



Rep. Monique D. Davis

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LRB098 03581 MLW 43906 a

1 AMENDMENT TO HOUSE BILL 756

2 AMENDMENT NO. _____. Amend House Bill 756 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-211, 11-208.3, and 11-208.7 as follows:

6 (625 ILCS 5/4-211) (from Ch. 95 1/2, par. 4-211)

7 Sec. 4-211. Disposition of proceeds of sale of unclaimed
8 vehicles.

9 (a) When a vehicle located within the corporate limits of a
10 city, village or town is authorized to be towed away by a law
11 enforcement agency having jurisdiction and disposed of as set
12 forth in this Chapter, the proceeds of the public sale or
13 disposition after the deduction of towing, storage and
14 processing charges shall be deposited in the treasury of such
15 city, village or town. Furthermore, any proceeds from the
16 public sale of the vehicle shall be applied to any fines, fees,

1 or other costs associated with that vehicle which are due and
2 owing from the person who was the registered owner of the
3 vehicle at the time of its tow, impoundment, or immobilization.
4 If the proceeds of this sale are not enough to satisfy the
5 finances, fees, and other costs the remainder shall not be
6 discharged.

7 (b) When a vehicle located outside the corporate limits of
8 a city, village or town is authorized to be towed away by a law
9 enforcement agency having jurisdiction and disposed of as set
10 forth in this Chapter, the proceeds of the public sale or
11 disposition, after deducting towing, storage and processing
12 costs shall be deposited in the county treasury of the county
13 where the vehicle was located at the time of the tow.

14 (c) The provisions of this Section shall not apply to
15 vehicles disposed of or sold at public sale under subsection
16 (k) of Section 4-107 of this Code.

17 (Source: P.A. 83-830.)

18 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

23 (a) Any municipality or county may provide by ordinance for
24 a system of administrative adjudication of vehicular standing
25 and parking violations and vehicle compliance violations as

1 described in this subsection, automated traffic law violations
2 as defined in Section 11-208.6 or 11-1201.1, and automated
3 speed enforcement system violations as defined in Section
4 11-208.8. The administrative system shall have as its purpose
5 the fair and efficient enforcement of municipal or county
6 regulations through the administrative adjudication of
7 automated speed enforcement system or automated traffic law
8 violations and violations of municipal or county ordinances
9 regulating the standing and parking of vehicles, the condition
10 and use of vehicle equipment, and the display of municipal or
11 county wheel tax licenses within the municipality's or county's
12 borders. The administrative system shall only have authority to
13 adjudicate civil offenses carrying fines not in excess of \$500
14 or requiring the completion of a traffic education program, or
15 both, that occur after the effective date of the ordinance
16 adopting such a system under this Section. For purposes of this
17 Section, "compliance violation" means a violation of a
18 municipal or county regulation governing the condition or use
19 of equipment on a vehicle or governing the display of a
20 municipal or county wheel tax license.

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

23 (1) A traffic compliance administrator authorized to
24 adopt, distribute and process parking, compliance, and
25 automated speed enforcement system or automated traffic
26 law violation notices and other notices required by this

1 Section, collect money paid as fines and penalties for
2 violation of parking and compliance ordinances and
3 automated speed enforcement system or automated traffic
4 law violations, and operate an administrative adjudication
5 system. The traffic compliance administrator also may make
6 a certified report to the Secretary of State under Section
7 6-306.5.

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

1 violation if the state registration number or vehicle make
2 specified is incorrect. The violation notice shall state
3 that the completion of any required traffic education
4 program, the payment of any indicated fine, and the payment
5 of any applicable penalty for late payment or failure to
6 complete a required traffic education program, or both,
7 shall operate as a final disposition of the violation. The
8 notice also shall contain information as to the
9 availability of a hearing in which the violation may be
10 contested on its merits. The violation notice shall specify
11 the time and manner in which a hearing may be had.

