



Adopted in House Comm. on Apr 12, 2005

09400HB3463ham001

LRB094 10034 DRH 43974 a

1 AMENDMENT TO HOUSE BILL 3463

2 AMENDMENT NO. _____. Amend House Bill 3463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and
6 adding Section 11-208.5 as follows:

7 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

8 Sec. 6-306.5. Failure to pay fine or penalty for standing,
9 parking, ~~or~~ compliance, or automated traffic law violations;
10 suspension of driving privileges.

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality stating
13 that the owner of a registered vehicle has: (1) failed to pay
14 any fine or penalty due and owing as a result of 10 or more
15 violations of a municipality's vehicular standing, parking, or
16 compliance regulations established by ordinance pursuant to
17 Section 11-208.3 of this Code, or (2) failed to pay any fine or
18 penalty due and owing as a result of 5 offenses for automated
19 traffic violations as defined in Section 11-208.5, the
20 Secretary of State shall suspend the driving privileges of such
21 person in accordance with the procedures set forth in this
22 Section. The Secretary shall also suspend the driving
23 privileges of an owner of a registered vehicle upon receipt of
24 a certified report, as prescribed by subsection (f) of this

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

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

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

23 (1) The name, last known address and drivers license
24 number of the person who failed to pay the fine or penalty
25 and the registration number of any vehicle known to be
26 registered to such person in this State.

27 (2) The name of the municipality making the report
28 pursuant to this Section.

29 (3) A statement that the municipality sent a notice of
30 impending drivers license suspension as prescribed by
31 ordinance enacted pursuant to Section 11-208.3, to the
32 person named in the report at the address recorded with the
33 Secretary of State; the date on which such notice was sent;
34 and the address to which such notice was sent. In a

1 municipality with a population of 1,000,000 or more, the
2 report shall also include a statement that the alleged
3 violator's State vehicle registration number and vehicle
4 make are correct as they appear on the citations.

5 (d) Any municipality making a certified report to the
6 Secretary of State pursuant to this Section shall notify the
7 Secretary of State, in a form prescribed by the Secretary,
8 whenever a person named in the certified report has paid the
9 previously reported fine or penalty or whenever the
10 municipality determines that the original report was in error.
11 A certified copy of such notification shall also be given upon
12 request and at no additional charge to the person named
13 therein. Upon receipt of the municipality's notification or
14 presentation of a certified copy of such notification, the
15 Secretary of State shall terminate the suspension.

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

29 (f) Any municipality, other than a municipality
30 establishing vehicular standing, parking, and compliance
31 regulations pursuant to Section 11-208.3 or automated traffic
32 law regulations under Section 11-208.5, may also cause a
33 suspension of a person's drivers license pursuant to this
34 Section. Such municipality may invoke this sanction by making a

1 certified report to the Secretary of State upon a person's
2 failure to satisfy any fine or penalty imposed by final
3 judgment for 10 or more violations of local standing, parking,
4 or compliance regulations or 5 or more automated traffic law
5 violations after exhaustion of judicial review procedures, but
6 only if:

7 (1) the municipality complies with the provisions of
8 this Section in all respects except in regard to enacting
9 an ordinance pursuant to Section 11-208.3;

10 (2) the municipality has sent a notice of impending
11 drivers license suspension as prescribed by an ordinance
12 enacted pursuant to subsection (g) of this Section; and

13 (3) in municipalities with a population of 1,000,000
14 or more, the municipality has verified that the alleged
15 violator's State vehicle registration number and vehicle
16 make are correct as they appear on the citations.

17 (g) Any municipality, other than a municipality
18 establishing standing, parking, and compliance regulations
19 pursuant to Section 11-208.3 or automated traffic law
20 regulations under Section 11-208.5, may provide by ordinance
21 for the sending of a notice of impending drivers license
22 suspension to the person who has failed to satisfy any fine or
23 penalty imposed by final judgment for 10 or more violations of
24 local standing, parking, or compliance regulations or 5 or more
25 automated traffic law violations after exhaustion of judicial
26 review procedures. An ordinance so providing shall specify that
27 the notice sent to the person liable for any fine or penalty
28 shall state that failure to pay the fine or penalty owing
29 within 45 days of the notice's date will result in the
30 municipality notifying the Secretary of State that the person's
31 drivers license is eligible for suspension pursuant to this
32 Section. The notice of impending drivers license suspension
33 shall be sent by first class United States mail, postage
34 prepaid, to the address recorded with the Secretary of State.

