



Sen. Don Harmon

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LRB097 04694 HEP 51697 a

1 AMENDMENT TO SENATE BILL 952

2 AMENDMENT NO. _____. Amend Senate Bill 952 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-306.5, 11-208, 11-208.3, 11-612, and
6 12-610.5 and by adding Sections 1-105.1, 11-208.8 as follows:

7 (625 ILCS 5/1-105.1 new)

8 Sec. 1-105.1. Automated speed enforcement system
9 violation. A violation described in Section 11-208.8 of this
10 Code.

11 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

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

25 (b) Following receipt of the certified report of the
26 municipality or county as specified in this Section, the

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

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

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

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

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

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

22 (d) Any municipality or county making a certified report to
23 the Secretary of State pursuant to this Section shall notify
24 the Secretary of State, in a form prescribed by the Secretary,
25 whenever a person named in the certified report has paid the
26 previously reported fine or penalty, whenever a person named in

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

10 (e) Any municipality or county making a certified report to
11 the Secretary of State pursuant to this Section shall also by
12 ordinance establish procedures for persons to challenge the
13 accuracy of the certified report. The ordinance shall also
14 state the grounds for such a challenge, which may be limited to
15 (1) the person not having been the owner or lessee of the
16 vehicle or vehicles receiving 10 or more standing, parking, or
17 compliance violation notices or 5 or more automated speed
18 enforcement system or automated traffic law violations on the
19 date or dates such notices were issued; and (2) the person
20 having already paid the fine or penalty for the 10 or more
21 standing, parking, or compliance violations or 5 or more
22 automated speed enforcement system or automated traffic law
23 violations indicated on the certified report.

24 (f) Any municipality or county, other than a municipality
25 or county establishing vehicular standing, parking, and
26 compliance regulations pursuant to Section 11-208.3, automated

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

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

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

19 (3) in municipalities or counties with a population of
20 1,000,000 or more, the municipality or county has verified
21 that the alleged violator's State vehicle registration
22 number and vehicle make are correct as they appear on the
23 citations.

24 (g) Any municipality or county, other than a municipality
25 or county establishing standing, parking, and compliance
26 regulations pursuant to Section 11-208.3, automated speed

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

23 (h) An administrative hearing to contest an impending
24 suspension or a suspension made pursuant to this Section may be
25 had upon filing a written request with the Secretary of State.
26 The filing fee for this hearing shall be \$20, to be paid at the

1 time the request is made. A municipality or county which files
2 a certified report with the Secretary of State pursuant to this
3 Section shall reimburse the Secretary for all reasonable costs
4 incurred by the Secretary as a result of the filing of the
5 report, including but not limited to the costs of providing the
6 notice required pursuant to subsection (b) and the costs
7 incurred by the Secretary in any hearing conducted with respect
8 to the report pursuant to this subsection and any appeal from
9 such a hearing.

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

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

14 (Source: P.A. 96-478, eff. 1-1-10; 96-1184, eff. 7-22-10;
15 96-1386, eff. 7-29-10; revised 9-16-10.)

16 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

22 1. Regulating the standing or parking of vehicles,
23 except as limited by Sections 11-1306 and 11-1307 of this
24 Act;

25 2. Regulating traffic by means of police officers or

1 traffic control signals;

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

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

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

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

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

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

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

23 10. Altering the speed limits as authorized in Section
24 11-604;

25 11. Prohibiting U-turns;

26 12. Prohibiting pedestrian crossings at other than

1 designated and marked crosswalks or at intersections;

2 13. Prohibiting parking during snow removal operation;

3 14. Imposing fines in accordance with Section
4 11-1301.3 as penalties for use of any parking place
5 reserved for persons with disabilities, as defined by
6 Section 1-159.1, or disabled veterans by any person using a
7 motor vehicle not bearing registration plates specified in
8 Section 11-1301.1 or a special decal or device as defined
9 in Section 11-1301.2 as evidence that the vehicle is
10 operated by or for a person with disabilities or disabled
11 veteran;

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

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

16 (b) No ordinance or regulation enacted under subsections 1,
17 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
18 until signs giving reasonable notice of such local traffic
19 regulations are posted.

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

25 (d) The provisions of this Code shall not be deemed to
26 prevent local authorities within the reasonable exercise of

1 their police power from prohibiting, on private property, the
2 unauthorized use of parking spaces reserved for persons with
3 disabilities.

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

21 (f) A municipality or county designated in Section 11-208.6
22 may enact an ordinance providing for an automated traffic law
23 enforcement system to enforce violations of this Code or a
24 similar provision of a local ordinance and imposing liability
25 on a registered owner of a vehicle used in such a violation.