12 (3) Service of the parking, standing, or compliance
13 violation notice by affixing the original or a facsimile of
14 the notice to an unlawfully parked vehicle or by handing
15 the notice to the operator of a vehicle if he or she is
16 present and service of an automated speed enforcement
17 system or automated traffic law violation notice by mail to
18 the address of the registered owner or lessee of the cited
19 vehicle as recorded with the Secretary of State or the
20 lessor of the motor vehicle within 30 days after the
21 Secretary of State or the lessor of the motor vehicle
22 notifies the municipality or county of the identity of the
23 owner or lessee of the vehicle, but not later than 90 days
24 after the violation, except that in the case of a lessee of
25 a motor vehicle, service of an automated traffic law
26 violation notice may occur no later than 210 days after the

1 violation. A person authorized by ordinance to issue and
2 serve parking, standing, and compliance violation notices
3 shall certify as to the correctness of the facts entered on
4 the violation notice by signing his or her name to the
5 notice at the time of service or in the case of a notice
6 produced by a computerized device, by signing a single
7 certificate to be kept by the traffic compliance
8 administrator attesting to the correctness of all notices
9 produced by the device while it was under his or her
10 control. In the case of an automated traffic law violation,
11 the ordinance shall require a determination by a technician
12 employed or contracted by the municipality or county that,
13 based on inspection of recorded images, the motor vehicle
14 was being operated in violation of Section 11-208.6 or
15 11-1201.1 or a local ordinance. If the technician
16 determines that the vehicle entered the intersection as
17 part of a funeral procession or in order to yield the
18 right-of-way to an emergency vehicle, a citation shall not
19 be issued. In municipalities with a population of less than
20 1,000,000 inhabitants and counties with a population of
21 less than 3,000,000 inhabitants, the automated traffic law
22 ordinance shall require that all determinations by a
23 technician that a motor vehicle was being operated in
24 violation of Section 11-208.6 or 11-1201.1 or a local
25 ordinance must be reviewed and approved by a law
26 enforcement officer or retired law enforcement officer of

1 the municipality or county issuing the violation. In
2 municipalities with a population of 1,000,000 or more
3 inhabitants and counties with a population of 3,000,000 or
4 more inhabitants, the automated traffic law ordinance
5 shall require that all determinations by a technician that
6 a motor vehicle was being operated in violation of Section
7 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
8 and approved by a law enforcement officer or retired law
9 enforcement officer of the municipality or county issuing
10 the violation or by an additional fully-trained reviewing
11 technician who is not employed by the contractor who
12 employs the technician who made the initial determination.
13 In the case of an automated speed enforcement system
14 violation, the ordinance shall require a determination by a
15 technician employed by the municipality, based upon an
16 inspection of recorded images, video or other
17 documentation, including documentation of the speed limit
18 and automated speed enforcement signage, and documentation
19 of the inspection, calibration, and certification of the
20 speed equipment, that the vehicle was being operated in
21 violation of Article VI of Chapter 11 of this Code or a
22 similar local ordinance. If the technician determines that
23 the vehicle speed was not determined by a calibrated,
24 certified speed equipment device based upon the speed
25 equipment documentation, or if the vehicle was an emergency
26 vehicle, a citation may not be issued. The automated speed

1 enforcement ordinance shall require that all
2 determinations by a technician that a violation occurred be
3 reviewed and approved by a law enforcement officer or
4 retired law enforcement officer of the municipality
5 issuing the violation or by an additional fully trained
6 reviewing technician who is not employed by the contractor
7 who employs the technician who made the initial
8 determination. Routine and independent calibration of the
9 speeds produced by automated speed enforcement systems and
10 equipment shall be conducted by a qualified technician.
11 Speeds produced by an automated speed enforcement system
12 shall be compared with speeds produced by lidar or other
13 independent equipment. Qualified technicians shall test
14 radar or lidar equipment no less frequently than once each
15 week, and shall test loop based equipment no less
16 frequently than once a year. Radar equipment shall be
17 checked for accuracy by a qualified technician when the
18 unit is serviced, when unusual or suspect readings persist,
19 or when deemed necessary by a reviewing technician. Radar
20 equipment shall be checked with certified tuning forks, the
21 internal circuit test, and diode display test whenever the
22 radar is turned on. Technicians must be alert for any
23 unusual or suspect readings, and if unusual or suspect
24 readings of a radar unit persist, that unit shall
25 immediately be removed from service and not returned to
26 service until it has been checked by a qualified technician