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

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

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

18 (Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98; 90-481,
19 eff. 8-17-97.)

20 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

21 Sec. 11-208. Powers of local authorities.

22 (a) The provisions of this Code shall not be deemed to
23 prevent local authorities with respect to streets and highways
24 under their jurisdiction and within the reasonable exercise of
25 the police power from:

26 1. Regulating the standing or parking of vehicles,
27 except as limited by Section 11-1306 of this Act;

28 2. Regulating traffic by means of police officers or
29 traffic control signals;

30 3. Regulating or prohibiting processions or
31 assemblages on the highways;

32 4. Designating particular highways as one-way
33 highways and requiring that all vehicles thereon be moved

1 in one specific direction;

2 5. Regulating the speed of vehicles in public parks
3 subject to the limitations set forth in Section 11-604;

4 6. Designating any highway as a through highway, as
5 authorized in Section 11-302, and requiring that all
6 vehicles stop before entering or crossing the same or
7 designating any intersection as a stop intersection or a
8 yield right-of-way intersection and requiring all vehicles
9 to stop or yield the right-of-way at one or more entrances
10 to such intersections;

11 7. Restricting the use of highways as authorized in
12 Chapter 15;

13 8. Regulating the operation of bicycles and requiring
14 the registration and licensing of same, including the
15 requirement of a registration fee;

16 9. Regulating or prohibiting the turning of vehicles
17 or specified types of vehicles at intersections;

18 10. Altering the speed limits as authorized in
19 Section 11-604;

20 11. Prohibiting U-turns;

21 12. Prohibiting pedestrian crossings at other than
22 designated and marked crosswalks or at intersections;

23 13. Prohibiting parking during snow removal
24 operation;

25 14. Imposing fines in accordance with Section
26 11-1301.3 as penalties for use of any parking place
27 reserved for persons with disabilities, as defined by
28 Section 1-159.1, or disabled veterans by any person using a
29 motor vehicle not bearing registration plates specified in
30 Section 11-1301.1 or a special decal or device as defined
31 in Section 11-1301.2 as evidence that the vehicle is
32 operated by or for a person with disabilities or disabled
33 veteran;

34 15. Adopting such other traffic regulations as are

1 specifically authorized by this Code; or

2 16. Enforcing the provisions of subsection (f) of
3 Section 3-413 of this Code or a similar local ordinance.

4 (b) No ordinance or regulation enacted under subsections
5 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be
6 effective until signs giving reasonable notice of such local
7 traffic regulations are posted.

8 (c) The provisions of this Code shall not prevent any
9 municipality having a population of 500,000 or more inhabitants
10 from prohibiting any person from driving or operating any motor
11 vehicle upon the roadways of such municipality with headlamps
12 on high beam or bright.

13 (d) The provisions of this Code shall not be deemed to
14 prevent local authorities within the reasonable exercise of
15 their police power from prohibiting, on private property, the
16 unauthorized use of parking spaces reserved for persons with
17 disabilities.

18 (e) No unit of local government, including a home rule
19 unit, may enact or enforce an ordinance that applies only to
20 motorcycles if the principal purpose for that ordinance is to
21 restrict the access of motorcycles to any highway or portion of
22 a highway for which federal or State funds have been used for
23 the planning, design, construction, or maintenance of that
24 highway. No unit of local government, including a home rule
25 unit, may enact an ordinance requiring motorcycle users to wear
26 protective headgear. Nothing in this subsection (e) shall
27 affect the authority of a unit of local government to regulate
28 motorcycles for traffic control purposes or in accordance with
29 Section 12-602 of this Code. No unit of local government,
30 including a home rule unit, may regulate motorcycles in a
31 manner inconsistent with this Code. This subsection (e) is a
32 limitation under subsection (i) of Section 6 of Article VII of
33 the Illinois Constitution on the concurrent exercise by home
34 rule units of powers and functions exercised by the State.

1 (f) A municipality or county may enact an ordinance
2 providing for an automated traffic law enforcement system to
3 enforce violations of Section 11-306 of this Code or a similar
4 provision of a local ordinance.

