

1 AMENDMENT TO SENATE BILL 173

2 AMENDMENT NO. _____. Amend Senate Bill 173 by replacing
3 everything after the enacting clause with the following:

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

1 privileges of an owner of a registered vehicle upon receipt
2 of a certified report, as prescribed by subsection (f) of
3 this Section, from any municipality stating that such person
4 has failed to satisfy any fines or penalties imposed by final
5 judgments for 5 or more automated traffic law violations or
6 10 or more violations of local standing, parking, or
7 compliance regulations after exhaustion of judicial review
8 procedures.

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

22 (c) The report of the appropriate municipal official
23 notifying the Secretary of State of unpaid fines or penalties
24 pursuant to this Section shall be certified and shall contain
25 the following:

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

30 (2) The name of the municipality making the report
31 pursuant to this Section.

32 (3) A statement that the municipality sent a notice
33 of impending drivers license suspension as prescribed by
34 ordinance enacted pursuant to Section 11-208.3, to the

1 person named in the report at the address recorded with
2 the Secretary of State; the date on which such notice was
3 sent; and the address to which such notice was sent. In a
4 municipality with a population of 1,000,000 or more, the
5 report shall also include a statement that the alleged
6 violator's State vehicle registration number and vehicle
7 make are correct as they appear on the citations.

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

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

33 (f) Any municipality, other than a municipality
34 establishing vehicular standing, parking, and compliance

1 regulations pursuant to Section 11-208.3 or automated traffic
2 law regulations under Section 11-208.5, may also cause a
3 suspension of a person's drivers license pursuant to this
4 Section. Such municipality may invoke this sanction by making
5 a certified report to the Secretary of State upon a person's
6 failure to satisfy any fine or penalty imposed by final
7 judgment for 10 or more violations of local standing,
8 parking, or compliance regulations or 5 or more automated
9 traffic law violations after exhaustion of judicial review
10 procedures, but only if:

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

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

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

21 (g) Any municipality, other than a municipality
22 establishing standing, parking, and compliance regulations
23 pursuant to Section 11-208.3 or automated traffic law
24 regulations under Section 11-208.5, may provide by ordinance
25 for the sending of a notice of impending drivers license
26 suspension to the person who has failed to satisfy any fine
27 or penalty imposed by final judgment for 10 or more
28 violations of local standing, parking, or compliance
29 regulations or 5 or more automated traffic law violations
30 after exhaustion of judicial review procedures. An ordinance
31 so providing shall specify that the notice sent to the person
32 liable for any fine or penalty shall state that failure to
33 pay the fine or penalty owing within 45 days of the notice's
34 date will result in the municipality notifying the Secretary

1 of State that the person's drivers license is eligible for
2 suspension pursuant to this Section. The notice of impending
3 drivers license suspension shall be sent by first class
4 United States mail, postage prepaid, to the address recorded
5 with the Secretary of State.

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

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

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

23 (Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98;
24 90-481, eff. 8-17-97.)

25 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)
26 Sec. 11-208. Powers of local authorities.

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

- 31 1. Regulating the standing or parking of vehicles,
32 except as limited by Section 11-1306 of this Act;
- 33 2. Regulating traffic by means of police officers

1 or traffic control signals;

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

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

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

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

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

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

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

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

25 11. Prohibiting U-turns;

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

28 13. Prohibiting parking during snow removal
29 operation;

30 14. Imposing fines in accordance with Section
31 11-1301.3 as penalties for use of any parking place
32 reserved for persons with disabilities, as defined by
33 Section 1-159.1, or disabled veterans by any person using
34 a motor vehicle not bearing registration plates specified

1 in Section 11-1301.1 or a special decal or device as
2 defined in Section 11-1301.2 as evidence that the vehicle
3 is operated by or for a person with disabilities or
4 disabled veteran;

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

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

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

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

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

23 (e) No unit of local government, including a home rule
24 unit, may enact or enforce an ordinance that applies only to
25 motorcycles if the principal purpose for that ordinance is to
26 restrict the access of motorcycles to any highway or portion
27 of a highway for which federal or State funds have been used
28 for the planning, design, construction, or maintenance of
29 that highway. No unit of local government, including a home
30 rule unit, may enact an ordinance requiring motorcycle users
31 to wear protective headgear. Nothing in this subsection (e)
32 shall affect the authority of a unit of local government to
33 regulate motorcycles for traffic control purposes or in
34 accordance with Section 12-602 of this Code. No unit of

1 local government, including a home rule unit, may regulate
2 motorcycles in a manner inconsistent with this Code. This
3 subsection (e) is a limitation under subsection (i) of
4 Section 6 of Article VII of the Illinois Constitution on the
5 concurrent exercise by home rule units of powers and
6 functions exercised by the State.

