded image of a motor vehicle's violation
21 of a provision of this Code or a local ordinance and is
22 designed to obtain a clear recorded image of the vehicle and
23 the vehicle's license plate. The recorded image must also
24 display the time, date, and location of the violation.

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

28 (1) 2 or more photographs;

29 (2) 2 or more microphotographs;

30 (3) 2 or more electronic images; or

31 (4) a video recording showing the motor vehicle and,
32 on at least one image or portion of the recording, clearly
33 identifying the registration plate number of the motor
34 vehicle.

35 (c) For each violation of a provision of this Code or a

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

10 The notice shall include:

11 (1) the name and address of the registered owner of
12 the vehicle;

13 (2) the registration number of the motor vehicle
14 involved in the violation;

15 (3) the violation charged;

16 (4) the location where the violation occurred;

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

18 (6) a copy of the recorded images;

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

21 (8) a statement that recorded images are evidence of a
22 violation of a red light signal;

23 (9) a warning that failure to pay the civil penalty or
24 to contest liability in a timely manner is an admission of
25 liability and may result in a suspension of the driving
26 privileges of the registered owner of the vehicle; and

27 (10) a statement that the person may elect to proceed
28 by:

29 (A) paying the fine; or

30 (B) challenging the charge in court, by mail, or
31 by administrative hearing.

32 (d) If a person charged with a traffic violation, as a
33 result of an automated traffic law enforcement system, does not
34 pay or successfully contest the civil penalty resulting from
35 that violation, the Secretary of State shall suspend the
36 driving privileges of the registered owner of the vehicle under

1 Section 6-306.5 of this Code for failing to pay any fine or
2 penalty due and owing as a result of 5 violations of the
3 automated traffic law enforcement system.

4 (e) Based on inspection of recorded images produced by an
5 automated traffic law enforcement system, a notice alleging
6 that the violation occurred shall be evidence of the facts
7 contained in the notice and admissible in any proceeding
8 alleging a violation under this Section.

9 (f) Recorded images made by an automatic traffic law
10 enforcement system are confidential and shall be made available
11 only to the alleged violator and governmental and law
12 enforcement agencies for purposes of adjudicating a violation
13 of this Section, for statistical purposes, or for other
14 governmental purposes. Any recorded image evidencing a
15 violation of this Section, however, may be admissible in any
16 proceeding resulting from the issuance of the citation.

17 (g) The court or hearing officer may consider in defense
18 of a violation:

19 (1) that the motor vehicle or registration plates of
20 the motor vehicle were stolen before the violation occurred
21 and not under the control of or in the possession of the
22 owner at the time of the violation;

23 (2) that the driver of the vehicle passed through the
24 intersection when the light was red either (i) in order to
25 yield the right-of-way to an emergency vehicle or (ii) as
26 part of a funeral procession; and

27 (3) any other evidence or issues provided by
28 municipal or county ordinance.

29 (h) To demonstrate that the motor vehicle or the
30 registration plates were stolen before the violation occurred
31 and were not under the control or possession of the owner at
32 the time of the violation, the owner must submit proof that a
33 report concerning the stolen motor vehicle or registration
34 plates was filed with a law enforcement agency in a timely
35 manner.

36 (i) Unless the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer at the time of
2 the violation, the motor vehicle owner is subject to a civil
3 penalty not exceeding \$100, plus an additional penalty of not
4 more than \$100 for failure to pay the original penalty in a
5 timely manner, if the motor vehicle is recorded by an automated
6 traffic law enforcement system. A violation for which a civil
7 penalty is imposed under this Section is not a violation of a
8 traffic regulation governing the movement of vehicles and may
9 not be recorded on the driving record of the owner of the
10 vehicle.

11 (j) An intersection equipped with an automated traffic
12 law enforcement system must be posted with a sign visible to
13 approaching traffic indicating that the intersection is being
14 monitored by an automated traffic law enforcement system.

15 (k) The compensation paid for an automated traffic law
16 enforcement system must be based on the value of the equipment
17 or the services provided and may not be based on the number of
18 traffic citations issued or the revenue generated by the
19 system.

20 (l) This Section applies only to the counties of Cook,
21 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
22 to municipalities located within those counties.

23 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

24 Sec. 11-306. Traffic-control signal legend. Whenever
25 traffic is controlled by traffic-control signals exhibiting
26 different colored lights or color lighted arrows, successively
27 one at a time or in combination, only the colors green, red and
28 yellow shall be used, except for special pedestrian signals
29 carrying a word legend, and the lights shall indicate and apply
30 to drivers of vehicles and pedestrians as follows:

31 (a) Green indication.

