



Sen. Dan McConchie

**Filed: 3/30/2023**

10300SB1214sam001

LRB103 05570 MXP 60266 a

1 AMENDMENT TO SENATE BILL 1214

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1214 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-208.3 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations  
8 of traffic regulations concerning the standing, parking, or  
9 condition of vehicles, automated traffic law violations, and  
10 automated speed enforcement system violations.

11 (a) Any municipality or county may provide by ordinance  
12 for a system of administrative adjudication of vehicular  
13 standing and parking violations and vehicle compliance  
14 violations as described in this subsection, automated traffic  
15 law violations as defined in Section 11-208.6, 11-208.9, or  
16 11-1201.1, and automated speed enforcement system violations

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

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

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

1 automated speed enforcement system or automated traffic  
2 law violations, and operate an administrative adjudication  
3 system.

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

1 registration number or vehicle make specified is  
2 incorrect. The violation notice shall state that the  
3 completion of any required traffic education program, the  
4 payment of any indicated fine, and the payment of any  
5 applicable penalty for late payment or failure to complete  
6 a required traffic education program, or both, shall  
7 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  
11 specify the time and manner in which a hearing may be had.

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

1 automated speed enforcement system or automated traffic  
2 law violation notice by mail to the address of the  
3 registered owner or lessee of the cited vehicle as  
4 recorded with the Secretary of State or the lessor of the  
5 motor vehicle within 30 days after the Secretary of State  
6 or the lessor of the motor vehicle notifies the  
7 municipality or county of the identity of the owner or  
8 lessee of the vehicle, but not later than 90 days after the  
9 violation, except that in the case of a lessee of a motor  
10 vehicle, service of an automated traffic law violation  
11 notice may occur no later than 210 days after the  
12 violation. A person authorized by ordinance to issue and  
13 serve parking, standing, and compliance violation notices  
14 shall certify as to the correctness of the facts entered  
15 on the violation notice by signing his or her name to the  
16 notice at the time of service or, in the case of a notice  
17 produced by a computerized device, by signing a single  
18 certificate to be kept by the traffic compliance  
19 administrator attesting to the correctness of all notices  
20 produced by the device while it was under his or her  
21 control. In the case of an automated traffic law  
22 violation, the ordinance shall require a determination by  
23 a technician employed or contracted by the municipality or  
24 county that, based on inspection of recorded images, the  
25 motor vehicle was being operated in violation of Section  
26 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If

1 the technician determines that the vehicle entered the  
2 intersection as part of a funeral procession or in order  
3 to yield the right-of-way to an emergency vehicle, a  
4 citation shall not be issued. In municipalities with a  
5 population of less than 1,000,000 inhabitants and counties  
6 with a population of less than 3,000,000 inhabitants, the  
7 automated traffic law ordinance shall require that all  
8 determinations by a technician that a motor vehicle was  
9 being operated in violation of Section 11-208.6, 11-208.9,  
10 or 11-1201.1 or a local ordinance must be reviewed and  
11 approved by a law enforcement officer or retired law  
12 enforcement officer of the municipality or county issuing  
13 the violation. In municipalities with a population of  
14 1,000,000 or more inhabitants and counties with a  
15 population of 3,000,000 or more inhabitants, the automated  
16 traffic law ordinance shall require that all  
17 determinations by a technician that a motor vehicle was  
18 being operated in violation of Section 11-208.6, 11-208.9,  
19 or 11-1201.1 or a local ordinance must be reviewed and  
20 approved by a law enforcement officer or retired law  
21 enforcement officer of the municipality or county issuing  
22 the violation or by an additional fully trained reviewing  
23 technician who is not employed by the contractor who  
24 employs the technician who made the initial determination.  
25 In the case of an automated speed enforcement system  
26 violation, the ordinance shall require a determination by