1 and determined to be functioning properly. Documentation
2 of the calibration results, including the equipment
3 tested, test date, technician performing the test, and test
4 results, shall be maintained and available for use in the
5 determination of an automated speed enforcement system
6 violation and issuance of a citation. The technician
7 performing the calibration and testing of the automated
8 speed enforcement equipment shall be trained and certified
9 in the use of equipment for speed enforcement purposes.
10 Training on the speed enforcement equipment may be
11 conducted by law enforcement, civilian, or manufacturer's
12 personnel and shall be equivalent to the equipment use and
13 operations training included in the Speed Measuring Device
14 Operator Program developed by the National Highway Traffic
15 Safety Administration (NHTSA). The technician who performs
16 the work shall keep accurate records on each piece of
17 equipment the technician calibrates and tests. As used in
18 this paragraph, "fully-trained reviewing technician" means
19 a person who has received at least 40 hours of supervised
20 training in subjects which shall include image inspection
21 and interpretation, the elements necessary to prove a
22 violation, license plate identification, and traffic
23 safety and management. In all municipalities and counties,
24 the automated speed enforcement system or automated
25 traffic law ordinance shall require that no additional fee
26 shall be charged to the alleged violator for exercising his

1 or her right to an administrative hearing, and persons
2 shall be given at least 25 days following an administrative
3 hearing to pay any civil penalty imposed by a finding that
4 Section 11-208.6, 11-208.8, or 11-1201.1 or a similar local
5 ordinance has been violated. The original or a facsimile of
6 the violation notice or, in the case of a notice produced
7 by a computerized device, a printed record generated by the
8 device showing the facts entered on the notice, shall be
9 retained by the traffic compliance administrator, and
10 shall be a record kept in the ordinary course of business.
11 A parking, standing, compliance, automated speed
12 enforcement system, or automated traffic law violation
13 notice issued, signed and served in accordance with this
14 Section, a copy of the notice, or the computer generated
15 record shall be prima facie correct and shall be prima
16 facie evidence of the correctness of the facts shown on the
17 notice. The notice, copy, or computer generated record
18 shall be admissible in any subsequent administrative or
19 legal proceedings.

20 (4) An opportunity for a hearing for the registered
21 owner of the vehicle cited in the parking, standing,
22 compliance, automated speed enforcement system, or
23 automated traffic law violation notice in which the owner
24 may contest the merits of the alleged violation, and during
25 which formal or technical rules of evidence shall not
26 apply; provided, however, that under Section 11-1306 of

1 this Code the lessee of a vehicle cited in the violation
2 notice likewise shall be provided an opportunity for a
3 hearing of the same kind afforded the registered owner. The
4 hearings shall be recorded, and the person conducting the
5 hearing on behalf of the traffic compliance administrator
6 shall be empowered to administer oaths and to secure by
7 subpoena both the attendance and testimony of witnesses and
8 the production of relevant books and papers. Persons
9 appearing at a hearing under this Section may be
10 represented by counsel at their expense. The ordinance may
11 also provide for internal administrative review following
12 the decision of the hearing officer.

