

1 AN ACT in relation to vehicles.

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 Sections 6-306.5, 11-208, 11-208.3, and 11-306 and
6 adding Section 11-208.5 as follows:

7 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality stating
13 that the owner of a registered vehicle has: (1) failed to pay
14 any fine or penalty due and owing as a result of 10 or more
15 violations of a municipality's vehicular standing, parking,
16 or compliance regulations established by ordinance pursuant
17 to Section 11-208.3 of this Code, or (2) failed to pay any
18 fine or penalty due and owing as a result of 5 offenses for
19 automated traffic violations as defined in Section 11-208.5,
20 the Secretary of State shall suspend the driving privileges
21 of such person in accordance with the procedures set forth in
22 this Section. The Secretary shall also suspend the driving
23 privileges of an owner of a registered vehicle upon receipt
24 of a certified report, as prescribed by subsection (f) of
25 this Section, from any municipality stating that such person
26 has failed to satisfy any fines or penalties imposed by final
27 judgments for 5 or more automated traffic law violations or
28 10 or more violations of local standing, parking, or
29 compliance regulations after exhaustion of judicial review
30 procedures.

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

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

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

17 (1) The name, last known address and drivers
18 license number of the person who failed to pay the fine
19 or penalty and the registration number of any vehicle
20 known to be registered to such person in this State.

21 (2) The name of the municipality making the report
22 pursuant to this Section.

23 (3) A statement that the municipality sent a notice
24 of impending drivers license suspension as prescribed by
25 ordinance enacted pursuant to Section 11-208.3, to the
26 person named in the report at the address recorded with
27 the Secretary of State; the date on which such notice was
28 sent; and the address to which such notice was sent. In a
29 municipality with a population of 1,000,000 or more, the
30 report shall also include a statement that the alleged
31 violator's State vehicle registration number and vehicle
32 make are correct as they appear on the citations.

33 (d) Any municipality making a certified report to the
34 Secretary of State pursuant to this Section shall notify the

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

11 (e) Any municipality making a certified report to the
12 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
16 to (1) the person not having been the owner or lessee of the
17 vehicle or vehicles receiving 10 or more standing, parking,
18 or compliance violation notices or 5 or more automated
19 traffic law violation notices on the date or dates such
20 notices were issued; and (2) the person having already paid
21 the fine or penalty for the 10 or more standing, parking, or
22 compliance violations or 5 or more automated traffic law
23 violations indicated on the certified report.

24 (f) Any municipality, other than a municipality
25 establishing vehicular standing, parking, and compliance
26 regulations pursuant to Section 11-208.3 or automated traffic
27 law regulations under Section 11-208.5, may also cause a
28 suspension of a person's drivers license pursuant to this
29 Section. Such municipality may invoke this sanction by making
30 a certified report to the Secretary of State upon a person's
31 failure to satisfy any fine or penalty imposed by final
32 judgment for 10 or more violations of local standing,
33 parking, or compliance regulations or 5 or more automated
34 traffic law violations after exhaustion of judicial review

1 procedures, but only if:

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

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

8 (3) in municipalities with a population of
9 1,000,000 or more, the municipality has verified that the
10 alleged violator's State vehicle registration number and
11 vehicle make are correct as they appear on the citations.

12 (g) Any municipality, other than a municipality
13 establishing standing, parking, and compliance regulations
14 pursuant to Section 11-208.3 or automated traffic law
15 regulations under Section 11-208.5, may provide by ordinance
16 for the sending of a notice of impending drivers license
17 suspension to the person who has failed to satisfy any fine
18 or penalty imposed by final judgment for 10 or more
19 violations of local standing, parking, or compliance
20 regulations or 5 or more automated traffic law violations
21 after exhaustion of judicial review procedures. An ordinance
22 so providing shall specify that the notice sent to the person
23 liable for any fine or penalty shall state that failure to
24 pay the fine or penalty owing within 45 days of the notice's
25 date will result in the municipality notifying the Secretary
26 of State that the person's drivers license is eligible for
27 suspension pursuant to this Section. The notice of impending
28 drivers license suspension shall be sent by first class
29 United States mail, postage prepaid, to the address recorded
30 with the Secretary of State.

