

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 5-41003, 5-43005,
6 5-43010, 5-43015, 5-43020, 5-43025, 5-43030, 5-43035, 5-43040,
7 and 5-43045 as follows:

8 (55 ILCS 5/5-41003 new)

9 Sec. 5-41003. Applicability. This Division 5-41 applies to
10 all counties except for the counties of Cook, DuPage, Kane,
11 Lake, McHenry, and Will.

12 (55 ILCS 5/Div. 5-43 heading new)

13 ADMINISTRATIVE ADJUDICATION - SPECIFIED COUNTIES

14 (55 ILCS 5/5-43005 new)

15 Sec. 5-43005. Applicability. This Division 5-43 applies
16 only to the counties of Cook, DuPage, Kane, Lake, McHenry, and
17 Will.

18 (55 ILCS 5/5-43010 new)

19 Sec. 5-43010. Administrative adjudication of county code
20 violations. Any county may provide by ordinance for a system of

1 administrative adjudication of county code violations to the
2 extent permitted by the Illinois Constitution. A "system of
3 administrative adjudication" means the adjudication of any
4 violation of a county ordinance, except for (i) proceedings not
5 within the statutory or the home rule authority of counties;
6 and (ii) any offense under the Illinois Vehicle Code (or a
7 similar offense that is a traffic regulation governing the
8 movement of vehicles and except for any reportable offense
9 under Section 6-204 of the Illinois Vehicle Code).

10 (55 ILCS 5/5-43015 new)

11 Sec. 5-43015. Administrative adjudication procedures not
12 exclusive. The adoption by a county of a system of
13 administrative adjudication does not preclude the county from
14 using other methods to enforce county ordinances.

15 (55 ILCS 5/5-43020 new)

16 Sec. 5-43020. Code hearing units; powers of hearing
17 officers.

18 (a) An ordinance establishing a system of administrative
19 adjudication, pursuant to this Division, shall provide for a
20 code hearing unit within an existing agency or as a separate
21 agency in the county government. The ordinance shall establish
22 the jurisdiction of a code hearing unit that is consistent with
23 this Division. The "jurisdiction" of a code hearing unit refers
24 to the particular code violations that it may adjudicate.

1 (b) Adjudicatory hearings shall be presided over by hearing
2 officers. The powers and duties of a hearing officer shall
3 include:

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

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

9 (3) preserving and authenticating the record of the
10 hearing and all exhibits and evidence introduced at the
11 hearing;

12 (4) issuing a determination, based on the evidence
13 presented at the hearing, of whether a code violation
14 exists, which shall be in writing and shall include a
15 written finding of fact, decision, and order including the
16 fine, penalty, or action with which the defendant must
17 comply; and

18 (5) imposing penalties consistent with applicable code
19 provisions and assessing costs upon finding a party liable
20 for the charged violation, except, however, that in no
21 event shall the hearing officer have authority to (i)
22 impose a penalty of incarceration or (ii) impose a fine in
23 excess of \$50,000, or at the option of the county, such
24 other amount not to exceed the maximum amount established
25 by the Mandatory Arbitration System as prescribed by the
26 Rules of the Illinois Supreme Court from time to time for

1 the judicial circuit in which the county is located. The
2 maximum monetary fine under this item (5), shall be
3 exclusive of costs of enforcement or costs imposed to
4 secure compliance with the county's ordinances and shall
5 not be applicable to cases to enforce the collection of any
6 tax imposed and collected by the county.

7 (c) Prior to conducting administrative adjudication
8 proceedings, administrative hearing officers shall have
9 successfully completed a formal training program that includes
10 the following:

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

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

15 (3) observation of administrative hearings; and

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

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

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

24 (55 ILCS 5/5-43025 new)

25 Sec. 5-43025. Administrative hearing proceedings.

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

14 (b) Parties shall be given notice of an adjudicatory
15 hearing that includes the type and nature of the code violation
16 to be adjudicated, the date and location of the adjudicatory
17 hearing, the legal authority and jurisdiction under which the
18 hearing is to be held, and the penalties for failure to appear
19 at the hearing.

20 (c) Parties shall be provided with an opportunity for a
21 hearing during which they may be represented by counsel,
22 present witnesses, and cross-examine opposing witnesses.
23 Parties may request the hearing officer to issue subpoenas to
24 direct the attendance and testimony of relevant witnesses and
25 the production of relevant documents. Hearings shall be
26 scheduled with reasonable promptness, except that for hearings

1 scheduled in all non-emergency situations, if requested by the
2 defendant, the defendant shall have at least 15 days after
3 service of process to prepare for a hearing. For purposes of
4 this subsection (c), "non-emergency situation" means any
5 situation that does not reasonably constitute a threat to the
6 public interest, safety, or welfare. If service is provided by
7 mail, the 15-day period shall begin to run on the day that the
8 notice is deposited in the mail.