5 (Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97;
6 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

7 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

11 (a) Any municipality may provide by ordinance for a system
12 of administrative adjudication of vehicular standing and
13 parking violations and vehicle compliance violations as
14 defined in this subsection, and automated traffic law
15 violations as defined in Section 11-208.5. The administrative
16 system shall have as its purpose the fair and efficient
17 enforcement of municipal regulations through the
18 administrative adjudication of automated traffic law
19 violations and violations of municipal ordinances regulating
20 the standing and parking of vehicles, the condition and use of
21 vehicle equipment, and the display of municipal wheel tax
22 licenses within the municipality's borders. The administrative
23 system shall only have authority to adjudicate civil offenses
24 carrying fines not in excess of \$250 that occur after the
25 effective date of the ordinance adopting such a system under
26 this Section. For purposes of this Section, "compliance
27 violation" means a violation of a municipal regulation
28 governing the condition or use of equipment on a vehicle or
29 governing the display of a municipal wheel tax license.

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

32 (1) A traffic compliance administrator authorized to
33 adopt, distribute and process parking, ~~and~~ compliance, and

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

8 (2) A parking, standing, ~~or~~ compliance, or automated
9 traffic law violation notice that shall specify the date,
10 time, and place of violation of a parking, standing, ~~or~~
11 compliance, or automated traffic law regulation; the
12 particular regulation violated; the fine and any penalty
13 that may be assessed for late payment, when so provided by
14 ordinance; the vehicle make and state registration number;
15 and the identification number of the person issuing the
16 notice. With regard to municipalities with a population of
17 1 million or more, it shall be grounds for dismissal of a
18 parking violation if the State registration number or
19 vehicle make specified is incorrect. The violation notice
20 shall state that the payment of the indicated fine, and of
21 any applicable penalty for late payment, shall operate as a
22 final disposition of the violation. The notice also shall
23 contain information as to the availability of a hearing in
24 which the violation may be contested on its merits. The
25 violation notice shall specify the time and manner in which
26 a hearing may be had.

27 (3) Service of the parking, standing, or compliance
28 violation notice by affixing the original or a facsimile of
29 the notice to an unlawfully parked vehicle or by handing
30 the notice to the operator of a vehicle if he or she is
31 present and service of an automated traffic law violation
32 notice by mail to the address of the registered owner of
33 the cited vehicle as recorded with the Secretary of State
34 within 30 days after the violation. A person authorized by

1 ordinance to issue and serve parking, standing, ~~and~~
2 compliance, or automated traffic law 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 signed statement by a
12 technician employed by the municipality or county that,
13 based on inspection of recorded images, the motor vehicle
14 was being operated in violation Section 11-208.5. If the
15 technician determines that the vehicle entered the
16 intersection as part of a funeral procession or in order to
17 yield the right-of-way to an emergency vehicle, a citation
18 may not be issued. The original or a facsimile of the
19 violation notice or, in the case of a notice produced by a
20 computerized device, a printed record generated by the
21 device showing the facts entered on the notice, shall be
22 retained by the traffic compliance administrator, and
23 shall be a record kept in the ordinary course of business.
24 A parking, standing, ~~or~~ compliance, or automated traffic
25 law violation notice issued, signed and served in
26 accordance with this Section, a copy of the notice, or the
27 computer generated record shall be prima facie correct and
28 shall be prima facie evidence of the correctness of the
29 facts shown on the notice. The notice, copy, or computer
30 generated record shall be admissible in any subsequent
31 administrative or legal proceedings.

32 (4) An opportunity for a hearing for the registered
33 owner of the vehicle cited in the parking, standing, ~~or~~
34 compliance, or automated traffic law violation notice in

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

16 (5) Service of additional notices, sent by first
17 class United States mail, postage prepaid, to the address
18 of the registered owner of the cited vehicle as recorded
19 with the Secretary of State or, under Section 11-1306 of
20 this Code, to the lessee of the cited vehicle at the last
21 address known to the lessor of the cited vehicle at the
22 time of lease. The service shall be deemed complete as of
23 the date of deposit in the United States mail. The notices
24 shall be in the following sequence and shall include but
25 not be limited to the information specified herein:

26 (i) A second notice of violation. This notice
27 shall specify the date and location of the violation
28 cited in the parking, standing, ~~or~~ compliance, or
29 automated traffic law violation notice, the particular
30 regulation violated, the vehicle make and state
31 registration number, the fine and any penalty that may
32 be assessed for late payment when so provided by
33 ordinance, the availability of a hearing in which the
34 violation may be contested on its merits, and the time

1 and manner in which the hearing may be had. The notice
2 of violation shall also state that failure either to
3 pay the indicated fine and any applicable penalty, or
4 to appear at a hearing on the merits in the time and
5 manner specified, will result in a final determination
6 of violation liability for the cited violation in the
7 amount of the fine or penalty indicated, and that, upon
8 the occurrence of a final determination of violation
9 liability for the failure, and the exhaustion of, or
10 failure to exhaust, available administrative or
11 judicial procedures for review, any unpaid fine or
12 penalty will constitute a debt due and owing the
13 municipality.

