



Rep. Marlow H. Colvin

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LRB095 17756 WGH 52794 a

1 AMENDMENT TO HOUSE BILL 4888

2 AMENDMENT NO. _____. Amend House Bill 4888 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Toll Bridge Act is amended by changing
5 Section 13 as follows:

6 (605 ILCS 115/13) (from Ch. 137, par. 13)

7 Sec. 13. (a) Any person who intentionally breaks any
8 mechanical or electronic toll collection device of a toll
9 bridge operator or any appurtenance thereto is guilty of a
10 Class C misdemeanor.

11 (b) Any person who operates a vehicle through a toll gate
12 or other area of a toll bridge where a toll or charge is due
13 without paying the amount due shall be guilty of a petty
14 offense with a maximum penalty not to exceed \$300. Whenever a
15 vehicle is used in violation of this subsection (b), both the
16 driver and the registered owner of the vehicle shall be jointly

1 and severally liable to the operator for the toll.

2 (c) An operator may use photographic and technological
3 devices for the sole purpose of the collection of tolls and
4 enforcement of toll violations. An operator may contract with a
5 county or municipality to provide assistance in the
6 implementation of an automated toll violation enforcement
7 system pursuant to Section 11-208.7 of the Illinois Vehicle
8 Code.

9 (d) An operator may assess administrative fees and costs
10 not to exceed a total of \$200 against the registered owner of a
11 vehicle that is used in a violation of subsection (b),
12 regardless of whether the driver of the vehicle has been
13 convicted of that offense, whenever the owner fails to pay a
14 toll pursuant to this Act.

15 (e) As used in this Section:

16 "Toll bridge" includes any toll bridge constructed under
17 this Act, under Section 11-108-1 of the Illinois Municipal
18 Code, or under any other law.

19 "Operator" means any entity, public or private, authorized
20 to collect tolls on a toll bridge.

21 ~~Every person who shall willfully break, throw, draw or injure~~
22 ~~any gate erected on any toll bridge, or shall forcibly or~~
23 ~~fraudulently pass over any such bridge without having first~~
24 ~~paid or tendered the legal toll, shall be deemed guilty of a~~
25 ~~petty offense, and upon conviction shall be fined, in addition~~
26 ~~to the damage resulting from such wrongful act, in any sum not~~

1 ~~exceeding ten dollars.~~

2 (Source: P.A. 89-657, eff. 8-14-96)

3 Section 10. The Illinois Vehicle Code is amended by
4 changing Sections 6-306.5, 11-208, and 11-208.3 and by adding
5 Sections 1-105.1 and 11-208.7 as follows:

6 (625 ILCS 5/1-105.1 new)

7 Sec. 1-105.1. Automated toll violation. A violation
8 described in Section 11-208.7 of this Code.

9 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

13 (a) Upon receipt of a certified report, as prescribed by
14 subsection (c) of this Section, from any municipality stating
15 that the owner of a registered vehicle has: (1) failed to pay
16 any fine or penalty due and owing as a result of 10 or more
17 violations of a municipality's vehicular standing, parking, or
18 compliance regulations established by ordinance pursuant to
19 Section 11-208.3 of this Code, or (2) failed to pay any fine or
20 penalty due and owing as a result of 5 offenses for automated
21 traffic violations as defined in Section 11-208.6 or automated
22 toll violations as defined in Section 11-208.7 or any
23 combination thereof, the Secretary of State shall suspend the

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

1 the following:

2 (1) The name, last known address as recorded with the
3 Secretary of State, as provided by the lessor of the cited
4 vehicle at the time of lease, or as recorded in a United
5 States Post Office approved database if any notice sent
6 under Section 11-208.3 of this Code is returned as
7 undeliverable, and drivers license number of the person who
8 failed to pay the fine or penalty and the registration
9 number of any vehicle known to be registered to such person
10 in this State.

11 (2) The name of the municipality making the report
12 pursuant to this Section.

