



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3536

Introduced 2/18/2025, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code and the Illinois Municipal Code. In provisions concerning administrative adjudication hearings of code and ordinance violations, provides that (i) powers and duties of a hearing officer include swearing in individuals who provide testimony; (ii) all oral testimony shall be sworn to under oath or affirmation; and (iii) a citation or notice of violation sworn to under oath or affirmation taken under certification under specified provisions of the Code of Civil Procedure is prima facie evidence of the correctness of the facts specified that may be rebutted by a preponderance of the evidence. Makes similar changes to provisions concerning adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations in the Illinois Vehicle Code. Amends the Oaths and Affirmations Act. Provides that an administrative law judge, hearing officer, or adjudicator may administer oaths and affirmations to witnesses and others, concerning anything commenced or to be commenced, or pending before them when presiding over a proceeding for a local public entity if the administrative law judge, hearing officer, or adjudicator has neither been convicted of a felony nor removed from office by the Illinois Courts Commission. Amends the Criminal Code of 2012. Provides that a person commits perjury when, under oath, certification, or affirmation (rather than when, under oath or affirmation), in a proceeding or in any other matter where by the law, the oath, certification, or affirmation (rather where by the law, under oath or affirmation), is required, he or she makes a false statement, material to the issue or point in question, knowing the statement is false. Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that an administrative law judge or hearing officer is not answerable personally in law or equity for the direct or indirect consequences of any finding of fact or conclusion of law made by the administrative law judge or hearing officer in the course of the administrative law judge's or hearing officer's official duties. Defines administrative law judge.

LRB104 07558 RTM 17602 b

A BILL FOR

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 Oaths and Affirmations Act is amended by
5 changing Section 1 as follows:

6 (5 ILCS 255/1) (from Ch. 101, par. 1)

7 Sec. 1. Oaths and affirmations.

8 (a) All courts, and all judges and the clerk thereof, the
9 county clerk, deputy county clerk, notaries public, and
10 persons certified under the Illinois Certified Shorthand
11 Reporters Act of 1984 have the power to administer oaths and
12 affirmations to witnesses and others, concerning anything
13 commenced or to be commenced, or pending before them
14 respectively.

15 (b) The same functions may be performed by an
16 administrative law judge, hearing officer, or adjudicator when
17 presiding over a proceeding for a local public entity, as
18 defined in Section 1-206 of the Local Governmental and
19 Governmental Employees Tort Immunity Act, including a
20 proceeding under the Counties Code, the Illinois Municipal
21 Code, or Section 11-208.3 of the Illinois Vehicle Code, if the
22 administrative law judge, hearing officer, or adjudicator has
23 neither been convicted of a felony nor removed from office by

1 the Illinois Courts Commission.

2 (Source: P.A. 90-294, eff. 8-1-97.)

3 Section 10. The Counties Code is amended by changing
4 Sections 5-43010, 5-43020, 5-43025, and 5-43030 as follows:

5 (55 ILCS 5/5-43010)

6 Sec. 5-43010. Administrative adjudication of code and
7 ordinance violations; definitions.

8 (a) Any county may provide by ordinance for a system of
9 administrative adjudication of county code violations to the
10 extent permitted by the Illinois Constitution.

11 (b) Any county may provide by ordinance for a system of
12 administrative adjudication of violations of ordinances
13 enacted by a participating unit of local government only
14 where: (i) the unit of local government is engaging in
15 governmental activities or providing services within the
16 boundaries of the county; (ii) the unit of local government
17 has no system of administrative adjudication; and (iii) the
18 violation occurred within the boundaries of the county.

19 (c) As used in this Division:

20 "Administrative law judge" means an independent contractor
21 or employee compensated by a local public entity, as defined
22 in Section 1-206 of the Local Governmental and Governmental
23 Employees Tort Immunity Act, who serves in a quasi-judicial
24 function regardless of the independent contractor's title.

1 "Participating unit of local government" means a unit of
2 local government which has entered into an intergovernmental
3 agreement or contract with a county for the administrative
4 adjudication of violations of its ordinances by the county
5 pursuant to this Division.

