



Rep. Angelo Saviano

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09400HB4835ham004

LRB094 19060 DRH 56846 a

1 AMENDMENT TO HOUSE BILL 4835

2 AMENDMENT NO. _____. Amend House Bill 4835, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and
7 adding Sections 1-105.2 and 11-208.6 as follows:

8 (625 ILCS 5/1-105.2 new)
9 Sec. 1-105.2. Automated traffic law violation. A violation
10 described in Section 11-208.6 of this Code.

11 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)
12 Sec. 6-306.5. Failure to pay fine or penalty for standing,
13 parking, ~~or~~ compliance, or automated traffic law violations;
14 suspension of driving privileges.

15 (a) Upon receipt of a certified report, as prescribed by
16 subsection (c) of this Section, from any municipality stating
17 that the owner of a registered vehicle has: (1) failed to pay
18 any fine or penalty due and owing as a result of 10 or more
19 violations of a municipality's vehicular standing, parking, or
20 compliance regulations established by ordinance pursuant to
21 Section 11-208.3 of this Code, or (2) failed to pay any fine or
22 penalty due and owing as a result of 5 offenses for automated
23 traffic violations as defined in Section 11-208.6, the

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

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

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

28 (1) The name, last known address as recorded with the
29 Secretary of State, as provided by the lessor of the cited
30 vehicle at the time of lease, or as recorded in a United
31 States Post Office approved database if any notice sent
32 under Section 11-208.3 of this Code is returned as
33 undeliverable, and drivers license number of the person who
34 failed to pay the fine or penalty and the registration

1 number of any vehicle known to be registered to such person
2 in this State.

3 (2) The name of the municipality making the report
4 pursuant to this Section.

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

21 (d) Any municipality making a certified report to the
22 Secretary of State pursuant to this Section shall notify the
23 Secretary of State, in a form prescribed by the Secretary,
24 whenever a person named in the certified report has paid the
25 previously reported fine or penalty or whenever the
26 municipality determines that the original report was in error.
27 A certified copy of such notification shall also be given upon
28 request and at no additional charge to the person named
29 therein. Upon receipt of the municipality's notification or
30 presentation of a certified copy of such notification, the
31 Secretary of State shall terminate the suspension.

32 (e) Any municipality making a certified report to the
33 Secretary of State pursuant to this Section shall also by
34 ordinance establish procedures for persons to challenge the

1 accuracy of the certified report. The ordinance shall also
2 state the grounds for such a challenge, which may be limited to
3 (1) the person not having been the owner or lessee of the
4 vehicle or vehicles receiving 10 or more standing, parking, or
5 compliance violation notices or 5 or more automated traffic law
6 violations on the date or dates such notices were issued; and
7 (2) the person having already paid the fine or penalty for the
8 10 or more standing, parking, or compliance violations or 5 or
9 more automated traffic law violations indicated on the
10 certified report.

11 (f) Any municipality, other than a municipality
12 establishing vehicular standing, parking, and compliance
13 regulations pursuant to Section 11-208.3 or automated traffic
14 law regulations under Section 11-208.6, may also cause a
15 suspension of a person's drivers license pursuant to this
16 Section. Such municipality may invoke this sanction by making a
17 certified report to the Secretary of State upon a person's
18 failure to satisfy any fine or penalty imposed by final
19 judgment for 10 or more violations of local standing, parking,
20 or compliance regulations or 5 or more automated traffic law
21 violations after exhaustion of judicial review procedures, but
22 only if:

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

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

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

33 (g) Any municipality, other than a municipality
34 establishing standing, parking, and compliance regulations

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

22 (h) An administrative hearing to contest an impending
23 suspension or a suspension made pursuant to this Section may be
24 had upon filing a written request with the Secretary of State.
25 The filing fee for this hearing shall be \$20, to be paid at the
26 time the request is made. A municipality which files a
27 certified report with the Secretary of State pursuant to this
28 Section shall reimburse the Secretary for all reasonable costs
29 incurred by the Secretary as a result of the filing of the
30 report, including but not limited to the costs of providing the
31 notice required pursuant to subsection (b) and the costs
32 incurred by the Secretary in any hearing conducted with respect
33 to the report pursuant to this subsection and any appeal from
34 such a hearing.

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

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

5 (Source: P.A. 94-294, eff. 1-1-06.)

