

HB1018



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1018

Introduced 1/12/2023, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.3

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

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

LRB103 04879 HEP 49889 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-208.3 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 (Text of Section before amendment by P.A. 102-905)

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

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

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

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

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

24 (2) A parking, standing, compliance, automated speed
25 enforcement system, or automated traffic law violation
26 notice that shall specify or include the date, time, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 county. The notice shall contain warnings that failure
2 to complete any required traffic education program or
3 to pay any fine or penalty due and owing the
4 municipality or county, or both, within the time
5 specified may result in the municipality's or county's
6 filing of a petition in the Circuit Court to have the
7 incomplete traffic education program or unpaid fine or
8 penalty, or both, rendered a judgment as provided by
9 this Section, or, where applicable, may result in
10 suspension of the person's driver's license for
11 failure to complete a traffic education program.

12 (6) A notice of impending driver's license suspension.

13 This notice shall be sent to the person liable for failure
14 to complete a required traffic education program. The
15 notice shall state that failure to complete a required
16 traffic education program within 45 days of the notice's
17 date will result in the municipality or county notifying
18 the Secretary of State that the person is eligible for
19 initiation of suspension proceedings under Section 6-306.5
20 of this Code. The notice shall also state that the person
21 may obtain a photostatic copy of an original ticket
22 imposing a fine or penalty by sending a self-addressed,
23 stamped envelope to the municipality or county along with
24 a request for the photostatic copy. The notice of
25 impending driver's license suspension shall be sent by
26 first class United States mail, postage prepaid, to the

1 address recorded with the Secretary of State or, if any
2 notice to that address is returned as undeliverable, to
3 the last known address recorded in a United States Post
4 Office approved database.

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

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

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

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

23 (10) A schedule of civil fines for violations of
24 vehicular standing, parking, compliance, automated speed
25 enforcement system, or automated traffic law regulations
26 enacted by ordinance pursuant to this Section, and a

1 schedule of penalties for late payment of the fines or
2 failure to complete required traffic education programs,
3 provided, however, that the total amount of the fine and
4 penalty for any one violation shall not exceed \$250,
5 except as provided in subsection (c) of Section 11-1301.3
6 of this Code.

7 (11) Other provisions as are necessary and proper to
8 carry into effect the powers granted and purposes stated
9 in this Section.

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

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

1 determined by ordinance.

2 (2) A notice of impending vehicle immobilization and a
3 right to a hearing to challenge the validity of the notice
4 by disproving liability for the incomplete traffic
5 education programs or unpaid final determinations of
6 parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violation liability, or
8 both, listed on the notice.

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

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

22 (d) Judicial review of final determinations of parking,
23 standing, compliance, automated speed enforcement system, or
24 automated traffic law violations and final administrative
25 decisions issued after hearings regarding vehicle
26 immobilization and impoundment made under this Section shall

1 be subject to the provisions of the Administrative Review Law.

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

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

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

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

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

10 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
11 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

12 (Text of Section after amendment by P.A. 102-905)

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

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

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

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

1 a required traffic education program, or both, shall
2 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
6 specify the time and manner in which a hearing may be had.

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

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

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

1 speed equipment, that the vehicle was being operated in
2 violation of Article VI of Chapter 11 of this Code or a
3 similar local ordinance. If the technician determines that
4 the vehicle speed was not determined by a calibrated,
5 certified speed equipment device based upon the speed
6 equipment documentation, or if the vehicle was an
7 emergency vehicle, a citation may not be issued. The
8 automated speed enforcement ordinance shall require that
9 all determinations by a technician that a violation
10 occurred be reviewed and approved by a law enforcement
11 officer or retired law enforcement officer of the
12 municipality 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. Routine and independent calibration
16 of the speeds produced by automated speed enforcement
17 systems and equipment shall be conducted annually by a
18 qualified technician. Speeds produced by an automated
19 speed enforcement system shall be compared with speeds
20 produced by lidar or other independent equipment. Radar or
21 lidar equipment shall undergo an internal validation test
22 no less frequently than once each week. Qualified
23 technicians shall test loop-based equipment no less
24 frequently than once a year. Radar equipment shall be
25 checked for accuracy by a qualified technician when the
26 unit is serviced, when unusual or suspect readings