6 "System of administrative adjudication" means the
7 adjudication of any violation of a county ordinance or of a
8 participating unit of local government's ordinance, except for
9 (i) proceedings not within the statutory or the home rule
10 authority of counties or a participating unit of local
11 government; and (ii) any offense under the Illinois Vehicle
12 Code (or a similar offense that is a traffic regulation
13 governing the movement of vehicles and except for any
14 reportable offense under Section 6-204 of the Illinois Vehicle
15 Code).

16 "Unit of local government" has the meaning as defined in
17 the Illinois Constitution of 1970 and also includes a
18 not-for-profit corporation organized for the purpose of
19 conducting public business including, but not limited to, the
20 Northeast Illinois Regional Commuter Railroad Corporation.

21 (Source: P.A. 99-754, eff. 1-1-17.)

22 (55 ILCS 5/5-43020)

23 Sec. 5-43020. Code hearing units; powers of hearing
24 officers.

25 (a) An ordinance establishing a system of administrative

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

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

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

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

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

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

25 (5) imposing penalties consistent with applicable code
26 provisions and assessing costs upon finding a party liable

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

20 (6) swearing in individuals who provide testimony.

21 (c) Prior to conducting administrative adjudication
22 proceedings, administrative hearing officers shall have
23 successfully completed a formal training program that includes
24 the following:

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

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

3 (3) observation of administrative hearings; and

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

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

9 (d) A proceeding before a code hearing unit shall be
10 instituted upon the filing of a written pleading by an
11 authorized official of the county or participating unit of
12 local government.

13 (Source: P.A. 99-754, eff. 1-1-17.)

14 (55 ILCS 5/5-43025)

15 Sec. 5-43025. Administrative hearing proceedings.

16 (a) Any ordinance establishing a system of administrative
17 adjudication, pursuant to this Division, shall afford parties
18 due process of law, including notice and opportunity for
19 hearing. Parties shall be served with process in a manner
20 reasonably calculated to give them actual notice, including,
21 as appropriate, personal service of process upon a party or
22 its employees or agents; service by mail at a party's address;
23 or notice that is posted upon the property where the violation
24 is found when the party is the owner or manager of the
25 property. In counties with a population under 3,000,000, if

1 the notice requires the respondent to answer within a certain
2 amount of time, the county or participating unit of local
3 government must reply to the answer within the same amount of
4 time afforded to the respondent.

5 (b) Parties shall be given notice of an adjudicatory
6 hearing that includes the type and nature of the code
7 violation to be adjudicated, the date and location of the
8 adjudicatory hearing, the legal authority and jurisdiction
9 under which the hearing is to be held, and the penalties for
10 failure to appear at the hearing.

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

26 (d) All oral testimony shall be sworn to under oath or

1 affirmation.

2 (Source: P.A. 99-754, eff. 1-1-17.)

3 (55 ILCS 5/5-43030)

4 Sec. 5-43030. Rules of evidence shall not govern.

5 (a) The formal and technical rules of evidence do not
6 apply in an adjudicatory hearing permitted under this
7 Division. Evidence, including hearsay, may be admitted only if
8 it is of a type commonly relied upon by reasonably prudent
9 persons in the conduct of their affairs.

10 (b) A citation or notice of violation sworn to under oath
11 or affirmation taken under certification under Section 1-109
12 of the Code of Civil Procedure is prima facie evidence of the
13 correctness of the facts specified therein. The standard for
14 rebutting this presumption is a preponderance of the evidence.

15 (Source: P.A. 96-1386, eff. 7-29-10.)

16 Section 15. The Illinois Municipal Code is amended by
17 changing Sections 1-2.1-2, 1-2.1-4, 1-2.1-5, and 1-2.1-6 as
18 follows:

19 (65 ILCS 5/1-2.1-2)

20 Sec. 1-2.1-2. Administrative adjudication of municipal
21 code violations.

22 (a) Any municipality may provide by ordinance for a system
23 of administrative adjudication of municipal code violations to

1 the extent permitted by the Illinois Constitution.