6 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

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

16 3. Regulating or prohibiting processions or
17 assemblages on the highways;

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

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

23 6. Designating any highway as a through highway, as
24 authorized in Section 11-302, and requiring that all
25 vehicles stop before entering or crossing the same or
26 designating any intersection as a stop intersection or a
27 yield right-of-way intersection and requiring all vehicles
28 to stop or yield the right-of-way at one or more entrances
29 to such intersections;

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

32 8. Regulating the operation of bicycles and requiring
33 the registration and licensing of same, including the

1 requirement of a registration fee;

2 9. Regulating or prohibiting the turning of vehicles
3 or specified types of vehicles at intersections;

4 10. Altering the speed limits as authorized in
5 Section 11-604;

6 11. Prohibiting U-turns;

7 12. Prohibiting pedestrian crossings at other than
8 designated and marked crosswalks or at intersections;

9 13. Prohibiting parking during snow removal
10 operation;

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

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

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

24 (b) No ordinance or regulation enacted under subsections
25 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be
26 effective until signs giving reasonable notice of such local
27 traffic regulations are posted.

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

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

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

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

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

27 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
28 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

29 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

30 Sec. 11-208.3. Administrative adjudication of violations
31 of traffic regulations concerning the standing, parking, or
32 condition of vehicles and automated traffic law violations.

33 (a) Any municipality may provide by ordinance for a system

1 of administrative adjudication of vehicular standing and
2 parking violations and vehicle compliance violations as
3 defined in this subsection and automated traffic law violations
4 as defined in Section 11-208.6. The administrative system shall
5 have as its purpose the fair and efficient enforcement of
6 municipal regulations through the administrative adjudication
7 of automated traffic law violations and violations of municipal
8 ordinances regulating the standing and parking of vehicles, the
9 condition and use of vehicle equipment, and the display of
10 municipal wheel tax licenses within the municipality's
11 borders. The administrative system shall only have authority to
12 adjudicate civil offenses carrying fines not in excess of \$250
13 that occur after the effective date of the ordinance adopting
14 such a system under this Section. For purposes of this Section,
15 "compliance violation" means a violation of a municipal
16 regulation governing the condition or use of equipment on a
17 vehicle or governing the display of a municipal wheel tax
18 license.

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

21 (1) A traffic compliance administrator authorized to
22 adopt, distribute and process parking, ~~and~~ compliance, and
23 automated traffic law violation notices and other notices
24 required by this Section, collect money paid as fines and
25 penalties for violation of parking and compliance
26 ordinances and automated traffic law violations, and
27 operate an administrative adjudication system. The traffic
28 compliance administrator also may make a certified report
29 to the Secretary of State under Section 6-306.5.

30 (2) A parking, standing, ~~or~~ compliance, or automated
31 traffic law violation notice that shall specify the date,
32 time, and place of violation of a parking, standing, or
33 compliance, or automated traffic law regulation; the
34 particular regulation violated; the fine and any penalty

1 that may be assessed for late payment, when so provided by
2 ordinance; the vehicle make and state registration number;
3 and the identification number of the person issuing the
4 notice. With regard to automated traffic law violations,
5 vehicle make shall be specified on the automated traffic
6 law violation notice if the make is available and readily
7 discernible. With regard to municipalities with a
8 population of 1 million or more, it shall be grounds for
9 dismissal of a parking violation if the State registration
10 number or vehicle make specified is incorrect. The
11 violation notice shall state that the payment of the
12 indicated fine, and of any applicable penalty for late
13 payment, shall operate as a final disposition of the
14 violation. The notice also shall contain information as to
15 the availability of a hearing in which the violation may be
16 contested on its merits. The violation notice shall specify
17 the time and manner in which a hearing may be had.

18 (3) Service of the parking, standing, or compliance
19 violation notice by affixing the original or a facsimile of
20 the notice to an unlawfully parked vehicle or by handing
21 the notice to the operator of a vehicle if he or she is
22 present and service of an automated traffic law violation
23 notice by mail to the address of the registered owner of
24 the cited vehicle as recorded with the Secretary of State
25 within 30 days after the Secretary of State notifies the
26 municipality or county of the identity of the owner of the
27 vehicle, but in no event later than 90 days after the
28 violation. A person authorized by ordinance to issue and
29 serve parking, standing, and compliance violation notices
30 shall certify as to the correctness of the facts entered on
31 the violation notice by signing his or her name to the
32 notice at the time of service or in the case of a notice
33 produced by a computerized device, by signing a single
34 certificate to be kept by the traffic compliance

