



Sen. Don Harmon

Filed: 3/22/2011

09700SB0952sam003

LRB097 04694 HEP 53147 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 and 11-208.8 as  
7 follows:

8 (625 ILCS 5/1-105.1 new)

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

12 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

1 privileges.

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

26 (b) Following receipt of the certified report of the

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

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

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

26 (2) The name of the municipality or county making the

1 report pursuant to this Section.

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

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

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

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

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

25 (f) Any municipality or county, other than a municipality  
26 or county establishing vehicular standing, parking, and

1 compliance regulations pursuant to Section 11-208.3, automated  
2 speed enforcement system regulations under Section 11-208.8,  
3 or automated traffic law regulations under Section 11-208.6 or  
4 11-1201.1, may also cause a suspension of a person's drivers  
5 license pursuant to this Section. Such municipality or county  
6 may invoke this sanction by making a certified report to the  
7 Secretary of State upon a person's failure to satisfy any fine  
8 or penalty imposed by final judgment for 10 or more violations  
9 of local standing, parking, or compliance regulations or 5 or  
10 more automated speed enforcement system or automated traffic  
11 law violations after exhaustion of judicial review procedures,  
12 but only if:

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

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

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

25 (g) Any municipality or county, other than a municipality  
26 or county establishing standing, parking, and compliance

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

24 (h) An administrative hearing to contest an impending  
25 suspension or a suspension made pursuant to this Section may be  
26 had upon filing a written request with the Secretary of State.

1 The filing fee for this hearing shall be \$20, to be paid at the  
2 time the request is made. A municipality or county which files  
3 a certified report with the Secretary of State pursuant to this  
4 Section shall reimburse the Secretary for all reasonable costs  
5 incurred by the Secretary as a result of the filing of the  
6 report, including but not limited to the costs of providing the  
7 notice required pursuant to subsection (b) and the costs  
8 incurred by the Secretary in any hearing conducted with respect  
9 to the report pursuant to this subsection and any appeal from  
10 such a hearing.

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

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

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

17 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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



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

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

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

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

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

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

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

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

24          10. Altering the speed limits as authorized in Section  
25 11-604;

26          11. Prohibiting U-turns;

1           12. Prohibiting pedestrian crossings at other than  
2 designated and marked crosswalks or at intersections;

3           13. Prohibiting parking during snow removal operation;

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

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

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

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

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

26           (d) The provisions of this Code shall not be deemed to

1 prevent local authorities within the reasonable exercise of  
2 their police power from prohibiting, on private property, the  
3 unauthorized use of parking spaces reserved for persons with  
4 disabilities.

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

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

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

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

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

13 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

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

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

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

1 a certified report to the Secretary of State under Section  
2 6-306.5.

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

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

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

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



1 automated traffic law ordinance shall require that all  
2 determinations by a technician that a motor vehicle was  
3 being operated in violation of Section 11-208.6 or  
4 11-1201.1 or a local ordinance must be reviewed and  
5 approved by a law enforcement officer or retired law  
6 enforcement officer of the municipality or county issuing  
7 the violation. In municipalities with a population of  
8 1,000,000 or more inhabitants and counties with a  
9 population of 3,000,000 or more inhabitants, the automated  
10 traffic law ordinance shall require that all  
11 determinations by a technician that a motor vehicle was  
12 being operated in violation of Section 11-208.6 or  
13 11-1201.1 or a local ordinance must be reviewed and  
14 approved by a law enforcement officer or retired law  
15 enforcement officer of the municipality or county issuing  
16 the violation or by an additional fully-trained reviewing  
17 technician who is not employed by the contractor who  
18 employs the technician who made the initial determination.  
19 As used in this paragraph, "fully-trained reviewing  
20 technician" means a person who has received at least 40  
21 hours of supervised training in subjects which shall  
22 include image inspection and interpretation, the elements  
23 necessary to prove a violation, license plate  
24 identification, and traffic safety and management. In all  
25 municipalities and counties, the automated speed  
26 enforcement system or automated traffic law ordinance

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

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

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

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

1 of the date of deposit in the United States mail. The  
2 notices shall be in the following sequence and shall  
3 include but not be limited to the information specified  
4 herein:

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

1           judicial procedures for review, any incomplete traffic  
2           education program or any unpaid fine or penalty, or  
3           both, will constitute a debt due and owing the  
4           municipality or county.

