

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding the  
5 heading of Division 5-43 and Sections 5-43005, 5-43010,  
6 5-43015, 5-43020, 5-43025, 5-43030, 5-43035, 5-43040, and  
7 5-43045 and by changing Section 5-41010 as follows:

8 (55 ILCS 5/5-41010)

9 Sec. 5-41010. Code hearing unit. The county board in any  
10 non-home rule county may establish by ordinance a code hearing  
11 unit within an existing code enforcement agency or as a  
12 separate and independent agency in county government, pursuant  
13 to the provisions of this Division 5-41. A non-home rule county  
14 with a population of less than 750,000 may establish a code  
15 hearing unit and administrative adjudication process only  
16 under the provisions of this Division 5-41. The function of the  
17 code hearing unit shall be to expedite the prosecution and  
18 correction of code violations as provided in this Division  
19 5-41.

20 (Source: P.A. 95-471, eff. 8-27-07.)

21 (55 ILCS 5/Div. 5-43 heading new)

22 ADMINISTRATIVE ADJUDICATION - COUNTIES WITH A POPULATION OF



1       Sec. 5-43020. Code hearing units; powers of hearing  
2 officers.

3       (a) An ordinance establishing a system of administrative  
4 adjudication, pursuant to this Division, shall provide for a  
5 code hearing unit within an existing agency or as a separate  
6 agency in the county government. The ordinance shall establish  
7 the jurisdiction of a code hearing unit that is consistent with  
8 this Division. The "jurisdiction" of a code hearing unit refers  
9 to the particular code violations that it may adjudicate.

10       (b) Adjudicatory hearings shall be presided over by hearing  
11 officers. The powers and duties of a hearing officer shall  
12 include:

13           (1) hearing testimony and accepting evidence that is  
14 relevant to the existence of the code violation;

15           (2) issuing subpoenas directing witnesses to appear  
16 and give relevant testimony at the hearing, upon the  
17 request of the parties or their representatives;

18           (3) preserving and authenticating the record of the  
19 hearing and all exhibits and evidence introduced at the  
20 hearing;

21           (4) issuing a determination, based on the evidence  
22 presented at the hearing, of whether a code violation  
23 exists, which shall be in writing and shall include a  
24 written finding of fact, decision, and order including the  
25 fine, penalty, or action with which the defendant must  
26 comply; and

1           (5) imposing penalties consistent with applicable code  
2           provisions and assessing costs upon finding a party liable  
3           for the charged violation, except, however, that in no  
4           event shall the hearing officer have authority to (i)  
5           impose a penalty of incarceration or (ii) impose a fine in  
6           excess of \$50,000, or at the option of the county, such  
7           other amount not to exceed the maximum amount established  
8           by the Mandatory Arbitration System as prescribed by the  
9           Rules of the Illinois Supreme Court from time to time for  
10           the judicial circuit in which the county is located. The  
11           maximum monetary fine under this item (5), shall be  
12           exclusive of costs of enforcement or costs imposed to  
13           secure compliance with the county's ordinances and shall  
14           not be applicable to cases to enforce the collection of any  
15           tax imposed and collected by the county.

16           (c) Prior to conducting administrative adjudication  
17           proceedings, administrative hearing officers shall have  
18           successfully completed a formal training program that includes  
19           the following:

20           (1) instruction on the rules of procedure of the  
21           administrative hearings that they will conduct;

22           (2) orientation to each subject area of the code  
23           violations that they will adjudicate;

24           (3) observation of administrative hearings; and

25           (4) participation in hypothetical cases, including  
26           ruling on evidence and issuing final orders.

1       In addition, every administrative hearing officer must be  
2 an attorney licensed to practice law in the State of Illinois  
3 for at least 3 years.

4       (d) A proceeding before a code hearing unit shall be  
5 instituted upon the filing of a written pleading by an  
6 authorized official of the county.