2 (b) As used in this Division: A

3 "Administrative law judge" means an independent contractor
4 or employee compensated by a local public entity, as defined
5 in Section 1-206 of the Local Governmental and Governmental
6 Employees Tort Immunity Act, who serves in a quasi-judicial
7 function regardless of the independent contractor's title.

8 "System ~~system~~ of administrative adjudication" means the
9 adjudication of any violation of a municipal ordinance, except
10 for (i) proceedings not within the statutory or the home rule
11 authority of municipalities; and (ii) any offense under the
12 Illinois Vehicle Code or a similar offense that is a traffic
13 regulation governing the movement of vehicles and except for
14 any reportable offense under Section 6-204 of the Illinois
15 Vehicle Code.

16 (Source: P.A. 90-516, eff. 1-1-98.)

17 (65 ILCS 5/1-2.1-4)

18 Sec. 1-2.1-4. Code hearing units; powers of hearing
19 officers.

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

1 hearing unit refers to the particular code violations that it
2 may adjudicate.

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

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

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

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

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

20 (5) imposing penalties consistent with applicable code
21 provisions and assessing costs upon finding a party liable
22 for the charged violation, except, however, that in no
23 event shall the hearing officer have authority to (i)
24 impose a penalty of incarceration, or (ii) impose a fine
25 in excess of \$50,000, or at the option of the
26 municipality, such other amount not to exceed the maximum

1 amount established by the Mandatory Arbitration System as
2 prescribed by the Rules of the Illinois Supreme Court from
3 time to time for the judicial circuit in which the
4 municipality is located. The maximum monetary fine under
5 this item (5), shall be exclusive of costs of enforcement
6 or costs imposed to secure compliance with the
7 municipality's ordinances and shall not be applicable to
8 cases to enforce the collection of any tax imposed and
9 collected by the municipality; and

10 (6) swearing in individuals who provide testimony.

11 (c) Prior to conducting administrative adjudication
12 proceedings, administrative hearing officers shall have
13 successfully completed a formal training program which
14 includes the following:

15 (1) instruction on the rules of procedure of the
16 administrative hearings which they will conduct;

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

19 (3) observation of administrative hearings; and

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

22 In addition, every administrative hearing officer must be
23 an attorney licensed to practice law in the State of Illinois
24 for at least 3 years. A person who has served as a judge in
25 Illinois is not required to fulfill the requirements of items
26 (1) through (4) of this subsection.

1 (d) A proceeding before a code hearing unit shall be
2 instituted upon the filing of a written pleading by an
3 authorized official of the municipality.

4 (Source: P.A. 102-65, eff. 7-9-21.)

5 (65 ILCS 5/1-2.1-5)

6 Sec. 1-2.1-5. Administrative hearing proceedings.

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

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

1 failure to appear at the hearing.

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

17 (d) All oral testimony shall be sworn to under oath or
18 affirmation.

19 (Source: P.A. 94-616, eff. 1-1-06.)

20 (65 ILCS 5/1-2.1-6)

21 Sec. 1-2.1-6. Rules of evidence shall not govern.

22 (a) The formal and technical rules of evidence do not
23 apply in an adjudicatory hearing permitted under this
24 Division. Evidence, including hearsay, may be admitted only if
25 it is of a type commonly relied upon by reasonably prudent

1 persons in the conduct of their affairs.

2 (b) A citation or notice of violation sworn to under oath
3 or affirmation taken under certification under Section 1-109
4 of the Code of Civil Procedure is prima facie evidence of the
5 correctness of the facts specified therein. The standard for
6 rebutting this presumption is a preponderance of the evidence.

7 (Source: P.A. 90-516, eff. 1-1-98.)

8 Section 20. The Illinois Vehicle Code is amended by
9 changing Section 11-208.3 as follows:

10 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

15 (a) Any municipality or county may provide by ordinance
16 for a system of administrative adjudication of vehicular
17 standing and parking violations and vehicle compliance
18 violations as described in this subsection, automated traffic
19 law violations as defined in Section 11-208.6, 11-208.9, or
20 11-1201.1, and automated speed enforcement system violations
21 as defined in Section 11-208.8. The administrative system
22 shall have as its purpose the fair and efficient enforcement
23 of municipal or county regulations through the administrative
24 adjudication of automated speed enforcement system or

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

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

17 (1) A traffic compliance administrator authorized to
18 adopt, distribute, and process parking, compliance, and
19 automated speed enforcement system or automated traffic
20 law violation notices and other notices required by this
21 Section, collect money paid as fines and penalties for
22 violation of parking and compliance ordinances and
23 automated speed enforcement system or automated traffic
24 law violations, and operate an administrative adjudication
25 system.