1 a technician employed by the municipality, based upon an  
2 inspection of recorded images, video or other  
3 documentation, including documentation of the speed limit  
4 and automated speed enforcement signage, and documentation  
5 of the inspection, calibration, and certification of the  
6 speed equipment, that the vehicle was being operated in  
7 violation of Article VI of Chapter 11 of this Code or a  
8 similar local ordinance. If the technician determines that  
9 the vehicle speed was not determined by a calibrated,  
10 certified speed equipment device based upon the speed  
11 equipment documentation, or if the vehicle was an  
12 emergency vehicle, a citation may not be issued. The  
13 automated speed enforcement ordinance shall require that  
14 all determinations by a technician that a violation  
15 occurred be reviewed and approved by a law enforcement  
16 officer or retired law enforcement officer of the  
17 municipality issuing the violation or by an additional  
18 fully trained reviewing technician who is not employed by  
19 the contractor who employs the technician who made the  
20 initial determination. Routine and independent calibration  
21 of the speeds produced by automated speed enforcement  
22 systems and equipment shall be conducted annually by a  
23 qualified technician. Speeds produced by an automated  
24 speed enforcement system shall be compared with speeds  
25 produced by lidar or other independent equipment. Radar or  
26 lidar equipment shall undergo an internal validation test

1 no less frequently than once each week. Qualified  
2 technicians shall test loop-based equipment no less  
3 frequently than once a year. Radar equipment shall be  
4 checked for accuracy by a qualified technician when the  
5 unit is serviced, when unusual or suspect readings  
6 persist, or when deemed necessary by a reviewing  
7 technician. Radar equipment shall be checked with the  
8 internal frequency generator and the internal circuit test  
9 whenever the radar is turned on. Technicians must be alert  
10 for any unusual or suspect readings, and if unusual or  
11 suspect readings of a radar unit persist, that unit shall  
12 immediately be removed from service and not returned to  
13 service until it has been checked by a qualified  
14 technician and determined to be functioning properly.  
15 Documentation of the annual calibration results, including  
16 the equipment tested, test date, technician performing the  
17 test, and test results, shall be maintained and available  
18 for use in the determination of an automated speed  
19 enforcement system violation and issuance of a citation.  
20 The technician performing the calibration and testing of  
21 the automated speed enforcement equipment shall be trained  
22 and certified in the use of equipment for speed  
23 enforcement purposes. Training on the speed enforcement  
24 equipment may be conducted by law enforcement, civilian,  
25 or manufacturer's personnel and if applicable may be  
26 equivalent to the equipment use and operations training



1 included in the Speed Measuring Device Operator Program  
2 developed by the National Highway Traffic Safety  
3 Administration (NHTSA). The vendor or technician who  
4 performs the work shall keep accurate records on each  
5 piece of equipment the technician calibrates and tests. As  
6 used in this paragraph, "fully trained reviewing  
7 technician" means a person who has received at least 40  
8 hours of supervised training in subjects which shall  
9 include image inspection and interpretation, the elements  
10 necessary to prove a violation, license plate  
11 identification, and traffic safety and management. In all  
12 municipalities and counties, the automated speed  
13 enforcement system or automated traffic law ordinance  
14 shall require that no additional fee shall be charged to  
15 the alleged violator for exercising his or her right to an  
16 administrative hearing, and persons shall be given at  
17 least 25 days following an administrative hearing to pay  
18 any civil penalty imposed by a finding that Section  
19 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar  
20 local ordinance has been violated. The original or a  
21 facsimile of the violation notice or, in the case of a  
22 notice produced by a computerized device, a printed record  
23 generated by the device showing the facts entered on the  
24 notice, shall be retained by the traffic compliance  
25 administrator, and shall be a record kept in the ordinary  
26 course of business. A parking, standing, compliance,

1 automated speed enforcement system, or automated traffic  
2 law violation notice issued, signed, and served in  
3 accordance with this Section, a copy of the notice, or the  
4 computer-generated record shall be prima facie correct and  
5 shall be prima facie evidence of the correctness of the  
6 facts shown on the notice. The notice, copy, or  
7 computer-generated record shall be admissible in any  
8 subsequent administrative or legal proceedings.