7           (55 ILCS 5/5-43025 new)

8       Sec. 5-43025. Administrative hearing proceedings.

9       (a) Any ordinance establishing a system of administrative  
10 adjudication, pursuant to this Division, shall afford parties  
11 due process of law, including notice and opportunity for  
12 hearing. Parties shall be served with process in a manner  
13 reasonably calculated to give them actual notice, including, as  
14 appropriate, personal service of process upon a party or its  
15 employees or agents; service by mail at a party's address; or  
16 notice that is posted upon the property where the violation is  
17 found when the party is the owner or manager of the property.  
18 In counties with a population under 3,000,000, if the notice  
19 requires the respondent to answer within a certain amount of  
20 time, the county must reply to the answer within the same  
21 amount of time afforded to the respondent.

22       (b) Parties shall be given notice of an adjudicatory  
23 hearing that includes the type and nature of the code violation  
24 to be adjudicated, the date and location of the adjudicatory  
25 hearing, the legal authority and jurisdiction under which the

1 hearing is to be held, and the penalties for failure to appear  
2 at the hearing.

3 (c) Parties shall be provided with an opportunity for a  
4 hearing during which they may be represented by counsel,  
5 present witnesses, and cross-examine opposing witnesses.  
6 Parties may request the hearing officer to issue subpoenas to  
7 direct the attendance and testimony of relevant witnesses and  
8 the production of relevant documents. Hearings shall be  
9 scheduled with reasonable promptness, except that for hearings  
10 scheduled in all non-emergency situations, if requested by the  
11 defendant, the defendant shall have at least 15 days after  
12 service of process to prepare for a hearing. For purposes of  
13 this subsection (c), "non-emergency situation" means any  
14 situation that does not reasonably constitute a threat to the  
15 public interest, safety, or welfare. If service is provided by  
16 mail, the 15-day period shall begin to run on the day that the  
17 notice is deposited in the mail.

18 (55 ILCS 5/5-43030 new)

19 Sec. 5-43030. Rules of evidence shall not govern. The  
20 formal and technical rules of evidence do not apply in an  
21 adjudicatory hearing permitted under this Division. Evidence,  
22 including hearsay, may be admitted only if it is of a type  
23 commonly relied upon by reasonably prudent persons in the  
24 conduct of their affairs.

1 (55 ILCS 5/5-43035 new)

2 Sec. 5-43035. Enforcement of judgment.

3 (a) Any fine, other sanction, or costs imposed, or part of  
4 any fine, other sanction, or costs imposed, remaining unpaid  
5 after the exhaustion of or the failure to exhaust judicial  
6 review procedures under the Illinois Administrative Review Law  
7 are a debt due and owing the county and may be collected in  
8 accordance with applicable law.

9 (b) After expiration of the period in which judicial review  
10 under the Illinois Administrative Review Law may be sought for  
11 a final determination of a code violation, unless stayed by a  
12 court of competent jurisdiction, the findings, decision, and  
13 order of the hearing officer may be enforced in the same manner  
14 as a judgment entered by a court of competent jurisdiction.

15 (c) In any case in which a defendant has failed to comply  
16 with a judgment ordering a defendant to correct a code  
17 violation or imposing any fine or other sanction as a result of  
18 a code violation, any expenses incurred by a county to enforce  
19 the judgment, including, but not limited to, attorney's fees,  
20 court costs, and costs related to property demolition or  
21 foreclosure, after they are fixed by a court of competent  
22 jurisdiction or a hearing officer, shall be a debt due and  
23 owing the county and may be collected in accordance with  
24 applicable law. Prior to any expenses being fixed by a hearing  
25 officer pursuant to this subsection (c), the county shall  
26 provide notice to the defendant that states that the defendant

1 shall appear at a hearing before the administrative hearing  
2 officer to determine whether the defendant has failed to comply  
3 with the judgment. The notice shall set the date for the  
4 hearing, which shall not be less than 7 days after the date  
5 that notice is served. If notice is served by mail, the 7-day  
6 period shall begin to run on the date that the notice was  
7 deposited in the mail.