26 (g) A municipality or county, as provided in Section

1 11-1201.1, may enact an ordinance providing for an automated
2 traffic law enforcement system to enforce violations of Section
3 11-1201 of this Code or a similar provision of a local
4 ordinance and imposing liability on a registered owner of a
5 vehicle used in such a violation.

6 (h) A municipality or county designated in Section 11-208.8
7 may enact an ordinance providing for an automated speed
8 enforcement system to enforce violations of this Code or a
9 similar provision of a local ordinance and imposing liability
10 on a registered owner of a vehicle used in such a violation.

11 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11.)

12 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

13 Sec. 11-208.3. Administrative adjudication of violations
14 of traffic regulations concerning the standing, parking, or
15 condition of vehicles, ~~and~~ automated traffic law violations, ~~and~~
16 and automated speed enforcement system violations.

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

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

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

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

1 6-306.5.

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

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

6 (3) Service of the parking, standing, or compliance
7 violation notice by affixing the original or a facsimile of
8 the notice to an unlawfully parked vehicle or by handing
9 the notice to the operator of a vehicle if he or she is
10 present and service of an automated speed enforcement
11 system or automated traffic law violation notice by mail to
12 the address of the registered owner of the cited vehicle as
13 recorded with the Secretary of State within 30 days after
14 the Secretary of State notifies the municipality or county
15 of the identity of the owner of the vehicle, but in no
16 event later than 90 days after the violation. A person
17 authorized by ordinance to issue and serve parking,
18 standing, and compliance violation notices shall certify
19 as to the correctness of the facts entered on the violation
20 notice by signing his or her name to the notice at the time
21 of service or in the case of a notice produced by a
22 computerized device, by signing a single certificate to be
23 kept by the traffic compliance administrator attesting to
24 the correctness of all notices produced by the device while
25 it was under his or her control. In the case of an
26 automated speed enforcement system violation, the

1 ordinance shall require a determination by a technician
2 employed or contracted by the municipality or county that,
3 based on inspection of recorded images, the motor vehicle
4 was being operated in violation of Section 11-208.8 or a
5 local ordinance. The automated speed enforcement system
6 ordinance shall require that all determinations by a
7 technician that a motor vehicle was being operated in
8 violation of Section 11-208.8 or a local ordinance must be
9 reviewed and approved by a law enforcement officer or
10 retired law enforcement officer of the municipality or
11 county issuing the violation or by an additional
12 fully-trained reviewing technician who is not employed by
13 the contractor who employs the technician who made the
14 initial determination. In the case of an automated traffic
15 law violation, the ordinance shall require a determination
16 by a technician employed or contracted by the municipality
17 or county that, based on inspection of recorded images, the
18 motor vehicle was being operated in violation of Section
19 11-208.6 or 11-1201.1 or a local ordinance. If the
20 technician determines that the vehicle entered the
21 intersection as part of a funeral procession or in order to
22 yield the right-of-way to an emergency vehicle, a citation
23 shall not be issued. In municipalities with a population of
24 less than 1,000,000 inhabitants and counties with a
25 population of less than 3,000,000 inhabitants, the
26 automated traffic law ordinance shall require that all

1 determinations by a technician that a motor vehicle was
2 being operated in violation of Section 11-208.6 or
3 11-1201.1 or a local ordinance must be reviewed and
4 approved by a law enforcement officer or retired law
5 enforcement officer of the municipality or county issuing
6 the violation. In municipalities with a population of
7 1,000,000 or more inhabitants and counties with a
8 population of 3,000,000 or more inhabitants, the automated
9 traffic law ordinance shall require that all
10 determinations by a technician that a motor vehicle was
11 being operated in violation of Section 11-208.6 or
12 11-1201.1 or a local ordinance must be reviewed and
13 approved by a law enforcement officer or retired law
14 enforcement officer of the municipality or county issuing
15 the violation or by an additional fully-trained reviewing
16 technician who is not employed by the contractor who
17 employs the technician who made the initial determination.
18 As used in this paragraph, "fully-trained reviewing
19 technician" means a person who has received at least 40
20 hours of supervised training in subjects which shall
21 include image inspection and interpretation, the elements
22 necessary to prove a violation, license plate
23 identification, and traffic safety and management. In all
24 municipalities and counties, the automated speed
25 enforcement system or automated traffic law ordinance
26 shall require that no additional fee shall be charged to