26 (2) A parking, standing, compliance, automated speed

1 enforcement system, or automated traffic law violation
2 notice that shall specify or include the date, time, and
3 place of violation of a parking, standing, compliance,
4 automated speed enforcement system, or automated traffic
5 law regulation; the particular regulation violated; any
6 requirement to complete a traffic education program; the
7 fine and any penalty that may be assessed for late payment
8 or failure to complete a required traffic education
9 program, or both, when so provided by ordinance; the
10 vehicle make or a photograph of the vehicle; the state
11 registration number of the vehicle; and the identification
12 number of the person issuing the notice. With regard to
13 automated speed enforcement system or automated traffic
14 law violations, vehicle make shall be specified on the
15 automated speed enforcement system or automated traffic
16 law violation notice if the notice does not include a
17 photograph of the vehicle and the make is available and
18 readily discernible. With regard to municipalities or
19 counties with a population of 1 million or more, it shall
20 be grounds for dismissal of a parking violation if the
21 state registration number or vehicle make specified is
22 incorrect. The violation notice shall state that the
23 completion of any required traffic education program, the
24 payment of any indicated fine, and the payment of any
25 applicable penalty for late payment or failure to complete
26 a required traffic education program, or both, shall

1 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
5 specify the time and manner in which a hearing may be had.

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

1 municipality or county of the identity of the owner or
2 lessee of the vehicle, but not later than 90 days after the
3 violation, except that in the case of a lessee of a motor
4 vehicle, service of an automated traffic law violation
5 notice may occur no later than 210 days after the
6 violation. A person authorized by ordinance to issue and
7 serve parking, standing, and compliance violation notices
8 shall certify as to the correctness of the facts entered
9 on the violation notice by signing his or her name to the
10 notice at the time of service or, in the case of a notice
11 produced by a computerized device, by signing a single
12 certificate to be kept by the traffic compliance
13 administrator attesting to the correctness of all notices
14 produced by the device while it was under his or her
15 control. In the case of an automated traffic law
16 violation, the ordinance shall require a determination by
17 a technician employed or contracted by the municipality or
18 county that, based on inspection of recorded images, the
19 motor vehicle was being operated in violation of Section
20 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
21 the technician determines that the vehicle entered the
22 intersection as part of a funeral procession or in order
23 to yield the right-of-way to an emergency vehicle, a
24 citation shall not be issued. In municipalities with a
25 population of less than 1,000,000 inhabitants and counties
26 with a population of less than 3,000,000 inhabitants, the

1 automated traffic law ordinance shall require that all
2 determinations by a technician that a motor vehicle was
3 being operated in violation of Section 11-208.6, 11-208.9,
4 or 11-1201.1 or a local ordinance must be reviewed and
5 approved by a law enforcement officer or retired law
6 enforcement officer of the municipality or county issuing
7 the violation. In municipalities with a population of
8 1,000,000 or more inhabitants and counties with a
9 population of 3,000,000 or more inhabitants, the automated
10 traffic law ordinance shall require that all
11 determinations by a technician that a motor vehicle was
12 being operated in violation of Section 11-208.6, 11-208.9,
13 or 11-1201.1 or a local ordinance must be reviewed and
14 approved by a law enforcement officer or retired law
15 enforcement officer of the municipality or county issuing
16 the violation or by an additional fully trained reviewing
17 technician who is not employed by the contractor who
18 employs the technician who made the initial determination.
19 In the case of an automated speed enforcement system
20 violation, the ordinance shall require a determination by
21 a technician employed by the municipality, based upon an
22 inspection of recorded images, video or other
23 documentation, including documentation of the speed limit
24 and automated speed enforcement signage, and documentation
25 of the inspection, calibration, and certification of the
26 speed equipment, that the vehicle was being operated in