8 (d) Upon being recorded in the manner required by Article  
9 XII of the Code of Civil Procedure or by the Uniform Commercial  
10 Code, a lien shall be imposed on the real estate or personal  
11 estate, or both, of the defendant in the amount of any debt due  
12 and owing the county under this Section. The lien may be  
13 enforced in the same manner as a judgment lien pursuant to a  
14 judgment of a court of competent jurisdiction.

15 (e) A hearing officer may set aside any judgment entered by  
16 default and set a new hearing date, upon a petition filed  
17 within 21 days after the issuance of the order of default, if  
18 the hearing officer determines that the petitioner's failure to  
19 appear at the hearing was for good cause or at any time if the  
20 petitioner establishes that the county did not provide proper  
21 service of process. If any judgment is set aside pursuant to  
22 this subsection (e), the hearing officer shall have authority  
23 to enter an order extinguishing any lien that has been recorded  
24 for any debt due and owing the county as a result of the  
25 vacated default judgment.



1 (55 ILCS 5/5-43040 new)

2 Sec. 5-43040. Impact on existing administrative  
3 adjudication systems. This Division does not affect the  
4 validity of systems of administrative adjudication that were  
5 authorized by State law, including home rule authority, and in  
6 existence before the effective date of this amendatory Act of  
7 the 96th General Assembly.

8 (55 ILCS 5/5-43045 new)

9 Sec. 5-43045. Impact on home rule authority. This Division  
10 does not preempt counties from adopting other systems of  
11 administrative adjudication pursuant to their home rule  
12 powers.

13 Section 10. The Illinois Vehicle Code is amended by  
14 changing Sections 6-306.5 and 11-208.3 as follows:

15 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

19 (a) Upon receipt of a certified report, as prescribed by  
20 subsection (c) of this Section, from any municipality or county  
21 stating that the owner of a registered vehicle has: (1) failed  
22 to pay any fine or penalty due and owing as a result of 10 or  
23 more violations of a municipality's or county's vehicular

1 standing, parking, or compliance regulations established by  
2 ordinance pursuant to Section 11-208.3 of this Code, or (2)  
3 failed to pay any fine or penalty due and owing as a result of 5  
4 offenses for automated traffic violations as defined in Section  
5 11-208.6 or 11-1201.1, 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 or county  
11 stating that such person has failed to satisfy any fines or  
12 penalties imposed by final judgments for 5 or more automated  
13 traffic law violations or 10 or more violations of local  
14 standing, parking, or compliance regulations after exhaustion  
15 of judicial review procedures.

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

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

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

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

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

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

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

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

7 (f) Any municipality or county, other than a municipality  
8 or county establishing vehicular standing, parking, and  
9 compliance regulations pursuant to Section 11-208.3 or  
10 automated traffic law regulations under Section 11-208.6 or  
11 11-1201.1, may also cause a suspension of a person's drivers  
12 license pursuant to this Section. Such municipality or county  
13 may invoke this sanction by making a certified report to the  
14 Secretary of State upon a person's failure to satisfy any fine  
15 or penalty imposed by final judgment for 10 or more violations  
16 of local standing, parking, or compliance regulations or 5 or  
17 more automated traffic law violations after exhaustion of  
18 judicial review procedures, but only if:

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

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

26 (3) in municipalities or counties with a population of

1           1,000,000 or more, the municipality or county has verified  
2           that the alleged violator's State vehicle registration  
3           number and vehicle make are correct as they appear on the  
4           citations.