9 (55 ILCS 5/5-43030 new)

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

16 (55 ILCS 5/5-43035 new)

17 Sec. 5-43035. Enforcement of judgment.

18 (a) Any fine, other sanction, or costs imposed, or part of
19 any fine, other sanction, or costs imposed, remaining unpaid
20 after the exhaustion of or the failure to exhaust judicial
21 review procedures under the Illinois Administrative Review Law
22 are a debt due and owing the county and may be collected in
23 accordance with applicable law.

24 (b) After expiration of the period in which judicial review

1 under the Illinois Administrative Review Law may be sought for
2 a final determination of a code violation, unless stayed by a
3 court of competent jurisdiction, the findings, decision, and
4 order of the hearing officer may be enforced in the same manner
5 as a judgment entered by a court of competent jurisdiction.

6 (c) In any case in which a defendant has failed to comply
7 with a judgment ordering a defendant to correct a code
8 violation or imposing any fine or other sanction as a result of
9 a code violation, any expenses incurred by a county to enforce
10 the judgment, including, but not limited to, attorney's fees,
11 court costs, and costs related to property demolition or
12 foreclosure, after they are fixed by a court of competent
13 jurisdiction or a hearing officer, shall be a debt due and
14 owing the county and may be collected in accordance with
15 applicable law. Prior to any expenses being fixed by a hearing
16 officer pursuant to this subsection (c), the county shall
17 provide notice to the defendant that states that the defendant
18 shall appear at a hearing before the administrative hearing
19 officer to determine whether the defendant has failed to comply
20 with the judgment. The notice shall set the date for the
21 hearing, which shall not be less than 7 days after the date
22 that notice is served. If notice is served by mail, the 7-day
23 period shall begin to run on the date that the notice was
24 deposited in the mail.

25 (d) Upon being recorded in the manner required by Article
26 XII of the Code of Civil Procedure or by the Uniform Commercial

1 Code, a lien shall be imposed on the real estate or personal
2 estate, or both, of the defendant in the amount of any debt due
3 and owing the county under this Section. The lien may be
4 enforced in the same manner as a judgment lien pursuant to a
5 judgment of a court of competent jurisdiction.

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

17 (55 ILCS 5/5-43040 new)

18 Sec. 5-43040. Impact on existing administrative
19 adjudication systems. This Division does not affect the
20 validity of systems of administrative adjudication that were
21 authorized by State law, including home rule authority, and in
22 existence before the effective date of this amendatory Act of
23 the 96th General Assembly.

24 (55 ILCS 5/5-43045 new)

1 Sec. 5-43045. Impact on home rule authority. This Division
2 does not preempt counties from adopting other systems of
3 administrative adjudication pursuant to their home rule
4 powers.

5 Section 10. The Illinois Vehicle Code is amended by
6 changing Sections 6-306.5 and 11-208.3 as 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 or county
13 stating that the owner of a registered vehicle has: (1) failed
14 to pay any fine or penalty due and owing as a result of 10 or
15 more violations of a municipality's or county's vehicular
16 standing, parking, or compliance regulations established by
17 ordinance pursuant to Section 11-208.3 of this Code, or (2)
18 failed to pay any fine or penalty due and owing as a result of 5
19 offenses for automated traffic violations as defined in Section
20 11-208.6 or 11-1201.1, the Secretary of State shall suspend the
21 driving privileges of such person in accordance with the
22 procedures set forth in this Section. The Secretary shall also
23 suspend the driving privileges of an owner of a registered
24 vehicle upon receipt of a certified report, as prescribed by

1 subsection (f) of this Section, from any municipality or county
2 stating that such person has failed to satisfy any fines or
3 penalties imposed by final judgments for 5 or more automated
4 traffic law violations or 10 or more violations of local
5 standing, parking, or compliance regulations after exhaustion
6 of judicial review procedures.

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

20 (c) The report of the appropriate municipal or county
21 official notifying the Secretary of State of unpaid fines or
22 penalties pursuant to this Section shall be certified and shall
23 contain the following:

24 (1) The name, last known address as recorded with the
25 Secretary of State, as provided by the lessor of the cited
26 vehicle at the time of lease, or as recorded in a United

1 States Post Office approved database if any notice sent
2 under Section 11-208.3 of this Code is returned as
3 undeliverable, and drivers license number of the person who
4 failed to pay the fine or penalty and the registration
5 number of any vehicle known to be registered to such person
6 in this State.

