

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding
6 Sections 1-105.2, 11-208.6, and 11-612 as follows:

7 (625 ILCS 5/1-105.2 new)

8 Sec. 1-105.2. Automated traffic law violation. A violation
9 described in Section 11-208.6 of this Code.

10 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

14 (a) Upon receipt of a certified report, as prescribed by
15 subsection (c) of this Section, from any municipality stating
16 that the owner of a registered vehicle has: (1) failed to pay
17 any fine or penalty due and owing as a result of 10 or more
18 violations of a municipality's vehicular standing, parking, or
19 compliance regulations established by ordinance pursuant to
20 Section 11-208.3 of this Code, or (2) failed to pay any fine or
21 penalty due and owing as a result of 5 offenses for automated
22 traffic violations as defined in Section 11-208.6, the
23 Secretary of State shall suspend the driving privileges of such
24 person in accordance with the procedures set forth in this
25 Section. The Secretary shall also suspend the driving
26 privileges of an owner of a registered vehicle upon receipt of
27 a certified report, as prescribed by subsection (f) of this
28 Section, from any municipality stating that such person has
29 failed to satisfy any fines or penalties imposed by final
30 judgments for 5 or more automated traffic law violations or 10
31 or more violations of local standing, parking, or compliance

1 regulations after exhaustion of judicial review procedures.

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

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

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

28 (2) The name of the municipality making the report
29 pursuant to this Section.

30 (3) A statement that the municipality sent a notice of
31 impending drivers license suspension as prescribed by
32 ordinance enacted pursuant to Section 11-208.3, to the
33 person named in the report at the address recorded with the
34 Secretary of State or at the last address known to the
35 lessor of the cited vehicle at the time of lease or, if any
36 notice sent under Section 11-208.3 of this Code is returned

1 as undeliverable, at the last known address recorded in a
2 United States Post Office approved database; the date on
3 which such notice was sent; and the address to which such
4 notice was sent. In a municipality with a population of
5 1,000,000 or more, the report shall also include a
6 statement that the alleged violator's State vehicle
7 registration number and vehicle make, if specified on the
8 automated traffic law violation notice, are correct as they
9 appear on the citations.

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

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

34 (f) Any municipality, other than a municipality
35 establishing vehicular standing, parking, and compliance
36 regulations pursuant to Section 11-208.3 or automated traffic

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

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

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

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

20 (g) Any municipality, other than a municipality
21 establishing standing, parking, and compliance regulations
22 pursuant to Section 11-208.3 or automated traffic law
23 regulations under Section 11-208.6, may provide by ordinance
24 for the sending of a notice of impending drivers license
25 suspension to the person who has failed to satisfy any fine or
26 penalty imposed by final judgment for 10 or more violations of
27 local standing, parking, or compliance regulations or 5 or more
28 automated traffic law violations after exhaustion of judicial
29 review procedures. An ordinance so providing shall specify that
30 the notice sent to the person liable for any fine or penalty
31 shall state that failure to pay the fine or penalty owing
32 within 45 days of the notice's date will result in the
33 municipality notifying the Secretary of State that the person's
34 drivers license is eligible for suspension pursuant to this
35 Section. The notice of impending drivers license suspension
36 shall be sent by first class United States mail, postage

1 prepaid, to the address recorded with the Secretary of State or
2 at the last address known to the lessor of the cited vehicle at
3 the time of lease or, if any notice sent under Section 11-208.3
4 of this Code is returned as undeliverable, to the last known
5 address recorded in a United States Post Office approved
6 database.

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

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

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

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

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 highways
29 under their jurisdiction and within the reasonable exercise of
30 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 or
34 traffic control signals;

35 3. Regulating or prohibiting processions or

1 assemblages on the highways;

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

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

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

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

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

19 9. Regulating or prohibiting the turning of vehicles
20 or specified types of vehicles at intersections;

21 10. Altering the speed limits as authorized in
22 Section 11-604;

23 11. Prohibiting U-turns;

24 12. Prohibiting pedestrian crossings at other than
25 designated and marked crosswalks or at intersections;

26 13. Prohibiting parking during snow removal
27 operation;

28 14. Imposing fines in accordance with Section
29 11-1301.3 as penalties for use of any parking place
30 reserved for persons with disabilities, as defined by
31 Section 1-159.1, or disabled veterans by any person using a
32 motor vehicle not bearing registration plates specified in
33 Section 11-1301.1 or a special decal or device as defined
34 in Section 11-1301.2 as evidence that the vehicle is
35 operated by or for a person with disabilities or disabled
36 veteran;

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

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

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

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

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

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

36 (f) A municipality or county designated in Section

1 11-208.6 may enact an ordinance providing for an automated
2 traffic law enforcement system to enforce violations of this
3 Code or a similar provision of a local ordinance and imposing
4 liability on a registered owner of a vehicle used in such a
5 violation.