7 (f) A municipality or county may enact an ordinance
8 providing for an automated traffic law enforcement system to
9 enforce violations of this Code or similar provisions of a
10 local ordinance.

11 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
12 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

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

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

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

1 regulation governing the condition or use of equipment on a
2 vehicle or governing the display of a municipal wheel tax
3 license.

4 (b) Any ordinance establishing a system of
5 administrative adjudication under this Section shall provide
6 for:

7 (1) A traffic compliance administrator authorized
8 to adopt, distribute and process parking, ~~and compliance,~~
9 and automated traffic law violation notices and other
10 notices required by this Section, collect money paid as
11 fines and penalties for violation of parking and
12 compliance ordinances and automated traffic law
13 violations, and operate an administrative adjudication
14 system. The traffic compliance administrator also may
15 make a certified report to the Secretary of State under
16 Section 6-306.5.

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

1 The violation notice shall specify the time and manner in
2 which a hearing may be had.

3 (3) Service of the parking, standing, or compliance
4 violation notice by affixing the original or a facsimile
5 of the notice to an unlawfully parked vehicle or by
6 handing the notice to the operator of a vehicle if he or
7 she is present and service of an automated traffic law
8 violation notice by mail to the address of the registered
9 owner of the cited vehicle as recorded with the Secretary
10 of State within 30 days after the violation. A person
11 authorized by ordinance to issue and serve parking,
12 standing, and compliance, or automated traffic law
13 violation notices shall certify as to the correctness of
14 the facts entered on the violation notice by signing his
15 or her name to the notice at the time of service or in
16 the case of a notice produced by a computerized device,
17 by signing a single certificate to be kept by the traffic
18 compliance administrator attesting to the correctness of
19 all notices produced by the device while it was under his
20 or her control. In the case of an automated traffic law
21 violation, the ordinance shall require a signed statement
22 by a technician employed by the municipality or county
23 that, based on inspection of recorded images, the motor
24 vehicle was being operated in violation Section 11-208.5.
25 In the case of a red light violation, if the technician
26 determines that the vehicle entered the intersection as
27 part of a funeral procession or in order to yield the
28 right-of-way to an emergency vehicle, a citation may not
29 be issued. The original or a facsimile of the violation
30 notice or, in the case of a notice produced by a
31 computerized device, a printed record generated by the
32 device showing the facts entered on the notice, shall be
33 retained by the traffic compliance administrator, and
34 shall be a record kept in the ordinary course of

1 business. A parking, standing, or compliance, or
2 automated traffic law violation notice issued, signed and
3 served in accordance with this Section, a copy of the
4 notice, or the computer generated record shall be prima
5 facie correct and shall be prima facie evidence of the
6 correctness of the facts shown on the notice. The
7 notice, copy, or computer generated record shall be
8 admissible in any subsequent administrative or legal
9 proceedings.

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

29 (5) Service of additional notices, sent by first
30 class United States mail, postage prepaid, to the address
31 of the registered owner of the cited vehicle as recorded
32 with the Secretary of State or, under Section 11-1306 of
33 this Code, to the lessee of the cited vehicle at the last
34 address known to the lessor of the cited vehicle at the

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

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

29 (ii) A notice of final determination of
30 parking, standing, or compliance, or automated
31 traffic law violation liability. This notice shall
32 be sent following a final determination of parking,
33 standing, or compliance, or automated traffic law
34 violation liability and the conclusion of judicial

1 review procedures taken under this Section. The
2 notice shall state that the unpaid fine or penalty
3 is a debt due and owing the municipality. The
4 notice shall contain warnings that failure to pay
5 any fine or penalty due and owing the municipality
6 within the time specified may result in the
7 municipality's filing of a petition in the Circuit
8 Court to have the unpaid fine or penalty rendered a
9 judgment as provided by this Section, or may result
10 in suspension of the person's drivers license for
11 failure to pay fines or penalties for 10 or more
12 parking violations under Section 6-306.5 or 5 more
13 automated traffic law violations under Section
14 11-208.5.