1 administrator attesting to the correctness of all notices
2 produced by the device while it was under his or her
3 control. In the case of an automated traffic law violation,
4 the ordinance shall require a determination by a technician
5 employed or contracted by the municipality or county that,
6 based on inspection of recorded images, the motor vehicle
7 was being operated in violation of Section 11-208.6 or a
8 local ordinance. If the technician determines that the
9 vehicle entered the intersection as part of a funeral
10 procession or in order to yield the right-of-way to an
11 emergency vehicle, a citation shall not be issued. The
12 original or a facsimile of the violation notice or, in the
13 case of a notice produced by a computerized device, a
14 printed record generated by the device showing the facts
15 entered on the notice, shall be retained by the traffic
16 compliance administrator, and shall be a record kept in the
17 ordinary course of business. A parking, standing, ~~or~~
18 compliance, or automated traffic law violation notice
19 issued, signed and served in accordance with this Section,
20 a copy of the notice, or the computer generated record
21 shall be prima facie correct and shall be prima facie
22 evidence of the correctness of the facts shown on the
23 notice. The notice, copy, or computer generated record
24 shall be admissible in any subsequent administrative or
25 legal proceedings.

26 (4) An opportunity for a hearing for the registered
27 owner of the vehicle cited in the parking, standing, ~~or~~
28 compliance, or automated traffic law violation notice in
29 which the owner may contest the merits of the alleged
30 violation, and during which formal or technical rules of
31 evidence shall not apply; provided, however, that under
32 Section 11-1306 of this Code the lessee of a vehicle cited
33 in the violation notice likewise shall be provided an
34 opportunity for a hearing of the same kind afforded the

1 registered owner. The hearings shall be recorded, and the
2 person conducting the hearing on behalf of the traffic
3 compliance administrator shall be empowered to administer
4 oaths and to secure by subpoena both the attendance and
5 testimony of witnesses and the production of relevant books
6 and papers. Persons appearing at a hearing under this
7 Section may be represented by counsel at their expense. The
8 ordinance may also provide for internal administrative
9 review following the decision of the hearing officer.

10 (5) Service of additional notices, sent by first class
11 United States mail, postage prepaid, to the address of the
12 registered owner of the cited vehicle as recorded with the
13 Secretary of State or, if any notice to that address is
14 returned as undeliverable, to the last known address
15 recorded in a United States Post Office approved database,
16 or, under Section 11-1306 of this Code, to the lessee of
17 the cited vehicle at the last address known to the lessor
18 of the cited vehicle at the time of lease or, if any notice
19 to that address is returned as undeliverable, to the last
20 known address recorded in a United States Post Office
21 approved database. The service shall be deemed complete as
22 of the date of deposit in the United States mail. The
23 notices shall be in the following sequence and shall
24 include but not be limited to the information specified
25 herein:

26 (i) A second notice of parking, standing, or
27 compliance violation. This notice shall specify the
28 date and location of the violation cited in the
29 parking, standing, or compliance violation notice, the
30 particular regulation violated, the vehicle make and
31 state registration number, the fine and any penalty
32 that may be assessed for late payment when so provided
33 by ordinance, the availability of a hearing in which
34 the violation may be contested on its merits, and the

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

14 (ii) A notice of final determination of parking,
15 standing, ~~or~~ compliance, or automated traffic law
16 violation liability. This notice shall be sent
17 following a final determination of parking, standing,
18 ~~or~~ compliance, or automated traffic law violation
19 liability and the conclusion of judicial review
20 procedures taken under this Section. The notice shall
21 state that the unpaid fine or penalty is a debt due and
22 owing the municipality. The notice shall contain
23 warnings that failure to pay any fine or penalty due
24 and owing the municipality within the time specified
25 may result in the municipality's filing of a petition
26 in the Circuit Court to have the unpaid fine or penalty
27 rendered a judgment as provided by this Section, or may
28 result in suspension of the person's drivers license
29 for failure to pay fines or penalties for 10 or more
30 parking violations under Section 6-306.5 or 5 or more
31 automated traffic law violations under Section
32 11-208.6.

33 (6) A Notice of impending drivers license suspension.

34 This notice shall be sent to the person liable for any fine

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

18 (7) Final determinations of violation liability. A
19 final determination of violation liability shall occur
20 following failure to pay the fine or penalty after a
21 hearing officer's determination of violation liability and
22 the exhaustion of or failure to exhaust any administrative
23 review procedures provided by ordinance. Where a person
24 fails to appear at a hearing to contest the alleged
25 violation in the time and manner specified in a prior
26 mailed notice, the hearing officer's determination of
27 violation liability shall become final: (A) upon denial of
28 a timely petition to set aside that determination, or (B)
29 upon expiration of the period for filing the petition
30 without a filing having been made.