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

1 used in this paragraph, "fully trained reviewing
2 technician" means a person who has received at least 40
3 hours of supervised training in subjects which shall
4 include image inspection and interpretation, the elements
5 necessary to prove a violation, license plate
6 identification, and traffic safety and management. In all
7 municipalities and counties, the automated speed
8 enforcement system or automated traffic law ordinance
9 shall require that no additional fee shall be charged to
10 the alleged violator for exercising his or her right to an
11 administrative hearing, and persons shall be given at
12 least 25 days following an administrative hearing to pay
13 any civil penalty imposed by a finding that Section
14 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
15 local ordinance has been violated. The original or a
16 facsimile of the violation notice or, in the case of a
17 notice produced by a computerized device, a printed record
18 generated by the device showing the facts entered on the
19 notice, shall be retained by the traffic compliance
20 administrator, and shall be a record kept in the ordinary
21 course of business. A parking, standing, compliance,
22 automated speed enforcement system, or automated traffic
23 law violation notice issued, signed, and served in
24 accordance with this Section, a copy of the notice, or the
25 computer-generated record shall be prima facie correct and
26 shall be prima facie evidence of the correctness of the

1 facts shown on the notice. The notice, copy, or
2 computer-generated record shall be admissible in any
3 subsequent administrative or legal proceedings.

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

23 (5) Service of ~~additional~~ notices, sent by first class
24 United States mail, postage prepaid, to the address of the
25 registered owner of the cited vehicle as recorded with the
26 Secretary of State or, if any notice to that address is

1 returned as undeliverable, to the last known address
2 recorded in a United States Post Office approved database,
3 or, under Section 11-1306 or subsection (p) of Section
4 11-208.6 or 11-208.9, or subsection (p) of Section
5 11-208.8 of this Code, to the lessee of the cited vehicle
6 at the last address known to the lessor of the cited
7 vehicle at the time of lease or, if any notice to that
8 address is returned as undeliverable, to the last known
9 address recorded in a United States Post Office approved
10 database. The service shall be deemed complete as of the
11 date of deposit in the United States mail. The notices
12 shall be in the following sequence and shall include, but
13 not be limited to, the information specified herein:

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

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

19 (ii) A notice of final determination of parking,
20 standing, compliance, automated speed enforcement
21 system, or automated traffic law violation liability.
22 This notice shall be sent following a final
23 determination of parking, standing, compliance,
24 automated speed enforcement system, or automated
25 traffic law violation liability and the conclusion of
26 judicial review procedures taken under this Section.

1 The notice shall state that the incomplete traffic
2 education program or the unpaid fine or penalty, or
3 both, is a debt due and owing the municipality or
4 county. The notice shall contain warnings that failure
5 to complete any required traffic education program or
6 to pay any fine or penalty due and owing the
7 municipality or county, or both, within the time
8 specified may result in the municipality's or county's
9 filing of a petition in the Circuit Court to have the
10 incomplete traffic education program or unpaid fine or
11 penalty, or both, rendered a judgment as provided by
12 this Section, or, where applicable, may result in
13 suspension of the person's driver's license for
14 failure to complete a traffic education program.

15 (6) A notice of impending driver's license suspension.