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

1 or both, for 10 or more parking violations under  
2 Section 6-306.5, ~~or~~ 5 or more automated traffic law  
3 violations under Section 11-208.6, or 5 or more  
4 automated speed enforcement system violations under  
5 Section 11-208.8.

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

1 known address recorded in a United States Post Office  
2 approved database.

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

17 (8) A petition to set aside a determination of parking,  
18 standing, compliance, automated speed enforcement system,  
19 or automated traffic law violation liability that may be  
20 filed by a person owing an unpaid fine or penalty. A  
21 petition to set aside a determination of liability may also  
22 be filed by a person required to complete a traffic  
23 education program. The petition shall be filed with and  
24 ruled upon by the traffic compliance administrator in the  
25 manner and within the time specified by ordinance. The  
26 grounds for the petition may be limited to: (A) the person

1 not having been the owner or lessee of the cited vehicle on  
2 the date the violation notice was issued, (B) the person  
3 having already completed the required traffic education  
4 program or paid the fine or penalty, or both, for the  
5 violation in question, and (C) excusable failure to appear  
6 at or request a new date for a hearing. With regard to  
7 municipalities or counties with a population of 1 million  
8 or more, it shall be grounds for dismissal of a parking  
9 violation if the state registration number, or vehicle make  
10 if specified, is incorrect. After the determination of  
11 parking, standing, compliance, automated speed enforcement  
12 system, or automated traffic law violation liability has  
13 been set aside upon a showing of just cause, the registered  
14 owner shall be provided with a hearing on the merits for  
15 that violation.

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

20 (10) A schedule of civil fines for violations of  
21 vehicular standing, parking, compliance, automated speed  
22 enforcement system, or automated traffic law regulations  
23 enacted by ordinance pursuant to this Section, and a  
24 schedule of penalties for late payment of the fines or  
25 failure to complete required traffic education programs,  
26 provided, however, that the total amount of the fine and



1 penalty for any one violation shall not exceed \$250, except  
2 as provided in subsection (c) of Section 11-1301.3 of this  
3 Code.

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

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

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

25 (2) A notice of impending vehicle immobilization and a  
26 right to a hearing to challenge the validity of the notice

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

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

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

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

25 (e) Any fine, penalty, incomplete traffic education  
26 program, or part of any fine or any penalty remaining unpaid

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

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

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

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

26 A low-income individual required to complete a traffic

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

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

10 (625 ILCS 5/11-208.8 new)

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

13 (a) As used in this Section:

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

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

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

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

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

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

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

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

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

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

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

22 (d) The notice shall include:

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

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

- 1           (3) the violation charged;
- 2           (4) the date, time, and location where the violation  
3 occurred;
- 4           (5) a copy of the recorded image or images;
- 5           (6) the amount of the civil penalty imposed and the  
6 date by which the civil penalty should be paid;
- 7           (7) a statement that recorded images are evidence of a  
8 violation of a speed restriction;
- 9           (8) a warning that failure to pay the civil penalty or  
10 to contest liability in a timely manner is an admission of  
11 liability and may result in a suspension of the driving  
12 privileges of the registered owner of the vehicle;
- 13           (9) a statement that the person may elect to proceed  
14 by:
- 15                 (A) paying the fine; or
- 16                 (B) challenging the charge in court, by mail, or by  
17 administrative hearing; and
- 18           (10) a website address, accessible through the  
19 Internet, where the person may view the recorded images of  
20 the violation.
- 21           (e) If a person charged with a traffic violation, as a  
22 result of an automated speed enforcement system, does not pay  
23 the fine or successfully contest the civil penalty resulting  
24 from that violation, the Secretary of State shall suspend the  
25 driving privileges of the registered owner of the vehicle under  
26 Section 6-306.5 of this Code for failing to pay any fine or



1 penalty due and owing, or both, as a result of 5 violations of  
2 the automated speed enforcement system.

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

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

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

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

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

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

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

8       (j) A road equipped with an automated speed enforcement  
9 system shall be posted with a sign conforming to the national  
10 Manual on Uniform Traffic Control Devices that is visible to  
11 approaching traffic stating that vehicle speeds are being  
12 photo-enforced.

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

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

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

1 automated traffic law violations.

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

8 (625 ILCS 5/11-612)

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

24 (Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06;  
25 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.)"