1 violation of Article VI of Chapter 11 of this Code or a
2 similar local ordinance. If the technician determines that
3 the vehicle speed was not determined by a calibrated,
4 certified speed equipment device based upon the speed
5 equipment documentation, or if the vehicle was an
6 emergency vehicle, a citation may not be issued. The
7 automated speed enforcement ordinance shall require that
8 all determinations by a technician that a violation
9 occurred be reviewed and approved by a law enforcement
10 officer or retired law enforcement officer of the
11 municipality issuing the violation or by an additional
12 fully trained reviewing technician who is not employed by
13 the contractor who employs the technician who made the
14 initial determination. Routine and independent calibration
15 of the speeds produced by automated speed enforcement
16 systems and equipment shall be conducted annually by a
17 qualified technician. Speeds produced by an automated
18 speed enforcement system shall be compared with speeds
19 produced by lidar or other independent equipment. Radar or
20 lidar equipment shall undergo an internal validation test
21 no less frequently than once each week. Qualified
22 technicians shall test loop-based equipment no less
23 frequently than once a year. Radar equipment shall be
24 checked for accuracy by a qualified technician when the
25 unit is serviced, when unusual or suspect readings
26 persist, or when deemed necessary by a reviewing

1 technician. Radar equipment shall be checked with the
2 internal frequency generator and the internal circuit test
3 whenever the radar is turned on. Technicians must be alert
4 for any unusual or suspect readings, and if unusual or
5 suspect readings of a radar unit persist, that unit shall
6 immediately be removed from service and not returned to
7 service until it has been checked by a qualified
8 technician and determined to be functioning properly.
9 Documentation of the annual calibration results, including
10 the equipment tested, test date, technician performing the
11 test, and test results, shall be maintained and available
12 for use in the determination of an automated speed
13 enforcement system violation and issuance of a citation.
14 The technician performing the calibration and testing of
15 the automated speed enforcement equipment shall be trained
16 and certified in the use of equipment for speed
17 enforcement purposes. Training on the speed enforcement
18 equipment may be conducted by law enforcement, civilian,
19 or manufacturer's personnel and if applicable may be
20 equivalent to the equipment use and operations training
21 included in the Speed Measuring Device Operator Program
22 developed by the National Highway Traffic Safety
23 Administration (NHTSA). The vendor or technician who
24 performs the work shall keep accurate records on each
25 piece of equipment the technician calibrates and tests. As
26 used in this paragraph, "fully trained reviewing

1 technician" means a person who has received at least 40
2 hours of supervised training in subjects which shall
3 include image inspection and interpretation, the elements
4 necessary to prove a violation, license plate
5 identification, and traffic safety and management. In all
6 municipalities and counties, the automated speed
7 enforcement system or automated traffic law ordinance
8 shall require that no additional fee shall be charged to
9 the alleged violator for exercising his or her right to an
10 administrative hearing, and persons shall be given at
11 least 25 days following an administrative hearing to pay
12 any civil penalty imposed by a finding that Section
13 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
14 local ordinance has been violated. The original or a
15 facsimile of the violation notice or, in the case of a
16 notice produced by a computerized device, a printed record
17 generated by the device showing the facts entered on the
18 notice, shall be retained by the traffic compliance
19 administrator, and shall be a record kept in the ordinary
20 course of business. A parking, standing, compliance,
21 automated speed enforcement system, or automated traffic
22 law violation notice issued, signed, and served in
23 accordance with this Section, a copy of the notice, or the
24 computer-generated record shall be prima facie correct and
25 shall be prima facie evidence of the correctness of the
26 facts shown on the notice. The notice, copy, or

1 computer-generated record shall be admissible in any
2 subsequent administrative or legal proceedings.