13 (3) A statement that the municipality sent a notice of
14 impending drivers license suspension as prescribed by
15 ordinance enacted pursuant to Section 11-208.3, to the
16 person named in the report at the address recorded with the
17 Secretary of State or at the last address known to the
18 lessor of the cited vehicle at the time of lease or, if any
19 notice sent under Section 11-208.3 of this Code is returned
20 as undeliverable, at the last known address recorded in a
21 United States Post Office approved database; the date on
22 which such notice was sent; and the address to which such
23 notice was sent. In a municipality with a population of
24 1,000,000 or more, the report shall also include a
25 statement that the alleged violator's State vehicle
26 registration number and vehicle make, if specified on the

1 automated traffic law or automated toll violation notice,
2 are correct as they appear on the citations.

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

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

1 (f) Any municipality, other than a municipality
2 establishing vehicular standing, parking, and compliance
3 regulations pursuant to Section 11-208.3 or automated traffic
4 law regulations under Section 11-208.6 or automated toll
5 violations under Section 11-208.7, may also cause a suspension
6 of a person's drivers license pursuant to this Section. Such
7 municipality may invoke this sanction by making a certified
8 report to the Secretary of State upon a person's failure to
9 satisfy any fine or penalty imposed by final judgment for 10 or
10 more violations of local standing, parking, or compliance
11 regulations or 5 or more automated traffic law violations or
12 automated toll violations after exhaustion of judicial review
13 procedures, but only if:

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

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

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

24 (g) Any municipality, other than a municipality
25 establishing standing, parking, and compliance regulations
26 pursuant to Section 11-208.3 or automated traffic law

1 regulations under Section 11-208.6 or automated toll
2 regulations under Section 11-208.7, 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 or automated toll violations
8 or a combination thereof after exhaustion of judicial review
9 procedures. An ordinance so providing shall specify that the
10 notice sent to the person liable for any fine or penalty shall
11 state that failure to pay the fine or penalty owing within 45
12 days of the notice's date will result in the municipality
13 notifying the Secretary of State that the person's drivers
14 license is eligible for suspension pursuant to this Section.
15 The notice of impending drivers license suspension shall be
16 sent by first class United States mail, postage prepaid, to the
17 address recorded with the Secretary of State or at the last
18 address known to the lessor of the cited vehicle at the time of
19 lease or, if any notice sent under Section 11-208.3 of this
20 Code is returned as undeliverable, to the last known address
21 recorded in a United States Post Office approved 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

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

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

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

13 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06.)

14 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

22 2. Regulating traffic by means of police officers or
23 traffic control signals;

24 3. Regulating or prohibiting processions or
25 assemblages on the highways;

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

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

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

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

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

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

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

22 11. Prohibiting U-turns;

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

25 13. Prohibiting parking during snow removal operation;

26 14. Imposing fines in accordance with Section

1 11-1301.3 as penalties for use of any parking place
2 reserved for persons with disabilities, as defined by
3 Section 1-159.1, or disabled veterans by any person using a
4 motor vehicle not bearing registration plates specified in
5 Section 11-1301.1 or a special decal or device as defined
6 in Section 11-1301.2 as evidence that the vehicle is
7 operated by or for a person with disabilities or disabled
8 veteran;

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

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

13 (b) No ordinance or regulation enacted under subsections 1,
14 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
15 until signs giving reasonable notice of such local traffic
16 regulations are posted.

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

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

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

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

23 (g) A municipality or county may enact an ordinance
24 providing for an automated toll enforcement system to enforce
25 violations of the Toll Bridge Act or a similar provision of a
26 local ordinance and imposing liability on a registered owner of

1 a vehicle used in such a violation.

2 (Source: P.A. 94-795, eff. 5-22-06.)

3 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

4 Sec. 11-208.3. Administrative adjudication of violations
5 of traffic regulations concerning the standing, parking, or
6 condition of vehicles and automated traffic law and automated
7 toll violations.

8 (a) Any municipality may provide by ordinance for a system
9 of administrative adjudication of vehicular standing and
10 parking violations and vehicle compliance violations as
11 defined in this subsection and automated traffic law violations
12 as defined in Section 11-208.6 and automated toll violations as
13 defined in Section 11-208.7. The administrative system shall
14 have as its purpose the fair and efficient enforcement of
15 municipal regulations through the administrative adjudication
16 of automated traffic law or automated toll violations and
17 violations of municipal ordinances regulating the standing and
18 parking of vehicles, the condition and use of vehicle
19 equipment, and the display of municipal wheel tax licenses
20 within the municipality's borders. The administrative system
21 shall only have authority to adjudicate civil offenses carrying
22 fines not in excess of \$250 that occur after the effective date
23 of the ordinance adopting such a system under this Section. For
24 purposes of this Section, "compliance violation" means a
25 violation of a municipal regulation governing the condition or