13 (5) Service of additional notices, sent by first class
14 United States mail, postage prepaid, to the address of the
15 registered owner of the cited vehicle as recorded with the
16 Secretary of State or, if any notice to that address is
17 returned as undeliverable, to the last known address
18 recorded in a United States Post Office approved database,
19 or, under Section 11-1306 or subsection (p) of Section
20 11-208.6, or subsection (p) of Section 11-208.8 of this
21 Code, to the lessee of the cited vehicle at the last
22 address known to the lessor of the cited vehicle at the
23 time of lease or, if any notice to that address is returned
24 as undeliverable, to the last known address recorded in a
25 United States Post Office approved database. The service
26 shall be deemed complete as of the date of deposit in the

1 United States mail. The notices shall be in the following
2 sequence and shall include but not be limited to the
3 information specified 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, automated speed enforcement
6 system, or automated traffic law violation liability.
7 This notice shall be sent following a final
8 determination of parking, standing, compliance,
9 automated speed enforcement system, or automated
10 traffic law violation liability and the conclusion of
11 judicial review procedures taken under this Section.
12 The notice shall state that the incomplete traffic
13 education program or the unpaid fine or penalty, or
14 both, is a debt due and owing the municipality or
15 county. The notice shall contain warnings that failure
16 to complete any required traffic education program or
17 to pay any fine or penalty due and owing the
18 municipality or county, or both, within the time
19 specified may result in the municipality's or county's
20 filing of a petition in the Circuit Court to have the
21 incomplete traffic education program or unpaid fine or
22 penalty, or both, rendered a judgment as provided by
23 this Section, or may result in suspension of the
24 person's drivers license for failure to complete a
25 traffic education program or to pay fines or penalties,
26 or both, for 10 or more parking violations under

1 Section 6-306.5, or a combination of 5 or more
2 automated traffic law violations under Section
3 11-208.6 or automated speed enforcement system
4 violations under Section 11-208.8.

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

1 approved database.

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

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

1 the date the violation notice was issued, (B) the person
2 having already completed the required traffic education
3 program or paid the fine or penalty, or both, for the
4 violation in question, and (C) excusable failure to appear
5 at or request a new date for a hearing. With regard to
6 municipalities or counties with a population of 1 million
7 or more, it shall be grounds for dismissal of a parking
8 violation if the state registration number, or vehicle make
9 if specified, is incorrect. After the determination of
10 parking, standing, compliance, automated speed enforcement
11 system, or automated traffic law violation liability has
12 been set aside upon a showing of just cause, the registered
13 owner shall be provided with a hearing on the merits for
14 that violation.

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

19 (10) A schedule of civil fines for violations of
20 vehicular standing, parking, compliance, automated speed
21 enforcement system, or automated traffic law regulations
22 enacted by ordinance pursuant to this Section, and a
23 schedule of penalties for late payment of the fines or
24 failure to complete required traffic education programs,
25 provided, however, that the total amount of the fine and
26 penalty for any one violation shall not exceed \$250, except

1 as provided in subsection (c) of Section 11-1301.3 of this
2 Code.

3 (11) Other provisions as are necessary and proper to
4 carry into effect the powers granted and purposes stated in
5 this Section.

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

16 (1) Criteria for the designation of vehicles eligible
17 for immobilization. A vehicle shall be eligible for
18 immobilization when the registered owner of the vehicle has
19 accumulated the number of incomplete traffic education
20 programs or unpaid final determinations of parking,
21 standing, compliance, automated speed enforcement system,
22 or automated traffic law violation liability, or both, as
23 determined by ordinance.

24 (2) A notice of impending vehicle immobilization and a
25 right to a hearing to challenge the validity of the notice
26 by disproving liability for the incomplete traffic

1 education programs or unpaid final determinations of
2 parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability, or
4 both, listed on the notice.

5 (3) The right to a prompt hearing after a vehicle has
6 been immobilized or subsequently towed without the
7 completion of the required traffic education program or
8 payment of the outstanding fines and penalties on parking,
9 standing, compliance, automated speed enforcement system,
10 or automated traffic law violations, or both, for which
11 final determinations have been issued. An order issued
12 after the hearing is a final administrative decision within
13 the meaning of Section 3-101 of the Code of Civil
14 Procedure.