3 (4) An opportunity for a hearing for the registered
4 owner of the vehicle cited in the parking, standing,
5 compliance, automated speed enforcement system, or
6 automated traffic law violation notice in which the owner
7 may contest the merits of the alleged violation, and
8 during which formal or technical rules of evidence shall
9 not apply; provided, however, that under Section 11-1306
10 of this Code the lessee of a vehicle cited in the violation
11 notice likewise shall be provided an opportunity for a
12 hearing of the same kind afforded the registered owner.
13 All oral testimony given at the hearing shall be under
14 oath. The hearings shall be recorded, and the person
15 conducting the hearing on behalf of the traffic compliance
16 administrator shall be empowered to administer oaths and
17 to secure by subpoena both the attendance and testimony of
18 witnesses and the production of relevant books and papers.
19 During the hearing, a citation or notice of violation
20 sworn to under oath or affirmation taken under
21 certification under Section 1-109 of the Code of Civil
22 Procedure is prima facie evidence of the correctness of
23 the facts specified therein and the standard for rebutting
24 this presumption is a preponderance of the evidence.
25 Persons appearing at a hearing under this Section may be
26 represented by counsel at their expense. The ordinance may

1 also provide for internal administrative review following
2 the decision of the hearing officer.

3 (5) Service of additional notices, sent by first class
4 United States mail, postage prepaid, to the address of the
5 registered owner of the cited vehicle as recorded with the
6 Secretary of State or, if any notice to that address is
7 returned as undeliverable, to the last known address
8 recorded in a United States Post Office approved database,
9 or, under Section 11-1306 or subsection (p) of Section
10 11-208.6 or 11-208.9, or subsection (p) of Section
11 11-208.8 of this Code, to the lessee of the cited vehicle
12 at the last address known to the lessor of the cited
13 vehicle at the time of lease or, if any notice to that
14 address is returned as undeliverable, to the last known
15 address recorded in a United States Post Office approved
16 database. The service shall be deemed complete as of the
17 date of deposit in the United States mail. The notices
18 shall be in the following sequence and shall include, but
19 not be limited to, the information specified herein:

20 (i) A second notice of parking, standing, or
21 compliance violation if the first notice of the
22 violation was issued by affixing the original or a
23 facsimile of the notice to the unlawfully parked
24 vehicle or by handing the notice to the operator. This
25 notice shall specify or include the date and location
26 of the violation cited in the parking, standing, or

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

25 (ii) A notice of final determination of parking,
26 standing, compliance, automated speed enforcement

1 system, or automated traffic law violation liability.
2 This notice shall be sent following a final
3 determination of parking, standing, compliance,
4 automated speed enforcement system, or automated
5 traffic law violation liability and the conclusion of
6 judicial review procedures taken under this Section.
7 The notice shall state that the incomplete traffic
8 education program or the unpaid fine or penalty, or
9 both, is a debt due and owing the municipality or
10 county. The notice shall contain warnings that failure
11 to complete any required traffic education program or
12 to pay any fine or penalty due and owing the
13 municipality or county, or both, within the time
14 specified may result in the municipality's or county's
15 filing of a petition in the Circuit Court to have the
16 incomplete traffic education program or unpaid fine or
17 penalty, or both, rendered a judgment as provided by
18 this Section, or, where applicable, may result in
19 suspension of the person's driver's license for
20 failure to complete a traffic education program.

21 (6) A notice of impending driver's license suspension.

22 This notice shall be sent to the person liable for failure
23 to complete a required traffic education program. The
24 notice shall state that failure to complete a required
25 traffic education program within 45 days of the notice's
26 date will result in the municipality or county notifying

1 the Secretary of State that the person is eligible for
2 initiation of suspension proceedings under Section 6-306.5
3 of this Code. The notice shall also state that the person
4 may obtain a photostatic copy of an original ticket
5 imposing a fine or penalty by sending a self-addressed,
6 stamped envelope to the municipality or county along with
7 a request for the photostatic copy. The notice of
8 impending driver's license suspension shall be sent by
9 first class United States mail, postage prepaid, to the
10 address recorded with the Secretary of State or, if any
11 notice to that address is returned as undeliverable, to
12 the last known address recorded in a United States Post
13 Office 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
3 parking, standing, compliance, automated speed enforcement
4 system, or automated traffic law violation liability that
5 may be filed by a person owing an unpaid fine or penalty. A
6 petition to set aside a determination of liability may
7 also be filed by a person required to complete a traffic
8 education program. The petition shall be filed with and
9 ruled upon by the traffic compliance administrator in the
10 manner and within the time specified by ordinance. The
11 grounds for the petition may be limited to: (A) the person
12 not having been the owner or lessee of the cited vehicle on
13 the date the violation notice was issued, (B) the person
14 having already completed the required traffic education
15 program or paid the fine or penalty, or both, for the
16 violation in question, and (C) excusable failure to appear
17 at or request a new date for a hearing. With regard to
18 municipalities or counties with a population of 1 million
19 or more, it shall be grounds for dismissal of a parking
20 violation if the state registration number or vehicle
21 make, only if specified in the violation notice, is
22 incorrect. After the determination of parking, standing,
23 compliance, automated speed enforcement system, or
24 automated traffic law violation liability has been set
25 aside upon a showing of just cause, the registered owner
26 shall be provided with a hearing on the merits for that