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

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

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

15 (2) A parking, standing, compliance, or automated
16 traffic law or automated toll violation notice that shall
17 specify the date, time, and place of violation of a
18 parking, standing, compliance, or automated traffic law or
19 automated toll regulation; the particular regulation
20 violated; the fine and any penalty that may be assessed for
21 late payment, when so provided by ordinance; the vehicle
22 make and state registration number; and the identification
23 number of the person issuing the notice. With regard to
24 automated traffic law or automated toll violations,
25 vehicle make shall be specified on the automated traffic
26 law or automated toll violation notice if the make is

1 available and readily discernible. With regard to
2 municipalities with a population of 1 million or more, it
3 shall be grounds for dismissal of a parking violation if
4 the state registration number or vehicle make specified is
5 incorrect. The violation notice shall state that the
6 payment of the indicated fine, and of any applicable
7 penalty for late payment, shall operate as a final
8 disposition of the violation. The notice also shall contain
9 information as to the availability of a hearing in which
10 the violation may be contested on its merits. The violation
11 notice shall specify the time and manner in which a hearing
12 may be had.

13 (3) Service of the parking, standing, or compliance
14 violation notice by affixing the original or a facsimile of
15 the notice to an unlawfully parked vehicle or by handing
16 the notice to the operator of a vehicle if he or she is
17 present and service of an automated traffic law or
18 automated toll violation notice by mail to the address of
19 the registered owner of the cited vehicle as recorded with
20 the Secretary of State within 30 days after the Secretary
21 of State notifies the municipality or county of the
22 identity of the owner of the vehicle, but in no event later
23 than 90 days after the violation. A person authorized by
24 ordinance to issue and serve parking, standing, and
25 compliance violation notices shall certify as to the
26 correctness of the facts entered on the violation notice by

1 signing his or her name to the notice at the time of
2 service or in the case of a notice produced by a
3 computerized device, by signing a single certificate to be
4 kept by the traffic compliance administrator attesting to
5 the correctness of all notices produced by the device while
6 it was under his or her control. In the case of an
7 automated traffic law violation, the ordinance shall
8 require a determination by a technician employed or
9 contracted by the municipality or county that, based on
10 inspection of recorded images, the motor vehicle was being
11 operated in violation of Section 11-208.6 or a local
12 ordinance. If the technician determines that the vehicle
13 entered the intersection as part of a funeral procession or
14 in order to yield the right-of-way to an emergency vehicle,
15 a citation shall not be issued. In the case of an automated
16 toll violation, the ordinance shall require a
17 determination by a technician employed or contracted by the
18 municipality or county or entity having a contract with the
19 municipality or county that, based on inspection of
20 recorded images, the motor vehicle was being operated in
21 violation of subsection (b) of Section 13 of the Toll
22 Bridge Act or a local ordinance. The original or a
23 facsimile of the violation notice or, in the case of a
24 notice produced by a computerized device, a printed record
25 generated by the device showing the facts entered on the
26 notice, shall be retained by the traffic compliance

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

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

1 expense. The ordinance may also provide for internal
2 administrative review following the decision of the
3 hearing officer.

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

20 (i) A second notice of parking, standing, or
21 compliance violation. This notice shall specify the
22 date and location of the violation cited in the
23 parking, standing, or compliance violation notice, the
24 particular regulation violated, the vehicle make and
25 state registration number, the fine and any penalty
26 that may be assessed for late payment when so provided

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

16 (ii) A notice of final determination of parking,
17 standing, compliance, or automated traffic law or
18 automated toll violation liability. This notice shall
19 be sent following a final determination of parking,
20 standing, compliance, or automated traffic law or
21 automated toll violation liability and the conclusion
22 of judicial review procedures taken under this
23 Section. The notice shall state that the unpaid fine or
24 penalty is a debt due and owing the municipality. The
25 notice shall contain warnings that failure to pay any
26 fine or penalty due and owing the municipality within

1 the time specified may result in the municipality's
2 filing of a petition in the Circuit Court to have the
3 unpaid fine or penalty rendered a judgment as provided
4 by this Section, or may result in suspension of the
5 person's drivers license for failure to pay fines or
6 penalties for 10 or more parking violations under
7 Section 6-306.5 or 5 or more automated traffic law
8 violations under Section 11-208.6 or 5 or more
9 automated toll violations under Section 11-208.7.