14 (ii) A notice of final determination of parking,
15 standing, ~~or~~ compliance, or automated traffic law
16 violation liability. This notice shall be sent
17 following a final determination of parking, standing,
18 ~~or~~ compliance, or automated traffic law violation
19 liability and the conclusion of judicial review
20 procedures taken under this Section. The notice shall
21 state that the unpaid fine or penalty is a debt due and
22 owing the municipality. The notice shall contain
23 warnings that failure to pay any fine or penalty due
24 and owing the municipality within the time specified
25 may result in the municipality's filing of a petition
26 in the Circuit Court to have the unpaid fine or penalty
27 rendered a judgment as provided by this Section, or may
28 result in suspension of the person's drivers license
29 for failure to pay fines or penalties for 10 or more
30 parking violations under Section 6-306.5 or 5 more
31 automated traffic law violations under Section
32 11-208.5.

33 (6) A Notice of impending drivers license suspension.

34 This notice shall be sent to the person liable for any fine

1 or penalty that remains due and owing on 10 or more parking
2 violations or 5 or more unpaid automated traffic law
3 violations. The notice shall state that failure to pay the
4 fine or penalty owing within 45 days of the notice's date
5 will result in the municipality notifying the Secretary of
6 State that the person is eligible for initiation of
7 suspension proceedings under Section 6-306.5 of this Code.
8 The notice shall also state that the person may obtain a
9 photostatic copy of an original ticket imposing a fine or
10 penalty by sending a self addressed, stamped envelope to
11 the municipality along with a request for the photostatic
12 copy. The notice of impending drivers license suspension
13 shall be sent by first class United States mail, postage
14 prepaid, to the address recorded with the Secretary of
15 State.

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

29 (8) A petition to set aside a determination of
30 parking, standing, ~~or~~ compliance, or automated traffic law
31 violation liability that may be filed by a person owing an
32 unpaid fine or penalty. The petition shall be filed with
33 and ruled upon by the traffic compliance administrator in
34 the manner and within the time specified by ordinance. The

1 grounds for the petition may be limited to: (A) the person
2 not having been the owner or lessee of the cited vehicle on
3 the date the violation notice was issued, (B) the person
4 having already paid the fine or penalty for the violation
5 in question, and (C) excusable failure to appear at or
6 request a new date for a hearing. With regard to
7 municipalities with a population of 1 million or more, it
8 shall be grounds for dismissal of a parking violation if
9 the State registration number or vehicle make specified is
10 incorrect. After the determination of parking, standing,
11 ~~or~~ compliance, or automated traffic law violation
12 liability has been set aside upon a showing of just cause,
13 the registered owner shall be provided with a hearing on
14 the merits for that violation.

15 (9) Procedures for non-residents. Procedures by which
16 persons who are not residents of the municipality may
17 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, ~~and~~ compliance, and automated
21 traffic law regulations enacted by ordinance pursuant to
22 this Section, and a schedule of penalties for late payment
23 of the fines, provided, however, that the total amount of
24 the fine and penalty for any one violation shall not exceed
25 \$250.

26 (11) Other provisions as are necessary and proper to
27 carry into effect the powers granted and purposes stated in
28 this Section.

29 (c) Any municipality establishing vehicular standing,
30 parking, ~~and~~ compliance, and automated traffic law regulations
31 under this Section may also provide by ordinance for a program
32 of vehicle immobilization for the purpose of facilitating
33 enforcement of those regulations. The program of vehicle
34 immobilization shall provide for immobilizing any eligible

1 vehicle upon the public way by presence of a restraint in a
2 manner to prevent operation of the vehicle. Any ordinance
3 establishing a program of vehicle immobilization under this
4 Section shall provide:

5 (1) Criteria for the designation of vehicles eligible
6 for immobilization. A vehicle shall be eligible for
7 immobilization when the registered owner of the vehicle has
8 accumulated the number of unpaid final determinations of
9 parking, standing, ~~or~~ compliance, or automated traffic law
10 violation liability as determined by ordinance.