1 the alleged violator for exercising his or her right to an
2 administrative hearing, and persons shall be given at least
3 25 days following an administrative hearing to pay any
4 civil penalty imposed by a finding that Section 11-208.6,
5 11-208.8, or 11-1201.1 or a similar local ordinance has
6 been violated. The original or a facsimile of the violation
7 notice or, in the case of a notice produced by a
8 computerized device, a printed record generated by the
9 device showing the facts entered on the notice, shall be
10 retained by the traffic compliance administrator, and
11 shall be a record kept in the ordinary course of business.
12 A parking, standing, compliance, automated speed
13 enforcement system, or automated traffic law violation
14 notice issued, signed and served in accordance with this
15 Section, a copy of the notice, or the computer generated
16 record shall be prima facie correct and shall be prima
17 facie evidence of the correctness of the facts shown on the
18 notice. The notice, copy, or computer generated record
19 shall be admissible in any subsequent administrative or
20 legal proceedings.

21 (4) An opportunity for a hearing for the registered
22 owner of the vehicle cited in the parking, standing,
23 compliance, automated speed enforcement system, or
24 automated traffic law violation notice in which the owner
25 may contest the merits of the alleged violation, and during
26 which formal or technical rules of evidence shall not

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

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

1 notices shall be in the following sequence and shall
2 include but not be limited to the information specified
3 herein:

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

1 education program or any unpaid fine or penalty, or
2 both, will constitute a debt due and owing the
3 municipality or county.

4 (ii) A notice of final determination of parking,
5 standing, compliance, automated speed enforcement
6 system, or automated traffic law violation liability.

7 This notice shall be sent following a final
8 determination of parking, standing, compliance,
9 automated speed enforcement system, or automated
10 traffic law violation liability and the conclusion of
11 judicial review procedures taken under this Section.

12 The notice shall state that the incomplete traffic
13 education program or the unpaid fine or penalty, or
14 both, is a debt due and owing the municipality or
15 county. The notice shall contain warnings that failure
16 to complete any required traffic education program or
17 to pay any fine or penalty due and owing the
18 municipality or county, or both, within the time
19 specified may result in the municipality's or county's
20 filing of a petition in the Circuit Court to have the
21 incomplete traffic education program or unpaid fine or
22 penalty, or both, rendered a judgment as provided by
23 this Section, or may result in suspension of the
24 person's drivers license for failure to complete a
25 traffic education program or to pay fines or penalties,
26 or both, for 10 or more parking violations under

1 Section 6-306.5, ~~or~~ 5 or more automated traffic law
2 violations under Section 11-208.6, or 5 or more
3 automated speed enforcement system violations under
4 Section 11-208.8.

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

1 approved database.

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

16 (8) A petition to set aside a determination of parking,
17 standing, compliance, automated speed enforcement system,
18 or automated traffic law violation liability that may be
19 filed by a person owing an unpaid fine or penalty. A
20 petition to set aside a determination of liability may also
21 be filed by a person required to complete a traffic
22 education program. The petition shall be filed with and
23 ruled upon by the traffic compliance administrator in the
24 manner and within the time specified by ordinance. The
25 grounds for the petition may be limited to: (A) the person
26 not having been the owner or lessee of the cited vehicle on

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

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

19 (10) A schedule of civil fines for violations of
20 vehicular standing, parking, compliance, automated speed
21 enforcement system, or automated traffic law regulations
22 enacted by ordinance pursuant to this Section, and a
23 schedule of penalties for late payment of the fines or
24 failure to complete required traffic education programs,
25 provided, however, that the total amount of the fine and
26 penalty for any one violation shall not exceed \$250, except

1 as provided in subsection (c) of Section 11-1301.3 of this
2 Code.

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

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

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

24 (2) A notice of impending vehicle immobilization and a
25 right to a hearing to challenge the validity of the notice
26 by disproving liability for the incomplete traffic

1 education programs or unpaid final determinations of
2 parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability, or
4 both, listed on the notice.

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

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

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

24 (e) Any fine, penalty, incomplete traffic education
25 program, or part of any fine or any penalty remaining unpaid
26 after the exhaustion of, or the failure to exhaust,

1 administrative remedies created under this Section and the
2 conclusion of any judicial review procedures shall be a debt
3 due and owing the municipality or county and, as such, may be
4 collected in accordance with applicable law. Completion of any
5 required traffic education program and payment in full of any
6 fine or penalty resulting from a standing, parking, compliance,
7 automated speed enforcement system, or automated traffic law
8 violation shall constitute a final disposition of that
9 violation.