31 (h) An administrative hearing to contest an impending
32 suspension or a suspension made pursuant to this Section may
33 be had upon filing a written request with the Secretary of
34 State. The filing fee for this hearing shall be \$20, to be

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

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

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

14 (Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98;
15 90-481, eff. 8-17-97.)

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

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

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

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

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

26 3. Regulating or prohibiting processions or
27 assemblages on the highways;

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

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

33 6. Designating any highway as a through highway, as

1 authorized in Section 11-302, and requiring that all
 2 vehicles stop before entering or crossing the same or
 3 designating any intersection as a stop intersection or a
 4 yield right-of-way intersection and requiring all
 5 vehicles to stop or yield the right-of-way at one or more
 6 entrances to such intersections;

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

9 8. Regulating the operation of bicycles and
 10 requiring the registration and licensing of same,
 11 including the requirement of a registration fee;

12 9. Regulating or prohibiting the turning of
 13 vehicles or specified types of vehicles at intersections;

14 10. Altering the speed limits as authorized in
 15 Section 11-604;

16 11. Prohibiting U-turns;

17 12. Prohibiting pedestrian crossings at other than
 18 designated and marked crosswalks or at intersections;

19 13. Prohibiting parking during snow removal
 20 operation;

21 14. Imposing fines in accordance with Section
 22 11-1301.3 as penalties for use of any parking place
 23 reserved for persons with disabilities, as defined by
 24 Section 1-159.1, or disabled veterans by any person using
 25 a motor vehicle not bearing registration plates specified
 26 in Section 11-1301.1 or a special decal or device as
 27 defined in Section 11-1301.2 as evidence that the vehicle
 28 is operated by or for a person with disabilities or
 29 disabled veteran;

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

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

34 (b) No ordinance or regulation enacted under subsections

1 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be
2 effective until signs giving reasonable notice of such local
3 traffic regulations are posted.

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

9 (d) The provisions of this Code shall not be deemed to
10 prevent local authorities within the reasonable exercise of
11 their police power from prohibiting, on private property, the
12 unauthorized use of parking spaces reserved for persons with
13 disabilities.

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

32 (f) A municipality or county may enact an ordinance
33 providing for an automated traffic law enforcement system to
34 enforce violations of this Code or similar provisions of a

1 local ordinance.

2 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
3 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

4 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)
5 Sec. 11-208.3. Administrative adjudication of violations
6 of traffic regulations concerning the standing, parking, or
7 condition of vehicles and automated traffic law violations.

8 (a) Any municipality may provide by ordinance for a
9 system of administrative adjudication of vehicular standing
10 and parking violations and vehicle compliance violations as
11 defined in this subsection, and automated traffic law
12 violations as defined in Section 11-208.5. The administrative
13 system shall have as its purpose the fair and efficient
14 enforcement of municipal regulations through the
15 administrative adjudication of automated traffic law
16 violations and violations of municipal ordinances regulating
17 the standing and parking of vehicles, the condition and use
18 of vehicle equipment, and the display of municipal wheel tax
19 licenses within the municipality's borders. The
20 administrative system shall only have authority to adjudicate
21 civil offenses carrying fines not in excess of \$250 that
22 occur after the effective date of the ordinance adopting such
23 a system under this Section. For purposes of this Section,
24 "compliance violation" means a violation of a municipal
25 regulation governing the condition or use of equipment on a
26 vehicle or governing the display of a municipal wheel tax
27 license.