1 violation.

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

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

16 (11) Other provisions as are necessary and proper to
17 carry into effect the powers granted and purposes stated
18 in this Section.

19 (b-5) An automated speed enforcement system or automated
20 traffic law ordinance adopted under this Section by a
21 municipality or county shall require that the determination to
22 issue a citation be vested solely with the municipality or
23 county and that such authority may not be delegated to any
24 vendor retained by the municipality or county. Any contract or
25 agreement violating such a provision in the ordinance is null
26 and void.

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

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

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

26 (3) The right to a prompt hearing after a vehicle has

1 been immobilized or subsequently towed without the
2 completion of the required traffic education program or
3 payment of the outstanding fines and penalties on parking,
4 standing, compliance, automated speed enforcement system,
5 or automated traffic law violations, or both, for which
6 final determinations have been issued. An order issued
7 after the hearing is a final administrative decision
8 within the meaning of Section 3-101 of the Code of Civil
9 Procedure.

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

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

19 (e) Any fine, penalty, incomplete traffic education
20 program, or part of any fine or any penalty remaining unpaid
21 after the exhaustion of, or the failure to exhaust,
22 administrative remedies created under this Section and the
23 conclusion of any judicial review procedures shall be a debt
24 due and owing the municipality or county and, as such, may be
25 collected in accordance with applicable law. Completion of any
26 required traffic education program and payment in full of any

1 fine or penalty resulting from a standing, parking,
2 compliance, automated speed enforcement system, or automated
3 traffic law violation shall constitute a final disposition of
4 that violation.

5 (f) After the expiration of the period within which
6 judicial review may be sought for a final determination of
7 parking, standing, compliance, automated speed enforcement
8 system, or automated traffic law violation, the municipality
9 or county may commence a proceeding in the Circuit Court for
10 purposes of obtaining a judgment on the final determination of
11 violation. Nothing in this Section shall prevent a
12 municipality or county from consolidating multiple final
13 determinations of parking, standing, compliance, automated
14 speed enforcement system, or automated traffic law violations
15 against a person in a proceeding. Upon commencement of the
16 action, the municipality or county shall file a certified copy
17 or record of the final determination of parking, standing,
18 compliance, automated speed enforcement system, or automated
19 traffic law violation, which shall be accompanied by a
20 certification that recites facts sufficient to show that the
21 final determination of violation was issued in accordance with
22 this Section and the applicable municipal or county ordinance.
23 Service of the summons and a copy of the petition may be by any
24 method provided by Section 2-203 of the Code of Civil
25 Procedure or by certified mail, return receipt requested,
26 provided that the total amount of fines and penalties for

1 final determinations of parking, standing, compliance,
2 automated speed enforcement system, or automated traffic law
3 violations does not exceed \$2500. If the court is satisfied
4 that the final determination of parking, standing, compliance,
5 automated speed enforcement system, or automated traffic law
6 violation was entered in accordance with the requirements of
7 this Section and the applicable municipal or county ordinance,
8 and that the registered owner or the lessee, as the case may
9 be, had an opportunity for an administrative hearing and for
10 judicial review as provided in this Section, the court shall
11 render judgment in favor of the municipality or county and
12 against the registered owner or the lessee for the amount
13 indicated in the final determination of parking, standing,
14 compliance, automated speed enforcement system, or automated
15 traffic law violation, plus costs. The judgment shall have the
16 same effect and may be enforced in the same manner as other
17 judgments for the recovery of money.