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

32 (7) Final determinations of violation liability. A
33 final determination of violation liability shall occur
34 following failure to pay the fine or penalty after a

1 hearing officer's determination of violation liability
2 and the exhaustion of or failure to exhaust any
3 administrative review procedures provided by ordinance.
4 Where a person fails to appear at a hearing to contest
5 the alleged violation in the time and manner specified in
6 a prior mailed notice, the hearing officer's
7 determination of violation liability shall become final:
8 (A) upon denial of a timely petition to set aside that
9 determination, or (B) upon expiration of the period for
10 filing the petition without a filing having been made.

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

32 (9) Procedures for non-residents. Procedures by
33 which persons who are not residents of the municipality
34 may contest the merits of the alleged violation without

1 attending a hearing.

2 (10) A schedule of civil fines for violations of
3 vehicular standing, parking, and compliance, and
4 automated traffic law regulations enacted by ordinance
5 pursuant to this Section, and a schedule of penalties for
6 late payment of the fines, provided, however, that the
7 total amount of the fine and penalty for any one
8 violation shall not exceed \$250.

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

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

22 (1) Criteria for the designation of vehicles
23 eligible for immobilization. A vehicle shall be eligible
24 for immobilization when the registered owner of the
25 vehicle has accumulated the number of unpaid final
26 determinations of parking, standing, ~~or~~ compliance, or
27 automated traffic law violation liability as determined
28 by ordinance.

29 (2) A notice of impending vehicle immobilization
30 and a right to a hearing to challenge the validity of the
31 notice by disproving liability for the unpaid final
32 determinations of parking, standing, ~~or~~ compliance, or
33 automated traffic law violation liability listed on the
34 notice.

1 (3) The right to a prompt hearing after a vehicle
2 has been immobilized or subsequently towed without
3 payment of the outstanding fines and penalties on
4 parking, standing, ~~or~~ compliance, or automated traffic
5 law violations for which final determinations have been
6 issued. An order issued after the hearing is a final
7 administrative decision within the meaning of Section
8 3-101 of the Code of Civil Procedure.

9 (4) A post immobilization and post-towing notice
10 advising the registered owner of the vehicle of the right
11 to a hearing to challenge the validity of the
12 impoundment.

13 (d) Judicial review of final determinations of parking,
14 standing, ~~and~~ compliance, and automated traffic law
15 violations and final administrative decisions issued after
16 hearings regarding vehicle immobilization and impoundment
17 made under this Section shall be subject to the provisions of
18 the Administrative Review Law.

19 (e) Any fine, penalty, or part of any fine or any
20 penalty remaining unpaid after the exhaustion of, or the
21 failure to exhaust, administrative remedies created under
22 this Section and the conclusion of any judicial review
23 procedures shall be a debt due and owing the municipality
24 and, as such, may be collected in accordance with applicable
25 law. Payment in full of any fine or penalty resulting from a
26 standing, parking, ~~or~~ compliance, or automated traffic law
27 violation shall constitute a final disposition of that
28 violation.

29 (f) After the expiration of the period within which
30 judicial review may be sought for a final determination of
31 parking, standing, ~~or~~ compliance, or automated traffic law
32 violation, the municipality may commence a proceeding in the
33 Circuit Court for purposes of obtaining a judgment on the
34 final determination of violation. Nothing in this Section

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

30 (Source: P.A. 92-695, eff. 1-1-03.)

31 (625 ILCS 5/11-208.5 new)

32 Sec. 11-208.5. Automated traffic law enforcement system.

33 (a) As used in this Section, "automated traffic law

1 enforcement system" means a device with one or more motor
2 vehicle sensors working in conjunction with:

3 (1) a red light signal to produce recorded images
4 of motor vehicles entering an intersection against a red
5 signal indication in violation of Section 11-306 of this
6 Code or a similar provision of a local ordinance;

7 (2) a speed measuring device to produce recorded
8 images of motor vehicles traveling at a prohibited rate
9 of speed; or

10 (3) any other traffic control device designed to
11 enhance highway safety.

12 An automated traffic law enforcement system is a system
13 in a municipality or county operated by a governmental
14 agency, in cooperation with a law enforcement agency, that
15 produces a recorded image of a motor vehicle's violation of a
16 provision of this Code or a local ordinance and is designed
17 to obtain a clear recorded image of the vehicle and the
18 vehicle's license plate. The recorded image must also display
19 the time, date, and location of the violation.