5           (g) Any municipality or county, other than a municipality  
6           or county establishing standing, parking, and compliance  
7           regulations pursuant to Section 11-208.3 or automated traffic  
8           law regulations under Section 11-208.6 or 11-1201.1, may  
9           provide by ordinance for the sending of a notice of impending  
10          drivers license suspension to the person who has failed to  
11          satisfy any fine or penalty imposed by final judgment for 10 or  
12          more violations of local standing, parking, or compliance  
13          regulations or 5 or more automated traffic law violations after  
14          exhaustion of judicial review procedures. An ordinance so  
15          providing shall specify that the notice sent to the person  
16          liable for any fine or penalty shall state that failure to pay  
17          the fine or penalty owing within 45 days of the notice's date  
18          will result in the municipality or county notifying the  
19          Secretary of State that the person's drivers license is  
20          eligible for suspension pursuant to this Section. The notice of  
21          impending drivers license suspension shall be sent by first  
22          class United States mail, postage prepaid, to the address  
23          recorded with the Secretary of State or at the last address  
24          known to the lessor of the cited vehicle at the time of lease  
25          or, if any notice sent under Section 11-208.3 of this Code is  
26          returned as undeliverable, to the last known address recorded

1 in a United States Post Office approved database.

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

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

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

19 (Source: P.A. 96-478, eff. 1-1-10.)

20 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

24 (a) Any municipality or county may provide by ordinance for  
25 a system of administrative adjudication of vehicular standing

1 and parking violations and vehicle compliance violations as  
2 defined in this subsection and automated traffic law violations  
3 as defined in Section 11-208.6 or 11-1201.1. The administrative  
4 system shall have as its purpose the fair and efficient  
5 enforcement of municipal or county regulations through the  
6 administrative adjudication of automated traffic law  
7 violations and violations of municipal or county ordinances  
8 regulating the standing and parking of vehicles, the condition  
9 and use of vehicle equipment, and the display of municipal or  
10 county wheel tax licenses within the municipality's or county's  
11 borders. The administrative system shall only have authority to  
12 adjudicate civil offenses carrying fines not in excess of \$500  
13 or requiring the completion of a traffic education program, or  
14 both, that occur after the effective date of the ordinance  
15 adopting such a system under this Section. For purposes of this  
16 Section, "compliance violation" means a violation of a  
17 municipal or county regulation governing the condition or use  
18 of equipment on a vehicle or governing the display of a  
19 municipal or county wheel tax license.

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

22 (1) A traffic compliance administrator authorized to  
23 adopt, distribute and process parking, compliance, and  
24 automated traffic law violation notices and other notices  
25 required by this Section, collect money paid as fines and  
26 penalties for violation of parking and compliance



1           ordinances and automated traffic law violations, and  
2           operate an administrative adjudication system. The traffic  
3           compliance administrator also may make a certified report  
4           to the Secretary of State under Section 6-306.5.

5           (2) A parking, standing, compliance, or automated  
6           traffic law violation notice that shall specify the date,  
7           time, and place of violation of a parking, standing,  
8           compliance, or automated traffic law regulation; the  
9           particular regulation violated; any requirement to  
10          complete a traffic education program; the fine and any  
11          penalty that may be assessed for late payment or failure to  
12          complete a required traffic education program, or both,  
13          when so provided by ordinance; the vehicle make and state  
14          registration number; and the identification number of the  
15          person issuing the notice. With regard to automated traffic  
16          law violations, vehicle make shall be specified on the  
17          automated traffic law violation notice if the make is  
18          available and readily discernible. With regard to  
19          municipalities or counties with a population of 1 million  
20          or more, it shall be grounds for dismissal of a parking  
21          violation if the state registration number or vehicle make  
22          specified is incorrect. The violation notice shall state  
23          that the completion of any required traffic education  
24          program, the payment of any indicated fine, and the payment  
25          of any applicable penalty for late payment or failure to  
26          complete a required traffic education program, or both,

1 shall operate as a final disposition of the violation. The  
2 notice also shall contain information as to the  
3 availability of a hearing in which the violation may be  
4 contested on its merits. The violation notice shall specify  
5 the time and manner in which a hearing may be had.

