



Sen. John J. Cullerton

Filed: 4/2/2008

09500SB2092sam001

LRB095 19298 RLC 48378 a

1 AMENDMENT TO SENATE BILL 2092

2 AMENDMENT NO. _____. Amend Senate Bill 2092 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-306.5 and by adding Section 11-208.7 as
6 follows:

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

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

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality stating
13 that the owner of a registered vehicle has: (1) failed to pay
14 any fine or penalty due and owing as a result of 10 or more
15 violations of a municipality's vehicular standing, parking, or
16 compliance regulations established by ordinance pursuant to

1 Section 11-208.3 of this Code, or (2) failed to pay any fine or
2 penalty due and owing as a result of 5 offenses for automated
3 traffic violations as defined in Section 11-208.6 or 5 offenses
4 for automated speed enforcement violations as defined in
5 Section 11-208.7, the Secretary of State shall suspend the
6 driving privileges of such person in accordance with the
7 procedures set forth in this Section. The Secretary shall also
8 suspend the driving privileges of an owner of a registered
9 vehicle upon receipt of a certified report, as prescribed by
10 subsection (f) of this Section, from any municipality stating
11 that such person has failed to satisfy any fines or penalties
12 imposed by final judgments for 5 or more automated traffic law
13 violations or 10 or more violations of local standing, parking,
14 or compliance regulations after exhaustion of judicial review
15 procedures.

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

1 Secretary, and shall be effective as specified by subsection
2 (c) of Section 6-211 of this Code.

3 (c) The report of the appropriate municipal official
4 notifying the Secretary of State of unpaid fines or penalties
5 pursuant to this Section shall be certified and shall contain
6 the following:

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

16 (2) The name of the municipality making the report
17 pursuant to this Section.

18 (3) A statement that the municipality sent a notice of
19 impending drivers license suspension as prescribed by
20 ordinance enacted pursuant to Section 11-208.3, to the
21 person named in the report at the address recorded with the
22 Secretary of State or at the last address known to the
23 lessor of the cited vehicle at the time of lease or, if any
24 notice sent under Section 11-208.3 of this Code is returned
25 as undeliverable, at the last known address recorded in a
26 United States Post Office approved database; the date on

1 which such notice was sent; and the address to which such
2 notice was sent. In a municipality with a population of
3 1,000,000 or more, the report shall also include a
4 statement that the alleged violator's State vehicle
5 registration number and vehicle make, if specified on the
6 automated traffic law violation notice, are correct as they
7 appear on the citations.

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

19 (e) Any municipality making a certified report to the
20 Secretary of State pursuant to this Section shall also by
21 ordinance establish procedures for persons to challenge the
22 accuracy of the certified report. The ordinance shall also
23 state the grounds for such a challenge, which may be limited to
24 (1) the person not having been the owner or lessee of the
25 vehicle or vehicles receiving 10 or more standing, parking, or
26 compliance violation notices or 5 or more automated traffic law

1 violations on the date or dates such notices were issued; and
2 (2) the person having already paid the fine or penalty for the
3 10 or more standing, parking, or compliance violations or 5 or
4 more automated traffic law violations indicated on the
5 certified report.

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

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

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

25 (3) in municipalities with a population of 1,000,000 or
26 more, the municipality has verified that the alleged

1 violator's State vehicle registration number and vehicle
2 make are correct as they appear on the citations.

3 (g) Any municipality, other than a municipality
4 establishing standing, parking, and compliance regulations
5 pursuant to Section 11-208.3 or automated traffic law
6 regulations under Section 11-208.6 or automated speed
7 enforcement regulations under Section 11-208.7, may provide by
8 ordinance for the sending of a notice of impending drivers
9 license suspension to the person who has failed to satisfy any
10 fine or penalty imposed by final judgment for 10 or more
11 violations of local standing, parking, or compliance
12 regulations or 5 or more automated traffic law violations after
13 exhaustion of judicial review procedures. An ordinance so
14 providing shall specify that the notice sent to the person
15 liable for any fine or penalty shall state that failure to pay
16 the fine or penalty owing within 45 days of the notice's date
17 will result in the municipality notifying the Secretary of
18 State that the person's drivers license is eligible for
19 suspension pursuant to this Section. The notice of impending
20 drivers license suspension shall be sent by first class United
21 States mail, postage prepaid, to the address recorded with the
22 Secretary of State or at the last address known to the lessor
23 of the cited vehicle at the time of lease or, if any notice
24 sent under Section 11-208.3 of this Code is returned as
25 undeliverable, to the last known address recorded in a United
26 States Post Office approved database.