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

8 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

12 (a) Any municipality may provide by ordinance for a system
13 of administrative adjudication of vehicular standing and
14 parking violations and vehicle compliance violations as
15 defined in this subsection and automated traffic law violations
16 as defined in Section 11-208.6. The administrative system shall
17 have as its purpose the fair and efficient enforcement of
18 municipal regulations through the administrative adjudication
19 of automated traffic law violations and violations of municipal
20 ordinances regulating the standing and parking of vehicles, the
21 condition and use of vehicle equipment, and the display of
22 municipal wheel tax licenses within the municipality's
23 borders. The administrative system shall only have authority to
24 adjudicate civil offenses carrying fines not in excess of \$250
25 that occur after the effective date of the ordinance adopting
26 such a system under this Section. For purposes of this Section,
27 "compliance violation" means a violation of a municipal
28 regulation governing the condition or use of equipment on a
29 vehicle or governing the display of a municipal wheel tax
30 license.

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

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

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

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

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

1 municipality or county of the identity of the owner of the
2 vehicle, but in no event later than 90 days after the
3 violation. A person authorized by ordinance to issue and
4 serve parking, standing, and compliance violation notices
5 shall certify as to the correctness of the facts entered on
6 the violation notice by signing his or her name to the
7 notice at the time of service or in the case of a notice
8 produced by a computerized device, by signing a single
9 certificate to be kept by the traffic compliance
10 administrator attesting to the correctness of all notices
11 produced by the device while it was under his or her
12 control. In the case of an automated traffic law violation,
13 the ordinance shall require a determination by a technician
14 employed or contracted by the municipality or county that,
15 based on inspection of recorded images, the motor vehicle
16 was being operated in violation of Section 11-208.6 or a
17 local ordinance. If the technician determines that the
18 vehicle entered the intersection as part of a funeral
19 procession or in order to yield the right-of-way to an
20 emergency vehicle, a citation shall not be issued. The
21 original or a facsimile of the violation notice or, in the
22 case of a notice produced by a computerized device, a
23 printed record generated by the device showing the facts
24 entered on the notice, shall be retained by the traffic
25 compliance administrator, and shall be a record kept in the
26 ordinary course of business. A parking, standing, ~~or~~
27 compliance, or automated traffic law violation notice
28 issued, signed and served in accordance with this Section,
29 a copy of the notice, or the computer generated record
30 shall be prima facie correct and shall be prima facie
31 evidence of the correctness of the facts shown on the
32 notice. The notice, copy, or computer generated record
33 shall be admissible in any subsequent administrative or
34 legal proceedings.

35 (4) An opportunity for a hearing for the registered
36 owner of the vehicle cited in the parking, standing, ~~or~~

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

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

33 (i) A second notice of parking, standing, or
34 compliance violation. This notice shall specify the
35 date and location of the violation cited in the
36 parking, standing, or compliance 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 provided
4 by ordinance, the availability of a hearing in which
5 the violation may be contested on its merits, and the
6 time and manner in which the hearing may be had. The
7 notice of violation shall also state that failure
8 either to pay the indicated fine and any applicable
9 penalty, or to appear at a hearing on the merits in the
10 time and manner specified, will result in a final
11 determination of violation liability for the cited
12 violation in the amount of the fine or penalty
13 indicated, and that, upon the occurrence of a final
14 determination of violation liability for the failure,
15 and the exhaustion of, or failure to exhaust, available
16 administrative or judicial procedures for review, any
17 unpaid fine or penalty will constitute a debt due and
18 owing the municipality.

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

1 11-208.6.

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

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

34 (8) A petition to set aside a determination of parking,
35 standing, ~~or~~ compliance, or automated traffic law
36 violation liability that may be filed by a person owing an

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

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

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

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

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

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

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

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

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

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

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

35 (e) Any fine, penalty, or part of any fine or any penalty
36 remaining unpaid after the exhaustion of, or the failure to

1 exhaust, administrative remedies created under this Section
2 and the conclusion of any judicial review procedures shall be a
3 debt due and owing the municipality and, as such, may be
4 collected in accordance with applicable law. Payment in full of
5 any fine or penalty resulting from a standing, parking, ~~or~~
6 compliance, or automated traffic law violation shall
7 constitute a final disposition of that violation.