20 (b) As used in this Section, "recorded images" means
21 images recorded by an automated traffic law enforcement
22 system on:

23 (1) 2 or more photographs;

24 (2) 2 or more microphotographs;

25 (3) 2 or more electronic images; or

26 (4) a videotape showing the motor vehicle and, on
27 at least one image or portion of tape, clearly
28 identifying the registration plate number of the motor
29 vehicle.

30 (c) For each violation of a provision of this Code or a
31 local ordinance recorded by an automatic traffic law
32 enforcement system, the local law enforcement agency having
33 jurisdiction shall issue a written citation and a notice of
34 the violation to the registered owner of the vehicle as the

1 alleged violator. The citation and notice shall be delivered
2 to the registered owner of the vehicle, by mail, within 30
3 days of the violation.

4 The citation shall include:

5 (1) the name and address of the registered owner of
6 the vehicle;

7 (2) the registration number of the motor vehicle
8 involved in the violation;

9 (3) the violation charged;

10 (4) the location where the violation occurred;

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

12 (6) a copy of the recorded images;

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

15 (8) a signed statement by a technician employed by
16 the agency that, based on inspection of recorded images,
17 the motor vehicle was being operated in violation of a
18 automated traffic law enforcement system;

19 (9) a statement that recorded images are evidence
20 of a violation of a traffic control device or posted rate
21 of speed; and

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

27 (d) The citation issued to the registered owner of the
28 vehicle shall be accompanied by a written notice, the
29 contents of which is set forth in subsection (e) of this
30 Section, explaining how the registered owner of the vehicle
31 can elect to proceed by either paying the civil penalty or
32 challenging the issuance of the citation.

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

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

4 1. paying the fine; or

5 2. challenging the issuance of the Citation in
6 court."

7 (f) If a person charged with a traffic violation, as a
8 result of automated traffic law enforcement system, does not
9 pay or successfully contest the civil penalty resulting from
10 that violation, the Secretary of State shall suspend the
11 driving privileges of the registered owner of the vehicle
12 under Section 6-306.5 of this Code for failing to pay any
13 fine or penalty due and owing as a result of 5 violations of
14 the automated traffic law enforcement system.

15 (g) Based on inspection of recorded images produced by
16 an automated traffic law enforcement system, a citation or a
17 copy of a citation alleging that the violation occurred and
18 signed by a duly authorized agent of the agency shall be
19 evidence of the facts contained in the citation or copy and
20 admissible in any proceeding alleging a violation under this
21 Section.

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

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

2 (1) that the motor vehicle or registration plates
3 of the motor vehicle were stolen before the violation
4 occurred and not under the control of or in the
5 possession of the owner at the time of the violation;

6 (2) with respect to an alleged automated red light
7 violation, that the driver of the vehicle passed through
8 the intersection when the light was red either (i) in
9 order to yield the right-of-way to an emergency vehicle
10 or (ii) as part of a funeral procession; and

11 (3) any other evidence or issues that the Court
12 deems pertinent.

13 (j) To demonstrate that the motor vehicle or the
14 registration plates were stolen before the violation occurred
15 and were not under the control or possession of the owner at
16 the time of the violation, the owner must submit proof that a
17 police report concerning the stolen motor vehicle or
18 registration plates was filed in a timely manner.

19 (k) Unless the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time of
21 the violation, the motor vehicle owner is subject to a civil
22 penalty not exceeding \$500 if the motor vehicle is recorded
23 by an automated traffic law enforcement system. A violation
24 for which a civil penalty is imposed under this Section is
25 not a violation of a traffic regulation governing the
26 movement of vehicles and may not be recorded on the driving
27 record of the owner of the vehicle.

28 (l) A roadway or intersection equipped with an automated
29 traffic law enforcement system must be posted with a sign
30 visible to approaching traffic indicating that the roadway or
31 intersection is being monitored by an automated traffic law
32 enforcement system.

33 (m) The compensation paid for an automated traffic law
34 enforcement system must be based on the value of the

1 equipment or the services provided and may not be based on
2 the number of traffic citations issued or the revenue
3 generated by the system.

4 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)
5 Sec. 11-306. Traffic-control signal legend. Whenever
6 traffic is controlled by traffic-control signals exhibiting
7 different colored lights or color lighted arrows,
8 successively one at a time or in combination, only the colors
9 green, red and yellow shall be used, except for special
10 pedestrian signals carrying a word legend, and the lights
11 shall indicate and apply to drivers of vehicles and
12 pedestrians as follows:

13 (a) Green indication.