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

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

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

28 (d) Judicial review of final determinations of parking,
29 standing, ~~and~~ compliance, and automated traffic law violations
30 and final administrative decisions issued after hearings
31 regarding vehicle immobilization and impoundment made under
32 this Section shall be subject to the provisions of the
33 Administrative Review Law.

34 (e) Any fine, penalty, or part of any fine or any penalty

1 remaining unpaid after the exhaustion of, or the failure to
2 exhaust, administrative remedies created under this Section
3 and the conclusion of any judicial review procedures shall be a
4 debt due and owing the municipality and, as such, may be
5 collected in accordance with applicable law. Payment in full of
6 any fine or penalty resulting from a standing, parking, ~~or~~
7 compliance, or automated traffic law violation shall
8 constitute a final disposition of that violation.

9 (f) After the expiration of the period within which
10 judicial review may be sought for a final determination of
11 parking, standing, ~~or~~ compliance, or automated traffic law
12 violation, the municipality may commence a proceeding in the
13 Circuit Court for purposes of obtaining a judgment on the final
14 determination of violation. Nothing in this Section shall
15 prevent a municipality from consolidating multiple final
16 determinations of parking, standing, ~~or~~ compliance, or
17 automated traffic law violations ~~violation~~ against a person in
18 a proceeding. Upon commencement of the action, the municipality
19 shall file a certified copy of the final determination of
20 parking, standing, ~~or~~ compliance, or automated traffic law
21 violation, which shall be accompanied by a certification that
22 recites facts sufficient to show that the final determination
23 of violation was issued in accordance with this Section and the
24 applicable municipal ordinance. Service of the summons and a
25 copy of the petition may be by any method provided by Section
26 2-203 of the Code of Civil Procedure or by certified mail,
27 return receipt requested, provided that the total amount of
28 fines and penalties for final determinations of parking,
29 standing, ~~or~~ compliance, or automated traffic law violations
30 does not exceed \$2500. If the court is satisfied that the final
31 determination of parking, standing, ~~or~~ compliance, or
32 automated traffic law violation was entered in accordance with
33 the requirements of this Section and the applicable municipal
34 ordinance, and that the registered owner or the lessee, as the

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

9 (Source: P.A. 92-695, eff. 1-1-03.)

10 (625 ILCS 5/11-208.5 new)

11 Sec. 11-208.5. Automated traffic law enforcement system.

12 (a) As used in this Section, "automated traffic law
13 enforcement system" means a device with one or more motor
14 vehicle sensors working in conjunction with a red light signal
15 to produce recorded images of motor vehicles entering an
16 intersection against a red signal indication in violation of
17 Section 11-306 of this Code or a similar provision of a local
18 ordinance.

19 An automated traffic law enforcement system is a system in
20 a municipality or county operated by a governmental agency, in
21 cooperation with a law enforcement agency, that produces a
22 recorded image of a motor vehicle's violation of a provision of
23 this Code or a local ordinance and is designed to obtain a
24 clear recorded image of the vehicle and the vehicle's license
25 plate. The recorded image must also display the time, date, and
26 location of the violation.

27 (b) As used in this Section, "recorded images" means
28 images recorded by an automated traffic law enforcement system
29 on:

30 (1) 2 or more photographs;

31 (2) 2 or more microphotographs;

32 (3) 2 or more electronic images; or

33 (4) a videotape showing the motor vehicle and, on at

1 least one image or portion of tape, clearly identifying the
2 registration plate number of the motor vehicle.

3 (c) For each violation of a provision of this Code or a
4 local ordinance recorded by an automatic traffic law
5 enforcement system, the local law enforcement agency having
6 jurisdiction shall issue a written citation and a notice of the
7 violation to the registered owner of the vehicle as the alleged
8 violator. The citation and notice shall be delivered to the
9 registered owner of the vehicle, by mail, within 30 days of the
10 violation.

11 The citation shall include:

12 (1) the name and address of the registered owner of
13 the vehicle;

14 (2) the registration number of the motor vehicle
15 involved in the violation;

16 (3) the violation charged;

17 (4) the location where the violation occurred;

18 (5) the date and time of the violation;

19 (6) a copy of the recorded images;

20 (7) the amount of the civil penalty imposed and the
21 date by which the civil penalty should be paid;

22 (8) a signed statement by a technician employed by the
23 agency that, based on inspection of recorded images, the
24 motor vehicle was being operated in violation of a
25 automated traffic law enforcement system;

26 (9) a statement that recorded images are evidence of a
27 violation of a red light signal; and

28 (10) warning that failure to pay the civil penalty or
29 to contest liability in a timely manner is an admission of
30 liability and may result in a suspension of the driving
31 privileges of the registered owner of the vehicle.