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

1 municipality and against the registered owner or the lessee for
2 the amount indicated in the final determination of parking,
3 standing, ~~or~~ compliance, or automated traffic law violation,
4 plus costs. The judgment shall have the same effect and may be
5 enforced in the same manner as other judgments for the recovery
6 of money.

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

8 (625 ILCS 5/11-208.6 new)

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

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

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

24 (b) As used in this Section, "recorded images" means
25 images recorded by an automated traffic law enforcement system
26 on:

27 (1) 2 or more photographs;

28 (2) 2 or more microphotographs;

29 (3) 2 or more electronic images; or

30 (4) a video recording showing the motor vehicle and,
31 on at least one image or portion of the recording, clearly
32 identifying the registration plate number of the motor
33 vehicle.

34 (c) A county or municipality, including a home rule county
35 or municipality, may not use an automated traffic law

1 enforcement system to provide recorded images of a motor
2 vehicle for the purpose of recording its speed. The regulation
3 of the use of automated traffic law enforcement systems to
4 record vehicle speeds is an exclusive power and function of the
5 State. This subsection (c) is a denial and limitation of home
6 rule powers and functions under subsection (h) of Section 6 of
7 Article VII of the Illinois Constitution.

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

18 The notice shall include:

19 (1) the name and address of the registered owner of
20 the vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the location where the violation occurred;

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

26 (6) a copy of the recorded images;

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

29 (8) a statement that recorded images are evidence of a
30 violation of a red light signal;

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

35 (10) a statement that the person may elect to proceed
36 by:

1 (A) paying the fine; or

2 (B) challenging the charge in court, by mail, or
3 by administrative hearing.

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

12 (f) Based on inspection of recorded images produced by an
13 automated traffic law enforcement system, a notice alleging
14 that the violation occurred shall be evidence of the facts
15 contained in the notice and admissible in any proceeding
16 alleging a violation under this Section.

17 (g) Recorded images made by an automatic traffic law
18 enforcement system are confidential and shall be made available
19 only to the alleged violator and governmental and law
20 enforcement agencies for purposes of adjudicating a violation
21 of this Section, for statistical purposes, or for other
22 governmental purposes. Any recorded image evidencing a
23 violation of this Section, however, may be admissible in any
24 proceeding resulting from the issuance of the citation.

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

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

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

35 (3) any other evidence or issues provided by
36 municipal or county ordinance.

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

8 (j) Unless the driver of the motor vehicle received a
9 Uniform Traffic Citation from a police officer at the time of
10 the violation, the motor vehicle owner is subject to a civil
11 penalty not exceeding \$100, plus an additional penalty of not
12 more than \$100 for failure to pay the original penalty in a
13 timely manner, if the motor vehicle is recorded by an automated
14 traffic law enforcement system. A violation for which a civil
15 penalty is imposed under this Section is not a violation of a
16 traffic regulation governing the movement of vehicles and may
17 not be recorded on the driving record of the owner of the
18 vehicle.

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

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

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

31 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

32 Sec. 11-306. Traffic-control signal legend. Whenever
33 traffic is controlled by traffic-control signals exhibiting
34 different colored lights or color lighted arrows, successively
35 one at a time or in combination, only the colors green, red and

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

4 (a) Green indication.

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

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

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

25 (b) Steady yellow indication.

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

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

36 (c) Steady red indication.

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

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

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

34 4. Unless otherwise directed by a pedestrian-control
35 signal as provided in Section 11-307, pedestrians facing a
36 steady circular red or red arrow signal alone shall not

1 enter the roadway.

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

9 ~~This paragraph 5 is subject to prosecutorial~~
10 ~~discretion that is consistent with applicable law.~~

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

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

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

22 (625 ILCS 5/11-612 new)

23 Sec. 11-612. Certain systems to record vehicle speeds
24 prohibited. Except as authorized in the Automated Traffic
25 Control Systems in Highway Construction or Maintenance Zones
26 Act, no photographic, video, or other imaging system may be
27 used in this State to record vehicle speeds for the purpose of
28 enforcing any law or ordinance regarding a maximum or minimum
29 speed limit unless a law enforcement officer is present at the
30 scene and witnesses the event. No State or local governmental
31 entity, including a home rule county or municipality, may use
32 such a system in a way that is prohibited by this Section. The
33 regulation of the use of such systems is an exclusive power and
34 function of the State. This Section is a denial and limitation
35 of home rule powers and functions under subsection (h) of

1 Section 6 of Article VII of the Illinois Constitution.

2 (625 ILCS 5/1-105.5 rep.)

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

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