31 (8) A petition to set aside a determination of parking,
32 standing, ~~or~~ compliance, or automated traffic law
33 violation liability that may be filed by a person owing an
34 unpaid fine or penalty. The petition shall be filed with

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

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

21 (10) A schedule of civil fines for violations of
22 vehicular standing, parking, ~~and~~ compliance, or automated
23 traffic law regulations enacted by ordinance pursuant to
24 this Section, and a schedule of penalties for late payment
25 of the fines, provided, however, that the total amount of
26 the fine and penalty for any one violation shall not exceed
27 \$250.

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

31 (c) Any municipality establishing vehicular standing,
32 parking, ~~and~~ compliance, or automated traffic law regulations
33 under this Section may also provide by ordinance for a program
34 of vehicle immobilization for the purpose of facilitating

1 enforcement of those regulations. The program of vehicle
2 immobilization shall provide for immobilizing any eligible
3 vehicle upon the public way by presence of a restraint in a
4 manner to prevent operation of the vehicle. Any ordinance
5 establishing a program of vehicle immobilization under this
6 Section shall provide:

7 (1) Criteria for the designation of vehicles eligible
8 for immobilization. A vehicle shall be eligible for
9 immobilization when the registered owner of the vehicle has
10 accumulated the number of unpaid final determinations of
11 parking, standing, ~~or~~ compliance, or automated traffic law
12 violation liability as determined by ordinance.

13 (2) A notice of impending vehicle immobilization and a
14 right to a hearing to challenge the validity of the notice
15 by disproving liability for the unpaid final
16 determinations of parking, standing, ~~or~~ or
17 automated traffic law violation liability listed on the
18 notice.

19 (3) The right to a prompt hearing after a vehicle has
20 been immobilized or subsequently towed without payment of
21 the outstanding fines and penalties on parking, standing,
22 ~~or~~ or automated traffic law violations for
23 which final determinations have been issued. An order
24 issued after the hearing is a final administrative decision
25 within the meaning of Section 3-101 of the Code of Civil
26 Procedure.

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

30 (d) Judicial review of final determinations of parking,
31 standing, ~~and~~ or automated traffic law violations
32 and final administrative decisions issued after hearings
33 regarding vehicle immobilization and impoundment made under
34 this Section shall be subject to the provisions of the

1 Administrative Review Law.

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

11 (f) After the expiration of the period within which
12 judicial review may be sought for a final determination of
13 parking, standing, ~~or~~ compliance, or automated traffic law
14 violation, the municipality may commence a proceeding in the
15 Circuit Court for purposes of obtaining a judgment on the final
16 determination of violation. Nothing in this Section shall
17 prevent a municipality from consolidating multiple final
18 determinations of parking, standing, ~~or~~ compliance, or
19 automated traffic law violations ~~violation~~ against a person in
20 a proceeding. Upon commencement of the action, the municipality
21 shall file a certified copy or record of the final
22 determination of parking, standing, ~~or~~ compliance, or
23 automated traffic law violation, which shall be accompanied by
24 a certification that recites facts sufficient to show that the
25 final determination of violation was issued in accordance with
26 this Section and the applicable municipal ordinance. Service of
27 the summons and a copy of the petition may be by any method
28 provided by Section 2-203 of the Code of Civil Procedure or by
29 certified mail, return receipt requested, provided that the
30 total amount of fines and penalties for final determinations of
31 parking, standing, ~~or~~ compliance, or automated traffic law
32 violations does not exceed \$2500. If the court is satisfied
33 that the final determination of parking, standing, ~~or~~
34 compliance, or automated traffic law violation was entered in

1 accordance with the requirements of this Section and the
2 applicable municipal ordinance, and that the registered owner
3 or the lessee, as the case may be, had an opportunity for an
4 administrative hearing and for judicial review as provided in
5 this Section, the court shall render judgment in favor of the
6 municipality and against the registered owner or the lessee for
7 the amount indicated in the final determination of parking,
8 standing, ~~or~~ compliance, or automated traffic law violation,
9 plus costs. The judgment shall have the same effect and may be
10 enforced in the same manner as other judgments for the recovery
11 of money.

12 (Source: P.A. 94-294, eff. 1-1-06.)

13 (625 ILCS 5/11-208.6 new)

14 Sec. 11-208.6. Automated traffic law enforcement system.

15 (a) As used in this Section, "automated traffic law
16 enforcement system" means a device with one or more motor
17 vehicle sensors working in conjunction with a red light signal
18 to produce recorded images of motor vehicles entering an
19 intersection against a red signal indication in violation of
20 Section 11-306 of this Code or a similar provision of a local
21 ordinance.