32 (d) The citation issued to the registered owner of the
33 vehicle shall be accompanied by a written notice, the contents
34 of which is set forth in subsection (e) of this Section,

1 explaining how the registered owner of the vehicle can elect to
2 proceed by either paying the civil penalty or challenging the
3 issuance of the citation.

4 (e) The written notice explaining the alleged violator's
5 rights and obligations must include the following text:

6 "You have been served with the accompanying citation and
7 cited with having violated Section 11-208.5 of the Illinois
8 Vehicle Code. You can elect to proceed by:

9 1. paying the fine; or

10 2. challenging the issuance of the Citation in
11 court."

12 (f) If a person charged with a traffic violation, as a
13 result of automated traffic law enforcement system, does not
14 pay or successfully contest the civil penalty resulting from
15 that violation, the Secretary of State shall suspend the
16 driving privileges of the registered owner of the vehicle under
17 Section 6-306.5 of this Code for failing to pay any fine or
18 penalty due and owing as a result of 5 violations of the
19 automated traffic law enforcement system.

20 (g) Based on inspection of recorded images produced by an
21 automated traffic law enforcement system, a citation or a copy
22 of a citation alleging that the violation occurred and signed
23 by a duly authorized agent of the agency shall be evidence of
24 the facts contained in the citation or copy and admissible in
25 any proceeding alleging a violation under this Section.

26 (h) Recorded images made by an automatic traffic law
27 enforcement system are confidential and shall be made available
28 only to the alleged violator and governmental and law
29 enforcement agencies for purposes of adjudicating a violation
30 of this Section. Any recorded image evidencing a violation of
31 this Section, however, is admissible in any proceeding
32 resulting from the issuance of the citation when there is
33 reasonable and sufficient proof of the accuracy of the camera
34 or electronic instrument recording the image. There is a

1 rebuttable presumption that the recorded image is accurate if
2 the camera or electronic recording instrument was in good
3 working order at the beginning and the end of the day of the
4 alleged offense.

5 (i) The court may consider in defense of a violation:

6 (1) that the motor vehicle or registration plates of
7 the motor vehicle were stolen before the violation occurred
8 and not under the control of or in the possession of the
9 owner at the time of the violation;

10 (2) that the driver of the vehicle passed through the
11 intersection when the light was red either (i) in order to
12 yield the right-of-way to an emergency vehicle or (ii) as
13 part of a funeral procession; and

14 (3) any other evidence or issues that the Court deems
15 pertinent.

16 (j) To demonstrate that the motor vehicle or the
17 registration plates were stolen before the violation occurred
18 and were not under the control or possession of the owner at
19 the time of the violation, the owner must submit proof that a
20 police report concerning the stolen motor vehicle or
21 registration plates was filed in a timely manner.

22 (k) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding \$500 if the motor vehicle is recorded by
26 an automated traffic law enforcement system. A violation for
27 which a civil penalty is imposed under this Section is not a
28 violation of a traffic regulation governing the movement of
29 vehicles and may not be recorded on the driving record of the
30 owner of the vehicle.

31 (l) An intersection equipped with an automated traffic
32 law enforcement system must be posted with a sign visible to
33 approaching traffic indicating that the intersection is being
34 monitored by an automated traffic law enforcement system.

1 (m) The compensation paid for an automated traffic law
2 enforcement system must be based on the value of the equipment
3 or the services provided and may not be based on the number of
4 traffic citations issued or the revenue generated by the
5 system.

6 (625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

7 Sec. 11-306. Traffic-control signal legend. Whenever
8 traffic is controlled by traffic-control signals exhibiting
9 different colored lights or color lighted arrows, successively
10 one at a time or in combination, only the colors green, red and
11 yellow shall be used, except for special pedestrian signals
12 carrying a word legend, and the lights shall indicate and apply
13 to drivers of vehicles and pedestrians as follows:

14 (a) Green indication.