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

20 A low-income individual required to complete a traffic
21 education program under this Section who provides proof of
22 eligibility for the federal earned income tax credit under
23 Section 32 of the Internal Revenue Code or the Illinois earned
24 income tax credit under Section 212 of the Illinois Income Tax
25 Act shall not be required to pay any fee for participating in a
26 required traffic education program.

1 (h) Notwithstanding any other provision of law to the
2 contrary, a person shall not be liable for violations, fees,
3 fines, or penalties under this Section during the period in
4 which the motor vehicle was stolen or hijacked, as indicated
5 in a report to the appropriate law enforcement agency filed in
6 a timely manner.

7 (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;
8 103-364, eff. 7-28-23.)

9 Section 25. The Criminal Code of 2012 is amended by
10 changing Section 32-2 as follows:

11 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

12 Sec. 32-2. Perjury.

13 (a) A person commits perjury when, under oath,
14 certification, or affirmation, in a proceeding or in any other
15 matter where by law the oath, certification, or affirmation is
16 required, he or she makes a false statement, material to the
17 issue or point in question, knowing the statement is false.

18 (b) Proof of Falsity.

19 An indictment or information for perjury alleging that the
20 offender, under oath, certification, or affirmation, has
21 knowingly made contradictory statements, material to the issue
22 or point in question, in the same or in different proceedings,
23 where the oath, certification, or affirmation is required,
24 need not specify which statement is false. At the trial, the

1 prosecution need not establish which statement is false.

2 (c) Admission of Falsity.

3 Where the contradictory statements are made in the same
4 continuous trial, an admission by the offender in that same
5 continuous trial of the falsity of a contradictory statement
6 shall bar prosecution therefor under any provisions of this
7 Code.

8 (d) A person shall be exempt from prosecution under
9 subsection (a) of this Section if he or she is a peace officer
10 who uses a false or fictitious name in the enforcement of the
11 criminal laws, and this use is approved in writing as provided
12 in Section 10-1 of "The Liquor Control Act of 1934", as
13 amended, Section 5 of "An Act in relation to the use of an
14 assumed name in the conduct or transaction of business in this
15 State", approved July 17, 1941, as amended, or Section
16 2605-200 of the Illinois State Police Law. However, this
17 exemption shall not apply to testimony in judicial proceedings
18 where the identity of the peace officer is material to the
19 issue, and he or she is ordered by the court to disclose his or
20 her identity.

21 (e) Sentence.

22 Perjury is a Class 3 felony.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 30. The Local Governmental and Governmental
25 Employees Tort Immunity Act is amended by adding Sections

1 1-211 and 2-215 as follows:

2 (745 ILCS 10/1-211 new)

3 Sec. 1-211. "Administrative law judge" means an
4 independent contractor or employee compensated by a local
5 public entity who serves in a quasi-judicial function
6 regardless of the independent contractor's title.

7 (745 ILCS 10/2-215 new)

8 Sec. 2-215. Administrative law judge and hearing officer.
9 An administrative law judge or hearing officer is not
10 answerable personally in law or equity for the direct or
11 indirect consequences of any finding of fact or conclusion of
12 law made by the administrative law judge or hearing officer in
13 the course of the administrative law judge's or hearing
14 officer's official duties.

1 INDEX
2 Statutes amended in order of appearance

- 3 5 ILCS 255/1 from Ch. 101, par. 1
- 4 55 ILCS 5/5-43010
- 5 55 ILCS 5/5-43020
- 6 55 ILCS 5/5-43025
- 7 55 ILCS 5/5-43030
- 8 65 ILCS 5/1-2.1-2
- 9 65 ILCS 5/1-2.1-4
- 10 65 ILCS 5/1-2.1-5
- 11 65 ILCS 5/1-2.1-6
- 12 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3
- 13 720 ILCS 5/32-2 from Ch. 38, par. 32-2
- 14 745 ILCS 10/1-211 new
- 15 745 ILCS 10/2-215 new