6 (3) Service of the parking, standing, or compliance  
7 violation notice by affixing the original or a facsimile of  
8 the notice to an unlawfully parked vehicle or by handing  
9 the notice to the operator of a vehicle if he or she is  
10 present and service of an automated traffic law violation  
11 notice by mail to the address of the registered owner of  
12 the cited vehicle as recorded with the Secretary of State  
13 within 30 days after the Secretary of State notifies the  
14 municipality or county of the identity of the owner of the  
15 vehicle, but in no event later than 90 days after the  
16 violation. A person authorized by ordinance to issue and  
17 serve parking, standing, and compliance violation notices  
18 shall certify as to the correctness of the facts entered on  
19 the violation notice by signing his or her name to the  
20 notice at the time of service or in the case of a notice  
21 produced by a computerized device, by signing a single  
22 certificate to be kept by the traffic compliance  
23 administrator attesting to the correctness of all notices  
24 produced by the device while it was under his or her  
25 control. In the case of an automated traffic law violation,  
26 the ordinance shall require a determination by a technician

1 employed or contracted by the municipality or county that,  
2 based on inspection of recorded images, the motor vehicle  
3 was being operated in violation of Section 11-208.6 or  
4 11-1201.1 or a local ordinance. If the technician  
5 determines that the vehicle entered the intersection as  
6 part of a funeral procession or in order to yield the  
7 right-of-way to an emergency vehicle, a citation shall not  
8 be issued. The original or a facsimile of the violation  
9 notice or, in the case of a notice produced by a  
10 computerized device, a printed record generated by the  
11 device showing the facts entered on the notice, shall be  
12 retained by the traffic compliance administrator, and  
13 shall be a record kept in the ordinary course of business.  
14 A parking, standing, compliance, or automated traffic law  
15 violation notice issued, signed and served in accordance  
16 with this Section, a copy of the notice, or the computer  
17 generated record shall be prima facie correct and shall be  
18 prima facie evidence of the correctness of the facts shown  
19 on the notice. The notice, copy, or computer generated  
20 record shall be admissible in any subsequent  
21 administrative or legal proceedings.

22 (4) An opportunity for a hearing for the registered  
23 owner of the vehicle cited in the parking, standing,  
24 compliance, or automated traffic law violation notice in  
25 which the owner may contest the merits of the alleged  
26 violation, and during which formal or technical rules of

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

14 (5) Service of additional notices, sent by first class  
15 United States mail, postage prepaid, to the address of the  
16 registered owner of the cited vehicle as recorded with the  
17 Secretary of State or, if any notice to that address is  
18 returned as undeliverable, to the last known address  
19 recorded in a United States Post Office approved database,  
20 or, under Section 11-1306 of this Code, to the lessee of  
21 the cited vehicle at the last address known to the lessor  
22 of the cited vehicle at the time of lease or, if any notice  
23 to that address is returned as undeliverable, to the last  
24 known address recorded in a United States Post Office  
25 approved database. The service shall be deemed complete as  
26 of the date of deposit in the United States mail. The

1 notices shall be in the following sequence and shall  
2 include but not be limited to the information specified  
3 herein:

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

1 education program or any unpaid fine or penalty, or  
2 both, will constitute a debt due and owing the  
3 municipality or county.

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

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

23          (7) Final determinations of violation liability. A  
24          final determination of violation liability shall occur  
25          following failure to complete the required traffic  
26          education program or to pay the fine or penalty, or both,

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

11 (8) A petition to set aside a determination of parking,  
12 standing, compliance, or automated traffic law violation  
13 liability that may be filed by a person owing an unpaid  
14 fine or penalty. A petition to set aside a determination of  
15 liability may also be filed by a person required to  
16 complete a traffic education program. The petition shall be  
17 filed with and ruled upon by the traffic compliance  
18 administrator in the manner and within the time specified  
19 by ordinance. The grounds for the petition may be limited  
20 to: (A) the person not having been the owner or lessee of  
21 the cited vehicle on the date the violation notice was  
22 issued, (B) the person having already completed the  
23 required traffic education program or paid the fine or  
24 penalty, or both, for the violation in question, and (C)  
25 excusable failure to appear at or request a new date for a  
26 hearing. With regard to municipalities or counties with a



1 population of 1 million or more, it shall be grounds for  
2 dismissal of a parking violation if the state registration  
3 number, or vehicle make if specified, is incorrect. After  
4 the determination of parking, standing, compliance, or  
5 automated traffic law violation liability has been set  
6 aside upon a showing of just cause, the registered owner  
7 shall be provided with a hearing on the merits for that  
8 violation.