28 (b) Any ordinance establishing a system of
29 administrative adjudication under this Section shall provide
30 for:

31 (1) A traffic compliance administrator authorized
32 to adopt, distribute and process parking, and compliance,
33 and automated traffic law violation notices and other

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

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

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

1 of State within 30 days after the violation. A person
2 authorized by ordinance to issue and serve parking,
3 standing, and compliance, or automated traffic law
4 violation notices shall certify as to the correctness of
5 the facts entered on the violation notice by signing his
6 or her name to the notice at the time of service or in
7 the case of a notice produced by a computerized device,
8 by signing a single certificate to be kept by the traffic
9 compliance administrator attesting to the correctness of
10 all notices produced by the device while it was under his
11 or her control. In the case of an automated traffic law
12 violation, the ordinance shall require a signed statement
13 by a technician employed by the municipality or county
14 that, based on inspection of recorded images, the motor
15 vehicle was being operated in violation of Section
16 11-208.5. In the case of a red light violation, if the
17 technician determines that the vehicle entered the
18 intersection as part of a funeral procession or in order
19 to yield the right-of-way to an emergency vehicle, a
20 citation may not be issued. The original or a facsimile
21 of the violation notice or, in the case of a notice
22 produced by a computerized device, a printed record
23 generated by the device showing the facts entered on the
24 notice, shall be retained by the traffic compliance
25 administrator, and shall be a record kept in the ordinary
26 course of business. A parking, standing, ~~or~~ compliance,
27 or automated traffic law violation notice issued, signed
28 and served in accordance with this Section, a copy of the
29 notice, or the computer generated record shall be prima
30 facie correct and shall be prima facie evidence of the
31 correctness of the facts shown on the notice. The
32 notice, copy, or computer generated record shall be
33 admissible in any subsequent administrative or legal
34 proceedings.

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

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

31 (i) A second notice of violation. This notice
32 shall specify the date and location of the violation
33 cited in the parking, standing, or compliance, or
34 automated traffic law violation notice, the

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

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

1 in suspension of the person's drivers license for
 2 failure to pay fines or penalties for 10 or more
 3 parking violations under Section 6-306.5 or 5 more
 4 automated traffic law violations under Section
 5 11-208.5.

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

23 (7) Final determinations of violation liability. A
 24 final determination of violation liability shall occur
 25 following failure to pay the fine or penalty after a
 26 hearing officer's determination of violation liability
 27 and the exhaustion of or failure to exhaust any
 28 administrative review procedures provided by ordinance.
 29 Where a person fails to appear at a hearing to contest
 30 the alleged violation in the time and manner specified in
 31 a prior mailed notice, the hearing officer's
 32 determination of violation liability shall become final:
 33 (A) upon denial of a timely petition to set aside that
 34 determination, or (B) upon expiration of the period for

1 filing the petition without a filing having been made.

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

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

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

34 (11) Other provisions as are necessary and proper

1 to carry into effect the powers granted and purposes
2 stated in this Section.

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

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

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

26 (3) The right to a prompt hearing after a vehicle
27 has been immobilized or subsequently towed without
28 payment of the outstanding fines and penalties on
29 parking, standing, ~~or~~ compliance, or automated traffic
30 law violations for which final determinations have been
31 issued. An order issued after the hearing is a final
32 administrative decision within the meaning of Section
33 3-101 of the Code of Civil Procedure.

34 (4) A post immobilization and post-towing notice

1 advising the registered owner of the vehicle of the right
2 to a hearing to challenge the validity of the
3 impoundment.

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

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

20 (f) After the expiration of the period within which
21 judicial review may be sought for a final determination of
22 parking, standing, or compliance, or automated traffic law
23 violation, the municipality may commence a proceeding in the
24 Circuit Court for purposes of obtaining a judgment on the
25 final determination of violation. Nothing in this Section
26 shall prevent a municipality from consolidating multiple
27 final determinations of parking, standing, or compliance, or
28 automated traffic law violations ~~violation~~ against a person
29 in a proceeding. Upon commencement of the action, the
30 municipality shall file a certified copy of the final
31 determination of parking, standing, or compliance, or
32 automated traffic law violation, which shall be accompanied
33 by a certification that recites facts sufficient to show that
34 the final determination of violation was issued in accordance