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

1 notice to that address is returned as undeliverable, to the
2 last known address recorded in a United States Post Office
3 approved database.

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

17 (8) A petition to set aside a determination of parking,
18 standing, compliance, or automated traffic law or
19 automated toll violation liability that may be filed by a
20 person owing an unpaid fine or penalty. The petition shall
21 be filed with and ruled upon by the traffic compliance
22 administrator in the manner and within the time specified
23 by ordinance. The grounds for the petition may be limited
24 to: (A) the person not having been the owner or lessee of
25 the cited vehicle on the date the violation notice was
26 issued, (B) the person having already paid the fine or

1 penalty for the violation in question, and (C) excusable
2 failure to appear at or request a new date for a hearing.
3 With regard to municipalities with a population of 1
4 million or more, it shall be grounds for dismissal of a
5 parking violation if the state registration number, or
6 vehicle make if specified, is incorrect. After the
7 determination of parking, standing, compliance, or
8 automated traffic law or automated toll violation
9 liability has been set aside upon a showing of just cause,
10 the registered owner shall be provided with a hearing on
11 the merits for that violation.

12 (9) Procedures for non-residents. Procedures by which
13 persons who are not residents of the municipality may
14 contest the merits of the alleged violation without
15 attending a hearing.

16 (10) A schedule of civil fines for violations of
17 vehicular standing, parking, compliance, or automated
18 traffic law or automated toll regulations enacted by
19 ordinance pursuant to this Section, and a schedule of
20 penalties for late payment of the fines, provided, however,
21 that the total amount of the fine and penalty for any one
22 violation shall not exceed \$250, except as provided in
23 subsection (c) of Section 11-1301.3 of this Code.

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

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

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

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

24 (3) The right to a prompt hearing after a vehicle has
25 been immobilized or subsequently towed without payment of
26 the outstanding fines and penalties on parking, standing,

1 compliance, or automated traffic law or automated toll
2 violations for which final determinations have been
3 issued. An order issued after the hearing is a final
4 administrative decision within the meaning of Section
5 3-101 of the Code of Civil Procedure.

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

9 (d) Judicial review of final determinations of parking,
10 standing, compliance, or automated traffic law or automated
11 toll violations and final administrative decisions issued
12 after hearings regarding vehicle immobilization and
13 impoundment made under this Section shall be subject to the
14 provisions of the Administrative Review Law.

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

25 (f) After the expiration of the period within which
26 judicial review may be sought for a final determination of

1 parking, standing, compliance, or automated traffic law or
2 automated toll violation, the municipality may commence a
3 proceeding in the Circuit Court for purposes of obtaining a
4 judgment on the final determination of violation. Nothing in
5 this Section shall prevent a municipality from consolidating
6 multiple final determinations of parking, standing,
7 compliance, or automated traffic law or automated toll
8 violations against a person in a proceeding. Upon commencement
9 of the action, the municipality shall file a certified copy or
10 record of the final determination of parking, standing,
11 compliance, or automated traffic law or automated toll
12 violation, which shall be accompanied by a certification that
13 recites facts sufficient to show that the final determination
14 of violation was issued in accordance with this Section and the
15 applicable municipal ordinance. Service of the summons and a
16 copy of the petition may be by any method provided by Section
17 2-203 of the Code of Civil Procedure or by certified mail,
18 return receipt requested, provided that the total amount of
19 fines and penalties for final determinations of parking,
20 standing, compliance, or automated traffic law or automated
21 toll violations does not exceed \$2500. If the court is
22 satisfied that the final determination of parking, standing,
23 compliance, or automated traffic law or automated toll
24 violation was entered in accordance with the requirements of
25 this Section and the applicable municipal ordinance, and that
26 the registered owner or the lessee, as the case may be, had an

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

9 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
10 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

11 (625 ILCS 5/11-208.7 new)