16 This notice shall be sent to the person liable for failure
17 to complete a required traffic education program. The
18 notice shall state that failure to complete a required
19 traffic education program within 45 days of the notice's
20 date will result in the municipality or county notifying
21 the Secretary of State that the person is eligible for
22 initiation of suspension proceedings under Section 6-306.5
23 of this Code. The notice shall also state that the person
24 may obtain a photostatic copy of an original ticket
25 imposing a fine or penalty by sending a self-addressed,
26 stamped envelope to the municipality or county along with

1 a request for the photostatic copy. The notice of
2 impending driver's license suspension shall be sent by
3 first class United States mail, postage prepaid, to the
4 address recorded with the Secretary of State or, if any
5 notice to that address is returned as undeliverable, to
6 the last known address recorded in a United States Post
7 Office approved database.

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

22 (8) A petition to set aside a determination of
23 parking, standing, compliance, automated speed enforcement
24 system, or automated traffic law violation liability that
25 may be filed by a person owing an unpaid fine or penalty. A
26 petition to set aside a determination of liability may

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

22 (9) Procedures for non-residents. Procedures by which
23 persons who are not residents of the municipality or
24 county may contest the merits of the alleged violation
25 without attending a hearing.

26 (10) A schedule of civil fines for violations of

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

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

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

23 (1) Criteria for the designation of vehicles eligible
24 for immobilization. A vehicle shall be eligible for
25 immobilization when the registered owner of the vehicle
26 has accumulated the number of incomplete traffic education

1 programs or unpaid final determinations of parking,
2 standing, compliance, automated speed enforcement system,
3 or automated traffic law violation liability, or both, as
4 determined by ordinance.

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

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

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

25 (d) Judicial review of final determinations of parking,
26 standing, compliance, automated speed enforcement system, or

1 automated traffic law violations and final administrative
2 decisions issued after hearings regarding vehicle
3 immobilization and impoundment made under this Section shall
4 be subject to the provisions of the Administrative Review Law.

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

17 (f) After the expiration of the period within which
18 judicial review may be sought for a final determination of
19 parking, standing, compliance, automated speed enforcement
20 system, or automated traffic law violation, the municipality
21 or county may commence a proceeding in the Circuit Court for
22 purposes of obtaining a judgment on the final determination of
23 violation. Nothing in this Section shall prevent a
24 municipality or county from consolidating multiple final
25 determinations of parking, standing, compliance, automated
26 speed enforcement system, or automated traffic law violations

1 against a person in a proceeding. Upon commencement of the
2 action, the municipality or county shall file a certified copy
3 or record of the final determination of parking, standing,
4 compliance, automated speed enforcement system, or automated
5 traffic law violation, which shall be accompanied by a
6 certification that recites facts sufficient to show that the
7 final determination of violation was issued in accordance with
8 this Section and the applicable municipal or county ordinance.
9 Service of the summons and a copy of the petition may be by any
10 method provided by Section 2-203 of the Code of Civil
11 Procedure or by certified mail, return receipt requested,
12 provided that the total amount of fines and penalties for
13 final determinations of parking, standing, compliance,
14 automated speed enforcement system, or automated traffic law
15 violations does not exceed \$2500. If the court is satisfied
16 that the final determination of parking, standing, compliance,
17 automated speed enforcement system, or automated traffic law
18 violation was entered in accordance with the requirements of
19 this Section and the applicable municipal or county ordinance,
20 and that the registered owner or the lessee, as the case may
21 be, had an opportunity for an administrative hearing and for
22 judicial review as provided in this Section, the court shall
23 render judgment in favor of the municipality or county and
24 against the registered owner or the lessee for the amount
25 indicated in the final determination of parking, standing,
26 compliance, automated speed enforcement system, or automated

1 traffic law violation, plus costs. The judgment shall have the
2 same effect and may be enforced in the same manner as other
3 judgments for the recovery of money.

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

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

13 (h) Notwithstanding any other provision of law to the
14 contrary, a person shall not be liable for violations, fees,
15 fines, or penalties under this Section during the period in
16 which the motor vehicle was stolen or hijacked, as indicated
17 in a report to the appropriate law enforcement agency filed in
18 a timely manner.

19 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
20 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; 102-905, eff.
21 1-1-23.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.