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

18 (d) Judicial review of final determinations of parking,
19 standing, compliance, automated speed enforcement system, or
20 automated traffic law violations and final administrative
21 decisions issued after hearings regarding vehicle
22 immobilization and impoundment made under this Section shall be
23 subject to the provisions of the Administrative Review Law.

24 (e) Any fine, penalty, incomplete traffic education
25 program, or part of any fine or any penalty remaining unpaid
26 after the exhaustion of, or the failure to exhaust,

1 administrative remedies created under this Section and the
2 conclusion of any judicial review procedures shall be a debt
3 due and owing the municipality or county and, as such, may be
4 collected in accordance with applicable law. Completion of any
5 required traffic education program and payment in full of any
6 fine or penalty resulting from a standing, parking, compliance,
7 automated speed enforcement system, or automated traffic law
8 violation shall constitute a final disposition of that
9 violation. If the vehicle that was the subject of the
10 underlying offense is sold, claimed, or otherwise disposed of
11 by the county or municipality or their agents, any proceeds
12 from the sale, salvage, or disposal of the vehicle shall be
13 deducted from any fine, penalty, incomplete traffic education
14 program, or part of any fine or any penalty remaining unpaid by
15 the person who was the registered owner at the time of the
16 immobilization, towing, or impoundment of that vehicle,
17 including but not limited to any fines related to the
18 underlying offense, court costs, towing and storage costs, and
19 administrative fees. If the proceeds of this sale, claim, or
20 disposal are not enough to satisfy the fines, fees, and other
21 costs the remainder shall not be discharged.

22 (f) After the expiration of the period within which
23 judicial review may be sought for a final determination of
24 parking, standing, compliance, automated speed enforcement
25 system, or automated traffic law violation, the municipality or
26 county may commence a proceeding in the Circuit Court for

1 purposes of obtaining a judgment on the final determination of
2 violation. Nothing in this Section shall prevent a municipality
3 or county from consolidating multiple final determinations of
4 parking, standing, compliance, automated speed enforcement
5 system, or automated traffic law violations against a person in
6 a proceeding. Upon commencement of the action, the municipality
7 or county shall file a certified copy or record of the final
8 determination of parking, standing, compliance, automated
9 speed enforcement system, or automated traffic law violation,
10 which shall be accompanied by a certification that recites
11 facts sufficient to show that the final determination of
12 violation was issued in accordance with this Section and the
13 applicable municipal or county ordinance. Service of the
14 summons and a copy of the petition may be by any method
15 provided by Section 2-203 of the Code of Civil Procedure or by
16 certified mail, return receipt requested, provided that the
17 total amount of fines and penalties for final determinations of
18 parking, standing, compliance, automated speed enforcement
19 system, or automated traffic law violations does not exceed
20 \$2500. If the court is satisfied that the final determination
21 of parking, standing, compliance, automated speed enforcement
22 system, 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,
5 automated speed enforcement system, or automated traffic law
6 violation, plus costs. The judgment shall have the same effect
7 and may be enforced in the same manner as other judgments for
8 the recovery of money.

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

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

18 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
19 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
20 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672, eff.
21 7-1-12.)

22 (625 ILCS 5/11-208.7)

23 Sec. 11-208.7. Administrative fees and procedures for
24 impounding vehicles for specified violations.

25 (a) Any municipality may, consistent with this Section,

1 provide by ordinance procedures for the release of properly
2 impounded vehicles and for the imposition of a reasonable
3 administrative fee related to its administrative and
4 processing costs associated with the investigation, arrest,
5 and detention of an offender, or the removal, impoundment,
6 storage, and release of the vehicle. The administrative fee
7 imposed by the municipality may be in addition to any fees
8 charged for the towing and storage of an impounded vehicle. The
9 administrative fee shall be waived by the municipality upon
10 verifiable proof that the vehicle was stolen at the time the
11 vehicle was impounded.