10 (f) After the expiration of the period within which
11 judicial review may be sought for a final determination of
12 parking, standing, compliance, automated speed enforcement
13 system, or automated traffic law violation, the municipality or
14 county may commence a proceeding in the Circuit Court for
15 purposes of obtaining a judgment on the final determination of
16 violation. Nothing in this Section shall prevent a municipality
17 or county from consolidating multiple final determinations of
18 parking, standing, compliance, automated speed enforcement
19 system, or automated traffic law violations against a person in
20 a proceeding. Upon commencement of the action, the municipality
21 or county shall file a certified copy or record of the final
22 determination of parking, standing, compliance, automated
23 speed enforcement system, or automated traffic law violation,
24 which shall be accompanied by a certification that recites
25 facts sufficient to show that the final determination of
26 violation was issued in accordance with this Section and the

1 applicable municipal or county ordinance. Service of the
2 summons and a copy of the petition may be by any method
3 provided by Section 2-203 of the Code of Civil Procedure or by
4 certified mail, return receipt requested, provided that the
5 total amount of fines and penalties for final determinations of
6 parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violations does not exceed
8 \$2500. If the court is satisfied that the final determination
9 of parking, standing, compliance, automated speed enforcement
10 system, or automated traffic law violation was entered in
11 accordance with the requirements of this Section and the
12 applicable municipal or county ordinance, and that the
13 registered owner or the lessee, as the case may be, had an
14 opportunity for an administrative hearing and for judicial
15 review as provided in this Section, the court shall render
16 judgment in favor of the municipality or county and against the
17 registered owner or the lessee for the amount indicated in the
18 final determination of parking, standing, compliance,
19 automated speed enforcement system, or automated traffic law
20 violation, plus costs. The judgment shall have the same effect
21 and may be enforced in the same manner as other judgments for
22 the recovery of money.

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

25 A low-income individual required to complete a traffic
26 education program under this Section who provides proof of

1 eligibility for the federal earned income tax credit under
2 Section 32 of the Internal Revenue Code or the Illinois earned
3 income tax credit under Section 212 of the Illinois Income Tax
4 Act shall not be required to pay any fee for participating in a
5 required traffic education program.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;
7 96-478, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1016, eff.
8 1-1-11; 96-1386, eff. 7-29-10; revised 9-16-10.)

9 (625 ILCS 5/11-208.8 new)

10 Sec. 11-208.8. Automated speed enforcement systems in
11 school zones.

12 (a) As used in this Section:

13 "Automated speed enforcement system" means a photographic
14 device, radar device, laser device, or other electrical or
15 mechanical device or devices installed in a school zone
16 designed to record the speed of a vehicle and obtain a clear
17 photograph or other recorded image of the vehicle, the vehicle
18 operator, and the vehicle's registration plate while the driver
19 is violating Section 11-605 of the Illinois Vehicle Code.

20 An automated speed enforcement system is a system, in a
21 school zone under the jurisdiction of a municipality or county
22 operated by a governmental agency, that produces a recorded
23 image of a motor vehicle's violation of a provision of this
24 Code or a local ordinance and is designed to obtain a clear
25 recorded image of the vehicle and the vehicle's license plate.

1 The recorded image must also display the time, date, and
2 location of the violation. A law enforcement officer is not
3 required to be present or to witness the violation.

4 "Owner" means the person or entity to whom the vehicle is
5 registered.

6 "Recorded image" means images recorded by an automated
7 speed enforcement system on:

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

11 (4) a video recording showing the motor vehicle and, on
12 at least one image or portion of the recording, clearly
13 identifying the registration plate number of the motor
14 vehicle.

15 (b) A municipality or county that produces a recorded image
16 of a motor vehicle's violation of a provision of this Code or a
17 local ordinance must make the recorded images of a violation
18 accessible to the alleged violator by providing the alleged
19 violator with a website address, accessible through the
20 Internet.

21 (c) Notwithstanding any other consequence imposed for any
22 similar violation of the Illinois Vehicle Code, the penalty for
23 and consequence of a traffic violation recorded by an automated
24 speed enforcement system is a civil fine of \$50 for a first
25 violation and \$100 for a second or subsequent violation
26 committed within a year of the first violation. Unless the

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

11 (c) For each violation of a provision of this Code or a
12 local ordinance recorded by an automated speed enforcement
13 system, the county or municipality having jurisdiction shall
14 issue a written notice of the violation to the registered owner
15 of the vehicle as the alleged violator. The notice shall be
16 delivered to the registered owner of the vehicle, by mail,
17 within 30 days after the Secretary of State notifies the
18 municipality or county of the identity of the owner of the
19 vehicle, but in no event later than 90 days after the
20 violation.