14 1. Vehicular traffic facing a circular green signal
15 may proceed straight through or turn right or left unless
16 a sign at such place prohibits either such turn.
17 Vehicular traffic, including vehicles turning right or
18 left, shall yield the right of way to other vehicles and
19 to pedestrians lawfully within the intersection or an
20 adjacent crosswalk at the time such signal is exhibited.

21 2. Vehicular traffic facing a green arrow signal,
22 shown alone or in combination with another indication,
23 may cautiously enter the intersection only to make the
24 movement indicated by such arrow, or such other movement
25 as is permitted by other indications shown at the same
26 time. Such vehicular traffic shall yield the right of
27 way to pedestrians lawfully within an adjacent crosswalk
28 and to other traffic lawfully using the intersection.

29 3. Unless otherwise directed by a
30 pedestrian-control signal, as provided in Section 11-307,
31 pedestrians facing any green signal, except when the sole
32 green signal is a turn arrow, may proceed across the
33 roadway within any marked or unmarked crosswalk.

1 (b) Steady yellow indication.

2 1. Vehicular traffic facing a steady circular
3 yellow or yellow arrow signal is thereby warned that the
4 related green movement is being terminated or that a red
5 indication will be exhibited immediately thereafter.

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

12 (c) Steady red indication.

13 1. Except as provided in paragraph 3 of this
14 subsection (c), vehicular traffic facing a steady
15 circular red signal alone shall stop at a clearly marked
16 stop line, but if there is no such stop line, before
17 entering the crosswalk on the near side of the
18 intersection, or if there is no such crosswalk, then
19 before entering the intersection, and shall remain
20 standing until an indication to proceed is shown.

21 2. Except as provided in paragraph 3 of this
22 subsection (c), vehicular traffic facing a steady red
23 arrow signal shall not enter the intersection to make the
24 movement indicated by the arrow and, unless entering the
25 intersection to make a movement permitted by another
26 signal, shall stop at a clearly marked stop line, but if
27 there is no such stop line, before entering the crosswalk
28 on the near side of the intersection, or if there is no
29 such crosswalk, then before entering the intersection,
30 and shall remain standing until an indication permitting
31 the movement indicated by such red arrow is shown.

32 3. Except when a sign is in place prohibiting a
33 turn and local authorities by ordinance or State
34 authorities by rule or regulation prohibit any such turn,

1 vehicular traffic facing any steady red signal may
 2 cautiously enter the intersection to turn right, or to
 3 turn left from a one-way street into a one-way street,
 4 after stopping as required by paragraph 1 or paragraph 2
 5 of this subsection. After stopping, the driver shall
 6 yield the right of way to any vehicle in the intersection
 7 or approaching on another roadway so closely as to
 8 constitute an immediate hazard during the time such
 9 driver is moving across or within the intersection or
 10 junction or roadways. Such driver shall yield the right
 11 of way to pedestrians within the intersection or an
 12 adjacent crosswalk.

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

17 ~~5.--A-municipality-with-a-population-of-1,000,000-or~~
 18 ~~more--may-enact-an-ordinance-that-provides-for-the-use-of~~
 19 ~~an-automated-red--light--enforcement--system--to--enforce~~
 20 ~~violations--of--this--subsection--(c)--that--result-in-or~~
 21 ~~involve-a-motor-vehicle-accident,--leaving-the-scene-of--a~~
 22 ~~motor--vehicle-accident,--or-reckless-driving-that-results~~
 23 ~~in-bodily-injury.~~

24 ~~This--paragraph--5--is--subject---to---prosecutorial~~
 25 ~~discretion-that-is-consistent-with-applicable-law.~~

26 (d) In the event an official traffic control signal is
 27 erected and maintained at a place other than an intersection,
 28 the provisions of this Section shall be applicable except as
 29 to provisions which by their nature can have no application.
 30 Any stop required shall be at a traffic sign or a marking on
 31 the pavement indicating where the stop shall be made or, in
 32 the absence of such sign or marking, the stop shall be made
 33 at the signal.

34 (e) The motorman of any streetcar shall obey the above

1 signals as applicable to vehicles.

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

3 (625 ILCS 5/1-105.5 rep.)

4 Section 10. The Illinois Vehicle Code is amended by
5 repealing Section 1-105.5.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."