1 with this Section and the applicable municipal ordinance.
 2 Service of the summons and a copy of the petition may be by
 3 any method provided by Section 2-203 of the Code of Civil
 4 Procedure or by certified mail, return receipt requested,
 5 provided that the total amount of fines and penalties for
 6 final determinations of parking, standing, ~~or compliance,~~ or
 7 automated traffic law violations does not exceed \$2500. If
 8 the court is satisfied that the final determination of
 9 parking, standing, ~~or compliance,~~ or automated traffic law
 10 violation was entered in accordance with the requirements of
 11 this Section and the applicable municipal ordinance, and that
 12 the registered owner or the lessee, as the case may be, had
 13 an opportunity for an administrative hearing and for judicial
 14 review as provided in this Section, the court shall render
 15 judgment in favor of the municipality and against the
 16 registered owner or the lessee for the amount indicated in
 17 the final determination of parking, standing, ~~or compliance,~~
 18 or automated traffic law violation, plus costs. The judgment
 19 shall have the same effect and may be enforced in the same
 20 manner as other judgments for the recovery of money.
 21 (Source: P.A. 92-695, eff. 1-1-03.)

22 (625 ILCS 5/11-208.5 new)
 23 Sec. 11-208.5. Automated traffic law enforcement system.
 24 (a) As used in this Section, "automated traffic law
 25 enforcement system" means a device with one or more motor
 26 vehicle sensors working in conjunction with:
 27 (1) a red light signal to produce recorded images
 28 of motor vehicles entering an intersection against a red
 29 signal indication in violation of Section 11-306 of this
 30 Code or a similar provision of a local ordinance;
 31 (2) a speed measuring device to produce recorded
 32 images of motor vehicles traveling at a prohibited rate
 33 of speed; or

1 (3) any other traffic control device designed to
2 enhance highway safety.

3 An automated traffic law enforcement system is a system
4 in a municipality or county operated by a governmental
5 agency, in cooperation with a law enforcement agency, that
6 produces a recorded image of a motor vehicle's violation of a
7 provision of this Code or a local ordinance and is designed
8 to obtain a clear recorded image of the vehicle and the
9 vehicle's license plate. The recorded image must also display
10 the time, date, and location of the violation.

11 (b) As used in this Section, "recorded images" means
12 images recorded by an automated traffic law enforcement
13 system on:

- 14 (1) 2 or more photographs;
- 15 (2) 2 or more microphotographs;
- 16 (3) 2 or more electronic images; or
- 17 (4) a videotape showing the motor vehicle and, on
18 at least one image or portion of tape, clearly
19 identifying the registration plate number of the motor
20 vehicle.

21 (c) For each violation of a provision of this Code or a
22 local ordinance recorded by an automatic traffic law
23 enforcement system, the local law enforcement agency having
24 jurisdiction shall issue a written citation and a notice of
25 the violation to the registered owner of the vehicle as the
26 alleged violator. The citation and notice shall be delivered
27 to the registered owner of the vehicle, by mail, within 30
28 days of the violation.

29 The citation shall include:

- 30 (1) the name and address of the registered owner of
31 the vehicle;
- 32 (2) the registration number of the motor vehicle
33 involved in the violation;
- 34 (3) the violation charged;

- 1 (4) the location where the violation occurred;
- 2 (5) the date and time of the violation;
- 3 (6) a copy of the recorded images;
- 4 (7) the amount of the civil penalty imposed and the
5 date by which the civil penalty should be paid;
- 6 (8) a signed statement by a technician employed by
7 the agency that, based on inspection of recorded images,
8 the motor vehicle was being operated in violation of a
9 automated traffic law enforcement system;
- 10 (9) a statement that recorded images are evidence
11 of a violation of a traffic control device or posted rate
12 of speed; and
- 13 (10) warning that failure to pay the civil penalty
14 or to contest liability in a timely manner is an
15 admission of liability and may result in a suspension of
16 the driving privileges of the registered owner of the
17 vehicle.

18 (d) The citation issued to the registered owner of the
19 vehicle shall be accompanied by a written notice, the
20 contents of which is set forth in subsection (e) of this
21 Section, explaining how the registered owner of the vehicle
22 can elect to proceed by either paying the civil penalty or
23 challenging the issuance of the citation.