7 (2) The name of the municipality or county making the
8 report pursuant to this Section.

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

25 (d) Any municipality or county making a certified report to
26 the Secretary of State pursuant to this Section shall notify

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

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

24 (f) Any municipality or county, other than a municipality
25 or county establishing vehicular standing, parking, and
26 compliance regulations pursuant to Section 11-208.3 or

1 automated traffic law regulations under Section 11-208.6 or
2 11-1201.1, may also cause a suspension of a person's drivers
3 license pursuant to this Section. Such municipality or county
4 may invoke this sanction by making a certified report to the
5 Secretary of State upon a person's failure to satisfy any fine
6 or penalty imposed by final judgment for 10 or more violations
7 of local standing, parking, or compliance regulations or 5 or
8 more automated traffic law violations after exhaustion of
9 judicial review procedures, but only if:

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

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

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

22 (g) Any municipality or county, other than a municipality
23 or county establishing standing, parking, and compliance
24 regulations pursuant to Section 11-208.3 or automated traffic
25 law regulations under Section 11-208.6 or 11-1201.1, may
26 provide by ordinance for the sending of a notice of impending

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

19 (h) An administrative hearing to contest an impending
20 suspension or a suspension made pursuant to this Section may be
21 had upon filing a written request with the Secretary of State.
22 The filing fee for this hearing shall be \$20, to be paid at the
23 time the request is made. A municipality or county which files
24 a certified report with the Secretary of State pursuant to this
25 Section shall reimburse the Secretary for all reasonable costs
26 incurred by the Secretary as a result of the filing of the

1 report, including but not limited to the costs of providing the
2 notice required pursuant to subsection (b) and the costs
3 incurred by the Secretary in any hearing conducted with respect
4 to the report pursuant to this subsection and any appeal from
5 such a hearing.

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

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

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

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

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

15 (a) Any municipality or county may provide by ordinance for
16 a system of administrative adjudication of vehicular standing
17 and parking violations and vehicle compliance violations as
18 defined in this subsection and automated traffic law violations
19 as defined in Section 11-208.6 or 11-1201.1. The administrative
20 system shall have as its purpose the fair and efficient
21 enforcement of municipal or county regulations through the
22 administrative adjudication of automated traffic law
23 violations and violations of municipal or county ordinances
24 regulating the standing and parking of vehicles, the condition
25 and use of vehicle equipment, and the display of municipal or

1 county wheel tax licenses within the municipality's or county's
2 borders. The administrative system shall only have authority to
3 adjudicate civil offenses carrying fines not in excess of \$500
4 or requiring the completion of a traffic education program, or
5 both, that occur after the effective date of the ordinance
6 adopting such a system under this Section. For purposes of this
7 Section, "compliance violation" means a violation of a
8 municipal or county regulation governing the condition or use
9 of equipment on a vehicle or governing the display of a
10 municipal or county wheel tax license.

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

13 (1) A traffic compliance administrator authorized to
14 adopt, distribute and process parking, compliance, and
15 automated traffic law violation notices and other notices
16 required by this Section, collect money paid as fines and
17 penalties for violation of parking and compliance
18 ordinances and automated traffic law violations, and
19 operate an administrative adjudication system. The traffic
20 compliance administrator also may make a certified report
21 to the Secretary of State under Section 6-306.5.

22 (2) A parking, standing, compliance, or automated
23 traffic law violation notice that shall specify the date,
24 time, and place of violation of a parking, standing,
25 compliance, or automated traffic law regulation; the
26 particular regulation violated; any requirement to

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

23 (3) Service of the parking, standing, or compliance
24 violation notice by affixing the original or a facsimile of
25 the notice to an unlawfully parked vehicle or by handing
26 the notice to the operator of a vehicle if he or she is

1 present and service of an automated traffic law violation
2 notice by mail to the address of the registered owner of
3 the cited vehicle as recorded with the Secretary of State
4 within 30 days after the Secretary of State notifies the
5 municipality or county of the identity of the owner of the
6 vehicle, but in no event later than 90 days after the
7 violation. A person authorized by ordinance to issue and
8 serve parking, standing, and compliance violation notices
9 shall certify as to the correctness of the facts entered on
10 the violation notice by signing his or her name to the
11 notice at the time of service or in the case of a notice
12 produced by a computerized device, by signing a single
13 certificate to be kept by the traffic compliance
14 administrator attesting to the correctness of all notices
15 produced by the device while it was under his or her
16 control. In the case of an automated traffic law violation,
17 the ordinance shall require a determination by a technician
18 employed or contracted by the municipality or county that,
19 based on inspection of recorded images, the motor vehicle
20 was being operated in violation of Section 11-208.6 or
21 11-1201.1 or a local ordinance. If the technician
22 determines that the vehicle entered the intersection as
23 part of a funeral procession or in order to yield the
24 right-of-way to an emergency vehicle, a citation shall not
25 be issued. The original or a facsimile of the violation
26 notice or, in the case of a notice produced by a

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

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

1 and papers. Persons appearing at a hearing under this
2 Section may be represented by counsel at their expense. The
3 ordinance may also provide for internal administrative
4 review following the decision of the hearing officer.