32 1. Vehicular traffic facing a circular green signal
33 may proceed straight through or turn right or left unless a
34 sign at such place prohibits either such turn. Vehicular
35 traffic, including vehicles turning right or left, shall

1 yield the right of way to other vehicles and to pedestrians
2 lawfully within the intersection or an adjacent crosswalk
3 at the time such signal is exhibited.

4 2. Vehicular traffic facing a green arrow signal,
5 shown alone or in combination with another indication, may
6 cautiously enter the intersection only to make the movement
7 indicated by such arrow, or such other movement as is
8 permitted by other indications shown at the same time. Such
9 vehicular traffic shall yield the right of way to
10 pedestrians lawfully within an adjacent crosswalk and to
11 other traffic lawfully using the intersection.

12 3. Unless otherwise directed by a pedestrian-control
13 signal, as provided in Section 11-307, pedestrians facing
14 any green signal, except when the sole green signal is a
15 turn arrow, may proceed across the roadway within any
16 marked or unmarked crosswalk.

17 (b) Steady yellow indication.

18 1. Vehicular traffic facing a steady circular yellow
19 or yellow arrow signal is thereby warned that the related
20 green movement is being terminated or that a red indication
21 will be exhibited immediately thereafter.

22 2. Pedestrians facing a steady circular yellow or
23 yellow arrow signal, unless otherwise directed by a
24 pedestrian-control signal as provided in Section 11-307,
25 are thereby advised that there is insufficient time to
26 cross the roadway before a red indication is shown and no
27 pedestrian shall then start to cross the roadway.

28 (c) Steady red indication.

29 1. Except as provided in paragraph 3 of this
30 subsection (c), vehicular traffic facing a steady circular
31 red signal alone shall stop at a clearly marked stop line,
32 but if there is no such stop line, before entering the
33 crosswalk on the near side of the intersection, or if there
34 is no such crosswalk, then before entering the
35 intersection, and shall remain standing until an
36 indication to proceed is shown.

1 2. Except as provided in paragraph 3 of this
2 subsection (c), vehicular traffic facing a steady red arrow
3 signal shall not enter the intersection to make the
4 movement indicated by the arrow and, unless entering the
5 intersection to make a movement permitted by another
6 signal, shall stop at a clearly marked stop line, but if
7 there is no such stop line, before entering the crosswalk
8 on the near side of the intersection, or if there is no
9 such crosswalk, then before entering the intersection, and
10 shall remain standing until an indication permitting the
11 movement indicated by such red arrow is shown.

12 3. Except when a sign is in place prohibiting a turn
13 and local authorities by ordinance or State authorities by
14 rule or regulation prohibit any such turn, vehicular
15 traffic facing any steady red signal may cautiously enter
16 the intersection to turn right, or to turn left from a
17 one-way street into a one-way street, after stopping as
18 required by paragraph 1 or paragraph 2 of this subsection.
19 After stopping, the driver shall yield the right of way to
20 any vehicle in the intersection or approaching on another
21 roadway so closely as to constitute an immediate hazard
22 during the time such driver is moving across or within the
23 intersection or junction or roadways. Such driver shall
24 yield the right of way to pedestrians within the
25 intersection or an adjacent crosswalk.

26 4. Unless otherwise directed by a pedestrian-control
27 signal as provided in Section 11-307, pedestrians facing a
28 steady circular red or red arrow signal alone shall not
29 enter the roadway.

30 ~~5. A municipality with a population of 1,000,000 or~~
31 ~~more may enact an ordinance that provides for the use of an~~
32 ~~automated red light enforcement system to enforce~~
33 ~~violations of this subsection (c) that result in or involve~~
34 ~~a motor vehicle accident, leaving the scene of a motor~~
35 ~~vehicle accident, or reckless driving that results in~~
36 ~~bodily injury.~~

1 ~~This paragraph 5 is subject to prosecutorial~~
2 ~~discretion that is consistent with applicable law.~~

3 (d) In the event an official traffic control signal is
4 erected and maintained at a place other than an intersection,
5 the provisions of this Section shall be applicable except as to
6 provisions which by their nature can have no application. Any
7 stop required shall be at a traffic sign or a marking on the
8 pavement indicating where the stop shall be made or, in the
9 absence of such sign or marking, the stop shall be made at the
10 signal.

11 (e) The motorman of any streetcar shall obey the above
12 signals as applicable to vehicles.

13 (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

14 (625 ILCS 5/1-105.5 rep.)

15 Section 10. The Illinois Vehicle Code is amended by
16 repealing Section 1-105.5.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.