24 (e) The written notice explaining the alleged violator's
25 rights and obligations must include the following text:

26 "You have been served with the accompanying citation and
27 cited with having violated Section 11-208.5 of the
28 Illinois Vehicle Code. You can elect to proceed by:

- 29 1. paying the fine; or
- 30 2. challenging the issuance of the Citation in
31 court."

32 (f) If a person charged with a traffic violation, as a
33 result of an automated traffic law enforcement system, does
34 not pay or successfully contest the civil penalty resulting

1 from that violation, the Secretary of State shall suspend the
2 driving privileges of the registered owner of the vehicle
3 under Section 6-306.5 of this Code for failing to pay any
4 fine or penalty due and owing as a result of 5 violations of
5 the automated traffic law enforcement system.

6 (g) Based on inspection of recorded images produced by
7 an automated traffic law enforcement system, a citation or a
8 copy of a citation alleging that the violation occurred and
9 signed by a duly authorized agent of the agency shall be
10 evidence of the facts contained in the citation or copy and
11 admissible in any proceeding alleging a violation under this
12 Section.

13 (h) Recorded images made by an automatic traffic law
14 enforcement system are confidential and shall be made
15 available only to the alleged violator and governmental and
16 law enforcement agencies for purposes of adjudicating a
17 violation of this Section. Any recorded image evidencing a
18 violation of this Section, however, is admissible in any
19 proceeding resulting from the issuance of the citation when
20 there is reasonable and sufficient proof of the accuracy of
21 the camera or electronic instrument recording the image.
22 There is a rebuttable presumption that the recorded image is
23 accurate if the camera or electronic recording instrument was
24 in good working order at the beginning and the end of the day
25 of the alleged offense.

26 (i) The court may consider in defense of a violation:

27 (1) that the motor vehicle or registration plates
28 of the motor vehicle were stolen before the violation
29 occurred and not under the control of or in the
30 possession of the owner at the time of the violation;

31 (2) with respect to an alleged automated red light
32 violation, that the driver of the vehicle passed through
33 the intersection when the light was red either (i) in
34 order to yield the right-of-way to an emergency vehicle

1 or (ii) as part of a funeral procession; and
 2 (3) any other evidence or issues that the Court
 3 deems pertinent.

4 (j) To demonstrate that the motor vehicle or the
 5 registration plates were stolen before the violation occurred
 6 and were not under the control or possession of the owner at
 7 the time of the violation, the owner must submit proof that a
 8 police report concerning the stolen motor vehicle or
 9 registration plates was filed in a timely manner.

10 (k) Unless the driver of the motor vehicle received a
 11 Uniform Traffic Citation from a police officer at the time of
 12 the violation, the motor vehicle owner is subject to a civil
 13 penalty not exceeding \$500 if the motor vehicle is recorded
 14 by an automated traffic law enforcement system. A violation
 15 for which a civil penalty is imposed under this Section is
 16 not a violation of a traffic regulation governing the
 17 movement of vehicles and may not be recorded on the driving
 18 record of the owner of the vehicle.

19 (l) A roadway or intersection equipped with an automated
 20 traffic law enforcement system must be posted with a sign
 21 visible to approaching traffic indicating that the roadway or
 22 intersection is being monitored by an automated traffic law
 23 enforcement system.

24 (m) The compensation paid for an automated traffic law
 25 enforcement system must be based on the value of the
 26 equipment or the services provided and may not be based on
 27 the number of traffic citations issued or the revenue
 28 generated by the system.

29 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)
 30 Sec. 11-306. Traffic-control signal legend. Whenever
 31 traffic is controlled by traffic-control signals exhibiting
 32 different colored lights or color lighted arrows,
 33 successively one at a time or in combination, only the colors

1 green, red and yellow shall be used, except for special
2 pedestrian signals carrying a word legend, and the lights
3 shall indicate and apply to drivers of vehicles and
4 pedestrians as follows:

5 (a) Green indication.