15 1. Vehicular traffic facing a circular green signal
16 may proceed straight through or turn right or left unless a
17 sign at such place prohibits either such turn. Vehicular
18 traffic, including vehicles turning right or left, shall
19 yield the right of way to other vehicles and to pedestrians
20 lawfully within the intersection or an adjacent crosswalk
21 at the time such signal is exhibited.

22 2. Vehicular traffic facing a green arrow signal,
23 shown alone or in combination with another indication, may
24 cautiously enter the intersection only to make the movement
25 indicated by such arrow, or such other movement as is
26 permitted by other indications shown at the same time. Such
27 vehicular traffic shall yield the right of way to
28 pedestrians lawfully within an adjacent crosswalk and to
29 other traffic lawfully using the intersection.

30 3. Unless otherwise directed by a pedestrian-control
31 signal, as provided in Section 11-307, pedestrians facing
32 any green signal, except when the sole green signal is a
33 turn arrow, may proceed across the roadway within any

1 marked or unmarked crosswalk.

2 (b) Steady yellow indication.

3 1. Vehicular traffic facing a steady circular yellow
4 or yellow arrow signal is thereby warned that the related
5 green movement is being terminated or that a red indication
6 will be exhibited immediately thereafter.

7 2. Pedestrians facing a steady circular yellow or
8 yellow arrow signal, unless otherwise directed by a
9 pedestrian-control signal as provided in Section 11-307,
10 are thereby advised that there is insufficient time to
11 cross the roadway before a red indication is shown and no
12 pedestrian shall then start to cross the roadway.

13 (c) Steady red indication.

14 1. Except as provided in paragraph 3 of this
15 subsection (c), vehicular traffic facing a steady circular
16 red signal alone shall stop at a clearly marked stop line,
17 but if there is no such stop line, before entering the
18 crosswalk on the near side of the intersection, or if there
19 is no such crosswalk, then before entering the
20 intersection, and shall remain standing until an
21 indication to proceed is shown.

22 2. Except as provided in paragraph 3 of this
23 subsection (c), vehicular traffic facing a steady red arrow
24 signal shall not enter the intersection to make the
25 movement indicated by the arrow and, unless entering the
26 intersection to make a movement permitted by another
27 signal, shall stop at a clearly marked stop line, but if
28 there is no such stop line, before entering the crosswalk
29 on the near side of the intersection, or if there is no
30 such crosswalk, then before entering the intersection, and
31 shall remain standing until an indication permitting the
32 movement indicated by such red arrow is shown.

33 3. Except when a sign is in place prohibiting a turn
34 and local authorities by ordinance or State authorities by

1 rule or regulation prohibit any such turn, vehicular
2 traffic facing any steady red signal may cautiously enter
3 the intersection to turn right, or to turn left from a
4 one-way street into a one-way street, after stopping as
5 required by paragraph 1 or paragraph 2 of this subsection.
6 After stopping, the driver shall yield the right of way to
7 any vehicle in the intersection or approaching on another
8 roadway so closely as to constitute an immediate hazard
9 during the time such driver is moving across or within the
10 intersection or junction or roadways. Such driver shall
11 yield the right of way to pedestrians within the
12 intersection or an adjacent crosswalk.

13 4. Unless otherwise directed by a pedestrian-control
14 signal as provided in Section 11-307, pedestrians facing a
15 steady circular red or red arrow signal alone shall not
16 enter the roadway.

17 ~~5. A municipality with a population of 1,000,000 or~~
18 ~~more may enact an ordinance that provides for the use of an~~
19 ~~automated red light enforcement system to enforce~~
20 ~~violations of this subsection (c) that result in or involve~~
21 ~~a motor vehicle accident, leaving the scene of a motor~~
22 ~~vehicle accident, or reckless driving that results in~~
23 ~~bodily injury.~~

24 ~~This paragraph 5 is subject to prosecutorial~~
25 ~~discretion that is consistent with applicable law.~~

26 (d) In the event an official traffic control signal is
27 erected and maintained at a place other than an intersection,
28 the provisions of this Section shall be applicable except as to
29 provisions which by their nature can have no application. Any
30 stop required shall be at a traffic sign or a marking on the
31 pavement indicating where the stop shall be made or, in the
32 absence of such sign or marking, the stop shall be made at the
33 signal.

34 (e) The motorman of any streetcar shall obey the above

1 signals as applicable to vehicles.

2 (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

3 (625 ILCS 5/1-105.5 rep.)

4 Section 10. The Illinois Vehicle Code is amended by
5 repealing Section 1-105.5.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".