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

1 the decision of the hearing officer.

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

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

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

24 (ii) A notice of final determination of parking,  
25 standing, compliance, automated speed enforcement  
26 system, or automated traffic law violation liability.

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

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

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

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

13 (7) Final determinations of violation liability. A  
14 final determination of violation liability shall occur  
15 following failure to complete the required traffic  
16 education program or to pay the fine or penalty, or both,  
17 after a hearing officer's determination of violation  
18 liability and the exhaustion of or failure to exhaust any  
19 administrative review procedures provided by ordinance.  
20 Where a person fails to appear at a hearing to contest the  
21 alleged violation in the time and manner specified in a  
22 prior mailed notice, the hearing officer's determination  
23 of violation liability shall become final: (A) upon denial  
24 of a timely petition to set aside that determination, or  
25 (B) upon expiration of the period for filing the petition  
26 without a filing having been made.

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

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

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

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

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



1 vehicle immobilization under this Section shall provide:

2 (1) Criteria for the designation of vehicles eligible  
3 for immobilization. A vehicle shall be eligible for  
4 immobilization when the registered owner of the vehicle  
5 has accumulated the number of incomplete traffic education  
6 programs or unpaid final determinations of parking,  
7 standing, compliance, automated speed enforcement system,  
8 or automated traffic law violation liability, or both, as  
9 determined by ordinance.

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

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

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

4           (d) Judicial review of final determinations of parking,  
5           standing, compliance, automated speed enforcement system, or  
6           automated traffic law violations and final administrative  
7           decisions issued after hearings regarding vehicle  
8           immobilization and impoundment made under this Section shall  
9           be subject to the provisions of the Administrative Review Law.

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

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  
26          or 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  
3 municipality or county from consolidating multiple final  
4 determinations of parking, standing, compliance, automated  
5 speed enforcement system, or automated traffic law violations  
6 against a person in a proceeding. Upon commencement of the  
7 action, the municipality or county shall file a certified copy  
8 or record of the final determination of parking, standing,  
9 compliance, automated speed enforcement system, or automated  
10 traffic law violation, which shall be accompanied by a  
11 certification that recites facts sufficient to show that the  
12 final determination of violation was issued in accordance with  
13 this Section and the applicable municipal or county ordinance.  
14 Service of the summons and a copy of the petition may be by any  
15 method provided by Section 2-203 of the Code of Civil  
16 Procedure or by certified mail, return receipt requested,  
17 provided that the total amount of fines and penalties for  
18 final determinations of parking, standing, compliance,  
19 automated speed enforcement system, or automated traffic law  
20 violations does not exceed \$2500. If the court is satisfied  
21 that the final determination of parking, standing, compliance,  
22 automated speed enforcement system, or automated traffic law  
23 violation was entered in accordance with the requirements of  
24 this Section and the applicable municipal or county ordinance,  
25 and that the registered owner or the lessee, as the case may  
26 be, had an opportunity for an administrative hearing and for

1 judicial review as provided in this Section, the court shall  
2 render judgment in favor of the municipality or county and  
3 against the registered owner or the lessee for the amount  
4 indicated in the final determination of parking, standing,  
5 compliance, automated speed enforcement system, or automated  
6 traffic law violation, plus costs. The judgment shall have the  
7 same effect and may be enforced in the same manner as other  
8 judgments for 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 (h) Notwithstanding any other provision of law to the  
19 contrary, a person shall not be liable for violations, fees,  
20 fines, or penalties under this Section during the period in  
21 which the motor vehicle was stolen or hijacked, as indicated  
22 in a report to the appropriate law enforcement agency filed in  
23 a timely manner.

24 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;  
25 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; 102-905, eff.  
26 1-1-23.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".