6 1. Vehicular traffic facing a circular green signal
7 may proceed straight through or turn right or left unless
8 a sign at such place prohibits either such turn.
9 Vehicular traffic, including vehicles turning right or
10 left, shall yield the right of way to other vehicles and
11 to pedestrians lawfully within the intersection or an
12 adjacent crosswalk at the time such signal is exhibited.

13 2. Vehicular traffic facing a green arrow signal,
14 shown alone or in combination with another indication,
15 may cautiously enter the intersection only to make the
16 movement indicated by such arrow, or such other movement
17 as is permitted by other indications shown at the same
18 time. Such vehicular traffic shall yield the right of
19 way to pedestrians lawfully within an adjacent crosswalk
20 and to other traffic lawfully using the intersection.

21 3. Unless otherwise directed by a
22 pedestrian-control signal, as provided in Section 11-307,
23 pedestrians facing any green signal, except when the sole
24 green signal is a turn arrow, may proceed across the
25 roadway within any marked or unmarked crosswalk.

26 (b) Steady yellow indication.

27 1. Vehicular traffic facing a steady circular
28 yellow or yellow arrow signal is thereby warned that the
29 related green movement is being terminated or that a red
30 indication will be exhibited immediately thereafter.

31 2. Pedestrians facing a steady circular yellow or
32 yellow arrow signal, unless otherwise directed by a
33 pedestrian-control signal as provided in Section 11-307,
34 are thereby advised that there is insufficient time to

1 cross the roadway before a red indication is shown and no
2 pedestrian shall then start to cross the roadway.

3 (c) Steady red indication.

4 1. Except as provided in paragraph 3 of this
5 subsection (c), vehicular traffic facing a steady
6 circular red signal alone shall stop at a clearly marked
7 stop line, but if there is no such stop line, before
8 entering the crosswalk on the near side of the
9 intersection, or if there is no such crosswalk, then
10 before entering the intersection, and shall remain
11 standing until an indication to proceed is shown.

12 2. Except as provided in paragraph 3 of this
13 subsection (c), vehicular traffic facing a steady red
14 arrow signal shall not enter the intersection to make the
15 movement indicated by the arrow and, unless entering the
16 intersection to make a movement permitted by another
17 signal, shall stop at a clearly marked stop line, but if
18 there is no such stop line, before entering the crosswalk
19 on the near side of the intersection, or if there is no
20 such crosswalk, then before entering the intersection,
21 and shall remain standing until an indication permitting
22 the movement indicated by such red arrow is shown.

23 3. Except when a sign is in place prohibiting a
24 turn and local authorities by ordinance or State
25 authorities by rule or regulation prohibit any such turn,
26 vehicular traffic facing any steady red signal may
27 cautiously enter the intersection to turn right, or to
28 turn left from a one-way street into a one-way street,
29 after stopping as required by paragraph 1 or paragraph 2
30 of this subsection. After stopping, the driver shall
31 yield the right of way to any vehicle in the intersection
32 or approaching on another roadway so closely as to
33 constitute an immediate hazard during the time such
34 driver is moving across or within the intersection or

1 junction or roadways. Such driver shall yield the right
2 of way to pedestrians within the intersection or an
3 adjacent crosswalk.

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

8 ~~5. A municipality with a population of 1,000,000 or
9 more may enact an ordinance that provides for the use of
10 an automated red light enforcement system to enforce
11 violations of this subsection (c) that result in or
12 involve a motor vehicle accident, leaving the scene of a
13 motor vehicle accident, or reckless driving that results
14 in bodily injury.~~

15 ~~This paragraph 5 is subject to prosecutorial
16 discretion that is consistent with applicable law.~~

17 (d) In the event an official traffic control signal is
18 erected and maintained at a place other than an intersection,
19 the provisions of this Section shall be applicable except as
20 to provisions which by their nature can have no application.
21 Any stop required shall be at a traffic sign or a marking on
22 the pavement indicating where the stop shall be made or, in
23 the absence of such sign or marking, the stop shall be made
24 at the signal.

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

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

28 (625 ILCS 5/1-105.5 rep.)

29 Section 10. The Illinois Vehicle Code is amended by
30 repealing Section 1-105.5.

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.