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

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

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

25 (c) Any municipality or county establishing vehicular  
26 standing, parking, compliance, or automated traffic law

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

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

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

22 (3) The right to a prompt hearing after a vehicle has  
23 been immobilized or subsequently towed without the  
24 completion of the required traffic education program or  
25 payment of the outstanding fines and penalties on parking,  
26 standing, compliance, or automated traffic law violations,

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

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

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

14          (e) Any fine, penalty, incomplete traffic education  
15          program, or part of any fine or any penalty remaining unpaid  
16          after the exhaustion of, or the failure to exhaust,  
17          administrative remedies created under this Section and the  
18          conclusion of any judicial review procedures shall be a debt  
19          due and owing the municipality or county and, as such, may be  
20          collected in accordance with applicable law. Completion of any  
21          required traffic education program and payment in full of any  
22          fine or penalty resulting from a standing, parking, compliance,  
23          or automated traffic law violation shall constitute a final  
24          disposition of that 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  
2 violation, the municipality or county may commence a proceeding  
3 in the Circuit Court for purposes of obtaining a judgment on  
4 the final determination of violation. Nothing in this Section  
5 shall prevent a municipality or county from consolidating  
6 multiple final determinations of parking, standing,  
7 compliance, or automated traffic law violations against a  
8 person in a proceeding. Upon commencement of the action, the  
9 municipality or county shall file a certified copy or record of  
10 the final determination of parking, standing, compliance, or  
11 automated traffic law violation, which shall be accompanied by  
12 a certification that recites facts sufficient to show that the  
13 final determination of violation was issued in accordance with  
14 this Section and the applicable municipal or county ordinance.  
15 Service of the summons and a copy of the petition may be by any  
16 method provided by Section 2-203 of the Code of Civil Procedure  
17 or by certified mail, return receipt requested, provided that  
18 the total amount of fines and penalties for final  
19 determinations of parking, standing, compliance, or automated  
20 traffic law violations does not exceed \$2500. If the court is  
21 satisfied that the final determination of parking, standing,  
22 compliance, or automated traffic law violation was entered in  
23 accordance with the requirements of this Section and the  
24 applicable municipal or county ordinance, and that the  
25 registered owner or the lessee, as the case may be, had an  
26 opportunity for an administrative hearing and for judicial

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

8 (g) The fee for participating in a traffic education  
9 program under this Section shall not exceed \$25.

10 A low-income individual required to complete a traffic  
11 education program under this Section who provides proof of  
12 eligibility for the federal earned income tax credit under  
13 Section 32 of the Internal Revenue Code or the Illinois earned  
14 income tax credit under Section 212 of the Illinois Income Tax  
15 Act shall not be required to pay any fee for participating in a  
16 required traffic education program.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;  
18 96-478, eff. 1-1-10; revised 9-4-09.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/5-41010

4 55 ILCS 5/Div. 5-43

5 heading new

6 55 ILCS 5/5-43005 new

7 55 ILCS 5/5-43010 new

8 55 ILCS 5/5-43015 new

9 55 ILCS 5/5-43020 new

10 55 ILCS 5/5-43025 new

11 55 ILCS 5/5-43030 new

12 55 ILCS 5/5-43035 new

13 55 ILCS 5/5-43040 new

14 55 ILCS 5/5-43045 new

15 625 ILCS 5/6-306.5 from Ch. 95 1/2, par. 6-306.5

16 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3