12 Sec. 11-208.7. Automated toll violation enforcement
13 system.

14 (a) As used in this Section, "automated toll violation
15 enforcement system" means a device with one or more motor
16 vehicle sensors working in conjunction with a toll collection
17 device to produce recorded images of motor vehicles violating
18 subsection (b) of Section 13 of the Toll Bridge Act or a
19 similar provision of a local ordinance. An automated toll
20 violation enforcement system is a system, in a municipality or
21 county operated by a governmental agency with or without the
22 assistance of a private entity, that produces a recorded image
23 of a motor vehicle's violation of law or a local ordinance and
24 is designed to obtain a clear recorded image of the vehicle and
25 the vehicle's license plate. The recorded image must also

1 display the time, date, and location of the violation.

2 (b) As used in this Section, "recorded images" means images
3 recorded by an automated toll violation enforcement system on:

4 (1) one or more photographs;

5 (2) one or more microphotographs;

6 (3) one or more electronic images; or

7 (4) a video recording showing the motor vehicle and, on
8 at least one image or portion of the recording, clearly
9 identifying the registration plate number of the motor
10 vehicle.

11 (c) A county or municipality, including a home rule county
12 or municipality, may not use an automated toll violation
13 enforcement system to provide recorded images of a motor
14 vehicle for the purpose of recording its speed for the purpose
15 of enforcing any law or ordinance regarding a maximum or
16 minimum speed limit. The regulation of the use of automated
17 toll violation enforcement systems to record vehicle speeds is
18 an exclusive power and function of the State. This subsection
19 (c) is a denial and limitation of home rule powers and
20 functions under subsection (h) of Section 6 of Article VII of
21 the Illinois Constitution.

22 (d) For each violation of a provision of the Toll Bridge
23 Act or a local ordinance recorded by an automatic toll
24 violation enforcement system, the county or municipality
25 having jurisdiction shall issue a written notice of the
26 violation to the registered owner of the vehicle. The notice

1 shall be delivered to the registered owner of the vehicle, by
2 mail, within 30 days after the municipality or county is
3 notified of the identity of the owner of the vehicle, but in no
4 event later than 90 days after the violation. The notice shall
5 include:

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

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

10 (3) the violation charged;

11 (4) the location where the violation occurred;

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

13 (6) a copy of the recorded images;

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

16 (8) a statement that recorded images are evidence of a
17 toll violation;

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

22 (10) a statement that the person may elect to proceed
23 by:

24 (A) paying the fine and the toll; or

25 (B) challenging the charge in court, by mail, or by
26 administrative hearing.

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

7 (f) Based on inspection of recorded images produced by an
8 automated toll violation enforcement system, a notice alleging
9 that the violation occurred shall be evidence of the facts
10 contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

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

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

22 (1) that the motor vehicle or registration plates of
23 the motor vehicle were stolen before the violation occurred
24 and not under the control of or in the possession of the
25 owner at the time of the violation;

26 (2) that the toll and all administrative fees and costs

1 were paid in full at least 30 days prior to the hearing;

2 and

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

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

12 (j) Unless the driver of the motor vehicle was cited by a
13 police officer at the time of the violation, the motor vehicle
14 owner is subject to a civil penalty not exceeding \$150, plus an
15 additional penalty of not more than \$150 for failure to pay the
16 original penalty in a timely manner, if the motor vehicle is
17 recorded by an automated toll violation enforcement system. A
18 violation for which a civil penalty is imposed under this
19 Section is not a violation of a traffic regulation governing
20 the movement of vehicles and may not be recorded on the driving
21 record of the owner of the vehicle.

22 (k) A toll gate or other area of a toll bridge where a toll
23 or charge is due that is equipped with an automated toll
24 violation enforcement system must be posted with a sign visible
25 to approaching traffic indicating that the gate or area is
26 being monitored by an automated toll violation enforcement

1 system.

2 (1) A municipality or county in which there is situated a
3 privately operated toll bridge may enter into an agreement with
4 the operator of the toll bridge under which the operator
5 assists in the operation of the automated toll violation
6 enforcement system on behalf of the municipality or county. The
7 compensation paid for that assistance may include the
8 collection and remittance, or payment of equivalent amounts, of
9 tolls and administrative fees and costs assessed by that
10 operator.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".