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

21 (i) A second notice of parking, standing, or
22 compliance violation. This notice shall specify the
23 date and location of the violation cited in the
24 parking, standing, or compliance violation notice, the
25 particular regulation violated, the vehicle make and
26 state registration number, any requirement to complete

1 a traffic education program, the fine and any penalty
2 that may be assessed for late payment or failure to
3 complete a traffic education program, or both, when so
4 provided by ordinance, the availability of a hearing in
5 which the violation may be contested on its merits, and
6 the time and manner in which the hearing may be had.
7 The notice of violation shall also state that failure
8 to complete a required traffic education program, to
9 pay the indicated fine and any applicable penalty, or
10 to appear at a hearing on the merits in the time and
11 manner specified, will result in a final determination
12 of violation liability for the cited violation in the
13 amount of the fine or penalty indicated, and that, upon
14 the occurrence of a final determination of violation
15 liability for the failure, and the exhaustion of, or
16 failure to exhaust, available administrative or
17 judicial procedures for review, any incomplete traffic
18 education program or any unpaid fine or penalty, or
19 both, will constitute a debt due and owing the
20 municipality or county.

21 (ii) A notice of final determination of parking,
22 standing, compliance, or automated traffic law
23 violation liability. This notice shall be sent
24 following a final determination of parking, standing,
25 compliance, or automated traffic law violation
26 liability and the conclusion of judicial review

1 procedures taken under this Section. The notice shall
2 state that the incomplete traffic education program or
3 the unpaid fine or penalty, or both, is a debt due and
4 owing the municipality or county. The notice shall
5 contain warnings that failure to complete any required
6 traffic education program or to pay any fine or penalty
7 due and owing the municipality or county, or both,
8 within the time specified may result in the
9 municipality's or county's filing of a petition in the
10 Circuit Court to have the incomplete traffic education
11 program or unpaid fine or penalty, or both, rendered a
12 judgment as provided by this Section, or may result in
13 suspension of the person's drivers license for failure
14 to complete a traffic education program or to pay fines
15 or penalties, or both, for 10 or more parking
16 violations under Section 6-306.5 or 5 or more automated
17 traffic law violations under Section 11-208.6.

18 (6) A notice of impending drivers license suspension.

19 This notice shall be sent to the person liable for failure
20 to complete a required traffic education program or to pay
21 any fine or penalty that remains due and owing, or both, on
22 10 or more parking violations or 5 or more unpaid automated
23 traffic law violations. The notice shall state that failure
24 to complete a required traffic education program or to pay
25 the fine or penalty owing, or both, within 45 days of the
26 notice's date will result in the municipality or county

1 notifying the Secretary of State that the person is
2 eligible for initiation of suspension proceedings under
3 Section 6-306.5 of this Code. The notice shall also state
4 that the person may obtain a photostatic copy of an
5 original ticket imposing a fine or penalty by sending a
6 self addressed, stamped envelope to the municipality or
7 county along with a request for the photostatic copy. The
8 notice of impending drivers license suspension shall be
9 sent by first class United States mail, postage prepaid, to
10 the address recorded with the Secretary of State or, if any
11 notice to that address is returned as undeliverable, to the
12 last known address recorded in a United States Post Office
13 approved database.

14 (7) Final determinations of violation liability. A
15 final determination of violation liability shall occur
16 following failure to complete the required traffic
17 education program or to pay the fine or penalty, or both,
18 after a hearing officer's determination of violation
19 liability and the exhaustion of or failure to exhaust any
20 administrative review procedures provided by ordinance.
21 Where a person fails to appear at a hearing to contest the
22 alleged violation in the time and manner specified in a
23 prior mailed notice, the hearing officer's determination
24 of violation liability shall become final: (A) upon denial
25 of a timely petition to set aside that determination, or
26 (B) upon expiration of the period for filing the petition

1 without a filing having been made.

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

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the municipality or county
2 may contest the merits of the alleged violation without
3 attending a hearing.