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

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

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

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

19 (625 ILCS 5/11-208.7 new)

20 Sec. 11-208.7. Automated speed enforcement systems.

21 (a) For the purposes of this Section, "automated speed
22 enforcement system" means a device installed on a
23 State-controlled highway or a highway under the jurisdiction of
24 the Illinois State Toll Highway Authority or under the
25 jurisdiction of a county, municipality, township, or road

1 district with one or more motor vehicle sensors producing
2 recorded images of motor vehicles traveling at speeds in excess
3 of posted speed limits. The system shall be designed to obtain
4 a clear photograph of the vehicle's rear including the vehicle
5 registration plate. The photograph or other recorded image
6 shall also display the time, date and location of the
7 violation.

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

19 The notice shall include:

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

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

24 (3) the violation charged;

25 (4) the location where the violation occurred;

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

1 (6) a copy of the recorded images;

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

4 (8) a statement that recorded images are evidence of a
5 violation of this Section;

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

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

12 (A) paying the fine; or

13 (B) challenging the charge in court, by mail, or by
14 administrative hearing; and

15 (11) a statement on how the alleged violator may view a
16 copy of the violation.

17 (c) If a person charged with a traffic violation, as a
18 result of an automated speed enforcement system, does not pay
19 or successfully contest the civil penalty resulting from that
20 violation, the Secretary of State shall suspend the driving
21 privileges of the registered owner of the vehicle under Section
22 6-306.5 of this Code for failing to pay any fine or penalty due
23 and owing as a result of 5 violations of the automated speed
24 enforcement system.

25 (d) Based on inspection of recorded images produced by an
26 automated speed enforcement system, a notice alleging that the

1 violation occurred shall be evidence of the facts contained in
2 the notice and admissible in any proceeding alleging a
3 violation under this Section.

4 (e) Recorded images made by an automated speed enforcement
5 system are confidential and shall be made available only to the
6 alleged violator and governmental and law enforcement agencies
7 for purposes of adjudicating a violation of this Section, for
8 statistical purposes, or for other governmental purposes. Any
9 recorded image evidencing a violation of this Section, however,
10 may be admissible in any proceeding resulting from the issuance
11 of the citation.

12 (f) The court or hearing officer may consider the following
13 in the defense of a violation:

14 (1) that the motor vehicle or registration plates of
15 the motor vehicle were stolen before the violation occurred
16 and not under the control of or in the possession of the
17 owner at the time of the violation;

18 (2) that the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer at the time
20 of the violation for the same offence;

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

23 (g) To demonstrate that the motor vehicle or the
24 registration plates were stolen before the violation occurred
25 and were not under the control or possession of the owner at
26 the time of the violation, the owner must submit proof that a

1 report concerning the stolen motor vehicle or registration
2 plates was filed with a law enforcement agency in a timely
3 manner.

4 (h) Roads equipped with an automatic speed enforcement
5 system shall be posted with a sign visible to approaching
6 traffic stating that the speed is being monitored, that
7 citations will be issued, and the amount of the fine for
8 violation.

9 (i) If any part or parts of this Section are held by a
10 court of competent jurisdiction to be unconstitutional, the
11 unconstitutionality shall not affect the validity of the
12 remaining parts of this Section. The General Assembly hereby
13 declares that it would have passed the remaining parts of this
14 Section if it had known that the other part or parts of this
15 Section would be declared unconstitutional.

16 (j) A violation of this Section is punishable by a civil
17 fine as follows:

18 (1) for a speed not exceeding 10 miles per hour over
19 the posted speed limit, a warning notice shall be sent to
20 the alleged violator;

21 (2) for a speed at least 11 miles per hour over the
22 posted speed limit and not exceeding 21 miles per hour over
23 the posted speed, \$50;

24 (3) for a speed at least 22 miles per hour over the
25 posted speed limit, \$100;

26 (k) A violation for which a civil penalty is imposed under

1 this Section:

2 (1) is not a moving violation;

3 (2) may not be recorded by the administration on the
4 driving record of the owner of the vehicle; and

5 (3) may not be considered in the provision of motor
6 vehicle insurance coverage.

7 (1) Before the State, county, township, road district, or
8 municipality may issue citations under this Section for
9 violations of the automated speed enforcement system, only
10 warning notices may be issued for 30 days after the
11 installation of the automated speed enforcement device."