12 (b) Any ordinance establishing procedures for the release
13 of properly impounded vehicles under this Section may impose
14 fees for the following violations:

15 (1) operation or use of a motor vehicle in the
16 commission of, or in the attempt to commit, an offense for
17 which a motor vehicle may be seized and forfeited pursuant
18 to Section 36-1 of the Criminal Code of 2012; or

19 (2) driving under the influence of alcohol, another
20 drug or drugs, an intoxicating compound or compounds, or
21 any combination thereof, in violation of Section 11-501 of
22 this Code; or

23 (3) operation or use of a motor vehicle in the
24 commission of, or in the attempt to commit, a felony or in
25 violation of the Cannabis Control Act; or

26 (4) operation or use of a motor vehicle in the

1 commission of, or in the attempt to commit, an offense in
2 violation of the Illinois Controlled Substances Act; or

3 (5) operation or use of a motor vehicle in the
4 commission of, or in the attempt to commit, an offense in
5 violation of Section 24-1, 24-1.5, or 24-3.1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012; or

7 (6) driving while a driver's license, permit, or
8 privilege to operate a motor vehicle is suspended or
9 revoked pursuant to Section 6-303 of this Code; except that
10 vehicles shall not be subjected to seizure or impoundment
11 if the suspension is for an unpaid citation (parking or
12 moving) or due to failure to comply with emission testing;
13 or

14 (7) operation or use of a motor vehicle while
15 soliciting, possessing, or attempting to solicit or
16 possess cannabis or a controlled substance, as defined by
17 the Cannabis Control Act or the Illinois Controlled
18 Substances Act; or

19 (8) operation or use of a motor vehicle with an expired
20 driver's license, in violation of Section 6-101 of this
21 Code, if the period of expiration is greater than one year;
22 or

23 (9) operation or use of a motor vehicle without ever
24 having been issued a driver's license or permit, in
25 violation of Section 6-101 of this Code, or operating a
26 motor vehicle without ever having been issued a driver's

1 license or permit due to a person's age; or

2 (10) operation or use of a motor vehicle by a person
3 against whom a warrant has been issued by a circuit clerk
4 in Illinois for failing to answer charges that the driver
5 violated Section 6-101, 6-303, or 11-501 of this Code; or

6 (11) operation or use of a motor vehicle in the
7 commission of, or in the attempt to commit, an offense in
8 violation of Article 16 or 16A of the Criminal Code of 1961
9 or the Criminal Code of 2012; or

10 (12) operation or use of a motor vehicle in the
11 commission of, or in the attempt to commit, any other
12 misdemeanor or felony offense in violation of the Criminal
13 Code of 1961 or the Criminal Code of 2012, when so provided
14 by local ordinance.

15 (c) The following shall apply to any fees imposed for
16 administrative and processing costs pursuant to subsection
17 (b):

18 (1) All administrative fees and towing and storage
19 charges shall be imposed on the registered owner of the
20 motor vehicle or the agents of that owner.

21 (2) The fees shall be in addition to (i) any other
22 penalties that may be assessed by a court of law for the
23 underlying violations; and (ii) any towing or storage fees,
24 or both, charged by the towing company.

25 (3) The fees shall be uniform for all similarly
26 situated vehicles.

1 (4) The fees shall be collected by and paid to the
2 municipality imposing the fees.

3 (5) The towing or storage fees, or both, shall be
4 collected by and paid to the person, firm, or entity that
5 tows and stores the impounded vehicle.

6 (d) Any ordinance establishing procedures for the release
7 of properly impounded vehicles under this Section shall provide
8 for an opportunity for a hearing, as provided in subdivision
9 (b) (4) of Section 11-208.3 of this Code, and for the release of
10 the vehicle to the owner of record, lessee, or a lienholder of
11 record upon payment of all administrative fees and towing and
12 storage fees.

13 (e) Any ordinance establishing procedures for the
14 impoundment and release of vehicles under this Section shall
15 include the following provisions concerning notice of
16 impoundment:

17 (1) Whenever a police officer has cause to believe that
18 a motor vehicle is subject to impoundment, the officer
19 shall provide for the towing of the vehicle to a facility
20 authorized by the municipality.