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

13 (11) Other provisions as are necessary and proper to
14 carry into effect the powers granted and purposes stated in
15 this Section.

16 (c) Any municipality or county establishing vehicular
17 standing, parking, compliance, or automated traffic law
18 regulations under this Section may also provide by ordinance
19 for a program of vehicle immobilization for the purpose of
20 facilitating enforcement of those regulations. The program of
21 vehicle immobilization shall provide for immobilizing any
22 eligible vehicle upon the public way by presence of a restraint
23 in a manner to prevent operation of the vehicle. Any ordinance
24 establishing a program of vehicle immobilization under this
25 Section shall provide:

26 (1) Criteria for the designation of vehicles eligible

1 for immobilization. A vehicle shall be eligible for
2 immobilization when the registered owner of the vehicle has
3 accumulated the number of incomplete traffic education
4 programs or unpaid final determinations of parking,
5 standing, compliance, or automated traffic law violation
6 liability, or both, as determined by ordinance.

7 (2) A notice of impending vehicle immobilization and a
8 right to a hearing to challenge the validity of the notice
9 by disproving liability for the incomplete traffic
10 education programs or unpaid final determinations of
11 parking, standing, compliance, or automated traffic law
12 violation liability, or both, listed on the notice.

13 (3) The right to a prompt hearing after a vehicle has
14 been immobilized or subsequently towed without the
15 completion of the required traffic education program or
16 payment of the outstanding fines and penalties on parking,
17 standing, compliance, or automated traffic law violations,
18 or both, for which final determinations have been issued.
19 An order issued after the hearing is a final administrative
20 decision within the meaning of Section 3-101 of the Code of
21 Civil Procedure.

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

25 (d) Judicial review of final determinations of parking,
26 standing, compliance, or automated traffic law violations and

1 final administrative decisions issued after hearings regarding
2 vehicle immobilization and impoundment made under this Section
3 shall be subject to the provisions of the Administrative Review
4 Law.

5 (e) Any fine, penalty, incomplete traffic education
6 program, or part of any fine or any penalty remaining unpaid
7 after the exhaustion of, or the failure to exhaust,
8 administrative remedies created under this Section and the
9 conclusion of any judicial review procedures shall be a debt
10 due and owing the municipality or county and, as such, may be
11 collected in accordance with applicable law. Completion of any
12 required traffic education program and payment in full of any
13 fine or penalty resulting from a standing, parking, compliance,
14 or automated traffic law violation shall constitute a final
15 disposition of that violation.

16 (f) After the expiration of the period within which
17 judicial review may be sought for a final determination of
18 parking, standing, compliance, or automated traffic law
19 violation, the municipality or county may commence a proceeding
20 in the Circuit Court for purposes of obtaining a judgment on
21 the final determination of violation. Nothing in this Section
22 shall prevent a municipality or county from consolidating
23 multiple final determinations of parking, standing,
24 compliance, or automated traffic law violations against a
25 person in a proceeding. Upon commencement of the action, the
26 municipality or county shall file a certified copy or record of

1 the final determination of parking, standing, compliance, or
2 automated traffic law violation, which shall be accompanied by
3 a certification that recites facts sufficient to show that the
4 final determination of violation was issued in accordance with
5 this Section and the applicable municipal or county ordinance.
6 Service of the summons and a copy of the petition may be by any
7 method provided by Section 2-203 of the Code of Civil Procedure
8 or by certified mail, return receipt requested, provided that
9 the total amount of fines and penalties for final
10 determinations of parking, standing, compliance, or automated
11 traffic law violations does not exceed \$2500. If the court is
12 satisfied that the final determination of parking, standing,
13 compliance, or automated traffic law violation was entered in
14 accordance with the requirements of this Section and the
15 applicable municipal or county ordinance, and that the
16 registered owner or the lessee, as the case may be, had an
17 opportunity for an administrative hearing and for judicial
18 review as provided in this Section, the court shall render
19 judgment in favor of the municipality or county and against the
20 registered owner or the lessee for the amount indicated in the
21 final determination of parking, standing, compliance, or
22 automated traffic law violation, plus costs. The judgment shall
23 have the same effect and may be enforced in the same manner as
24 other judgments for the recovery of money.

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

1 A low-income individual required to complete a traffic
2 education program under this Section who provides proof of
3 eligibility for the federal earned income tax credit under
4 Section 32 of the Internal Revenue Code or the Illinois earned
5 income tax credit under Section 212 of the Illinois Income Tax
6 Act shall not be required to pay any fee for participating in a
7 required traffic education program.

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

10 Section 99. Effective date. This Act takes effect upon
11 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