22 An automated traffic law enforcement system is a system, in
23 a municipality or county operated by a governmental agency,
24 that produces a recorded image of a motor vehicle's violation
25 of a provision of this Code or a local ordinance and is
26 designed to obtain a clear recorded image of the vehicle and
27 the vehicle's license plate. The recorded image must also
28 display the time, date, and location of the violation.

29 (b) As used in this Section, "recorded images" means
30 images recorded by an automated traffic law enforcement system
31 on:

32 (1) 2 or more photographs;

33 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

2 (4) a video recording showing the motor vehicle and,
3 on at least one image or portion of the recording, clearly
4 identifying the registration plate number of the motor
5 vehicle.

6 (c) A county or municipality, including a home rule county
7 or municipality, may not use an automated traffic enforcement
8 system to provide recorded images of a motor vehicle for the
9 purpose of recording its speed. This subsection (c) is a denial
10 and limitation of home rule powers and functions under
11 subsection (g) of Section 6 of Article VII of the Illinois
12 Constitution.

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

23 The notice shall include:

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

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

28 (3) the violation charged;

29 (4) the location where the violation occurred;

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

31 (6) a copy of the recorded images;

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

34 (8) a statement that recorded images are evidence of a

1 violation of a red light signal;

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

6 (10) a statement that the person may elect to proceed
7 by:

8 (A) paying the fine; or

9 (B) challenging the charge in court, by mail, or
10 by administrative hearing.

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

19 (f) Based on inspection of recorded images produced by an
20 automated traffic law enforcement system, a notice alleging
21 that the violation occurred shall be evidence of the facts
22 contained in the notice and admissible in any proceeding
23 alleging a violation under this Section.

24 (g) Recorded images made by an automatic traffic law
25 enforcement system are confidential and shall be made available
26 only to the alleged violator and governmental and law
27 enforcement agencies for purposes of adjudicating a violation
28 of this Section, for statistical purposes, or for other
29 governmental purposes. Any recorded image evidencing a
30 violation of this Section, however, may be admissible in any
31 proceeding resulting from the issuance of the citation.

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

34 (1) that the motor vehicle or registration plates of

1 the motor vehicle were stolen before the violation occurred
2 and not under the control of or in the possession of the
3 owner at the time of the violation;

4 (2) that the driver of the vehicle passed through the
5 intersection when the light was red either (i) in order to
6 yield the right-of-way to an emergency vehicle or (ii) as
7 part of a funeral procession; and

8 (3) any other evidence or issues provided by
9 municipal or county ordinance.

10 (i) To demonstrate that the motor vehicle or the
11 registration plates were stolen before the violation occurred
12 and were not under the control or possession of the owner at
13 the time of the violation, the owner must submit proof that a
14 report concerning the stolen motor vehicle or registration
15 plates was filed with a law enforcement agency in a timely
16 manner.

17 (j) Unless the driver of the motor vehicle received a
18 Uniform Traffic Citation from a police officer at the time of
19 the violation, the motor vehicle owner is subject to a civil
20 penalty not exceeding \$100, plus an additional penalty of not
21 more than \$100 for failure to pay the original penalty in a
22 timely manner, if the motor vehicle is recorded by an automated
23 traffic law enforcement system. A violation for which a civil
24 penalty is imposed under this Section is not a violation of a
25 traffic regulation governing the movement of vehicles and may
26 not be recorded on the driving record of the owner of the
27 vehicle.

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

32 (l) The compensation paid for an automated traffic law
33 enforcement system must be based on the value of the equipment
34 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the
2 system.

3 (m) This Section applies only to the counties of Cook,
4 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
5 to municipalities located within those counties.

6 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

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

14 (a) Green indication.

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

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

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

1 marked or unmarked crosswalk.

2 (b) Steady yellow indication.

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

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

13 (c) Steady red indication.

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

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

33 3. Except when a sign is in place prohibiting a turn
34 and local authorities by ordinance or State authorities by

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

13 4. Unless otherwise directed by a pedestrian-control
14 signal as provided in Section 11-307, pedestrians facing a
15 steady circular red or red arrow signal alone shall not
16 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 an~~
19 ~~automated red light enforcement system to enforce~~
20 ~~violations of this subsection (c) that result in or involve~~
21 ~~a motor vehicle accident, leaving the scene of a motor~~
22 ~~vehicle accident, or reckless driving that results in~~
23 ~~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 to
29 provisions which by their nature can have no application. Any
30 stop required shall be at a traffic sign or a marking on the
31 pavement indicating where the stop shall be made or, in the
32 absence of such sign or marking, the stop shall be made at the
33 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.".