21 (2) At the time the vehicle is towed, the municipality
22 shall notify or make a reasonable attempt to notify the
23 owner, lessee, or person identifying himself or herself as
24 the owner or lessee of the vehicle, or any person who is
25 found to be in control of the vehicle at the time of the
26 alleged offense, of the fact of the seizure, and of the

1 vehicle owner's or lessee's right to an administrative
2 hearing.

3 (3) The municipality shall also provide notice that the
4 motor vehicle will remain impounded pending the completion
5 of an administrative hearing, unless the owner or lessee of
6 the vehicle or a lienholder posts with the municipality a
7 bond equal to the administrative fee as provided by
8 ordinance and pays for all towing and storage charges.

9 (f) Any ordinance establishing procedures for the
10 impoundment and release of vehicles under this Section shall
11 include a provision providing that the registered owner or
12 lessee of the vehicle and any lienholder of record shall be
13 provided with a notice of hearing. The notice shall:

14 (1) be served upon the owner, lessee, and any
15 lienholder of record either by personal service or by first
16 class mail to the interested party's address as registered
17 with the Secretary of State;

18 (2) be served upon interested parties within 10 days
19 after a vehicle is impounded by the municipality; and

20 (3) contain the date, time, and location of the
21 administrative hearing. An initial hearing shall be
22 scheduled and convened no later than 45 days after the date
23 of the mailing of the notice of hearing.

24 (g) In addition to the requirements contained in
25 subdivision (b) (4) of Section 11-208.3 of this Code relating to
26 administrative hearings, any ordinance providing for the

1 impoundment and release of vehicles under this Section shall
2 include the following requirements concerning administrative
3 hearings:

4 (1) administrative hearings shall be conducted by a
5 hearing officer who is an attorney licensed to practice law
6 in this State for a minimum of 3 years;

7 (2) at the conclusion of the administrative hearing,
8 the hearing officer shall issue a written decision either
9 sustaining or overruling the vehicle impoundment;

10 (3) if the basis for the vehicle impoundment is
11 sustained by the administrative hearing officer, any
12 administrative fee posted to secure the release of the
13 vehicle shall be forfeited to the municipality;

14 (4) all final decisions of the administrative hearing
15 officer shall be subject to review under the provisions of
16 the Administrative Review Law; and

17 (5) unless the administrative hearing officer
18 overturns the basis for the vehicle impoundment, no vehicle
19 shall be released to the owner, lessee, or lienholder of
20 record until all administrative fees and towing and storage
21 charges are paid.

22 (h) Vehicles not retrieved from the towing facility or
23 storage facility within 35 days after the administrative
24 hearing officer issues a written decision shall be deemed
25 abandoned and sold ~~disposed of~~ in accordance with the
26 provisions of Article II of Chapter 4 of this Code. After the

1 sale of the vehicle is completed, the person who was the
2 registered owner at the time of the vehicle's impoundment is
3 entitled to have the proceeds of that sale deducted from any
4 finer, fees, administrative penalties, and other costs
5 associated with the vehicle's immobilization, towing, or
6 impoundment, including but not limited to any fine for the
7 underlying offense which led to the vehicle's impoundment. If
8 the proceeds of this sale are not enough to satisfy the fines,
9 fees, and other costs the remainder shall not be discharged.

10 (i) Unless stayed by a court of competent jurisdiction, any
11 fine, penalty, or administrative fee imposed under this Section
12 which remains unpaid in whole or in part after the expiration
13 of the deadline for seeking judicial review under the
14 Administrative Review Law may be enforced in the same manner as
15 a judgment entered by a court of competent jurisdiction.

16 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13.)

17 (625 ILCS 5/4-209.2 rep.)

18 Section 10. The Illinois Vehicle Code is amended by
19 repealing Section 4-209.2."