21 (d) The notice shall include:

22 (1) the name and address of the registered owner of the
23 vehicle;

24 (2) the registration number of the motor vehicle
25 involved in the violation;

26 (3) the violation charged;

1 (4) the date, time, and location where the violation
2 occurred;

3 (5) a copy of the recorded image or images;

4 (6) the amount of the civil penalty imposed and the
5 date by which the civil penalty should be paid;

6 (7) a statement that recorded images are evidence of a
7 violation of a speed restriction;

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

12 (9) a statement that the person may elect to proceed
13 by:

14 (A) paying the fine; or

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

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

20 (e) If a person charged with a traffic violation, as a
21 result of an automated speed enforcement system, does not pay
22 the fine or successfully contest the civil penalty resulting
23 from that violation, the Secretary of State shall suspend the
24 driving privileges of the registered owner of the vehicle under
25 Section 6-306.5 of this Code for failing to pay any fine or
26 penalty due and owing, or both, as a result of 5 violations of

1 the automated speed enforcement system.

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

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

15 (h) The court or hearing officer may consider in defense of
16 a violation:

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

21 (2) that the driver of the motor vehicle received a
22 Uniform Traffic Citation from a police officer at the time
23 of the violation for the same offence; and

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

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

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

7 (j) A road equipped with an automated speed enforcement
8 system shall be posted with a sign visible to approaching
9 traffic. The sign shall state that vehicle speeds are being
10 monitored, shall state that citations will be issued, and shall
11 provide the amount of the civil penalty for a violation.

12 (k) A road where a new automated speed enforcement system
13 is installed shall be posted with signs providing 30 days
14 notice of the use of a new automated speed enforcement system
15 prior to the issuance of any citations through the automated
16 speed enforcement system.

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

22 (m) A municipality or county shall make a certified report
23 to the Secretary of State pursuant to Section 6-306.5 of this
24 Code whenever a registered owner of a vehicle has failed to pay
25 any fine or penalty due and owing as a result of 5 offenses for
26 automated traffic law violations.

1 (n) If any part of this Section is for any reason held to
2 be unconstitutional, such decision shall not affect the
3 remaining parts of this Section. The General Assembly hereby
4 declares that it would have passed the remaining parts of this
5 Section irrespective of the fact that one or more parts might
6 be declared unconstitutional.

7 (625 ILCS 5/11-612)

8 Sec. 11-612. Certain systems to record vehicle speeds
9 prohibited. Except as authorized in the Automated Traffic
10 Control Systems in Highway Construction or Maintenance Zones
11 Act and Section 11-208.8 of this Code, no photographic, video,
12 or other imaging system may be used in this State to record
13 vehicle speeds for the purpose of enforcing any law or
14 ordinance regarding a maximum or minimum speed limit unless a
15 law enforcement officer is present at the scene and witnesses
16 the event. No State or local governmental entity, including a
17 home rule county or municipality, may use such a system in a
18 way that is prohibited by this Section. The regulation of the
19 use of such systems is an exclusive power and function of the
20 State. This Section is a denial and limitation of home rule
21 powers and functions under subsection (h) of Section 6 of
22 Article VII of the Illinois Constitution.

23 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;
24 94-814, eff. 1-1-07.)

1 (625 ILCS 5/12-610.5)

2 Sec. 12-610.5. Registration plate covers.

3 (a) In this Section, "registration plate cover" means any
4 tinted, colored, painted, marked, clear, or illuminated object
5 that is designed to:

6 (1) cover any of the characters of a motor vehicle's
7 registration plate; or

8 (2) distort a recorded image of any of the characters
9 of a motor vehicle's registration plate recorded by an
10 automated traffic law enforcement system as defined in
11 Section 11-208.6 of this Code or an automated speed
12 enforcement system as defined in Section 11-208.8 of this
13 Code, or recorded by an automated traffic control system as
14 defined in Section 15 of the Automated Traffic Control
15 Systems in Highway Construction or Maintenance Zones Act.

16 (b) It shall be unlawful to operate any motor vehicle that
17 is equipped with registration plate covers.

18 (c) A person may not sell or offer for sale a registration
19 plate cover.

20 (d) A person may not advertise for the purpose of promoting
21 the sale of registration plate covers.

22 (e) A violation of this Section or a similar provision of a
23 local ordinance shall be an offense against laws and ordinances
24 regulating the movement of traffic.

25 (Source: P.A. 96-328, eff. 8-11-09.)"