

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Toll Bridge Act is amended by changing
5 Section 13 as follows:

6 (605 ILCS 115/13) (from Ch. 137, par. 13)

7 Sec. 13. (a) Any person who intentionally breaks any
8 mechanical or electronic toll collection device of a toll
9 bridge operator or any appurtenance thereto is guilty of a
10 Class 4 felony.

11 (b) Any person who operates a vehicle through a toll gate
12 or other area of a toll bridge where a toll or charge is due
13 without paying the amount due shall be guilty of a petty
14 offense with a maximum penalty not to exceed \$500. Whenever a
15 vehicle is used in violation of this subsection (b), both the
16 driver and the registered owner of the vehicle shall be jointly
17 and severally liable to the operator for the toll.

18 (c) An operator may use photographic and technological
19 devices to aid in the collection of tolls and enforcement of
20 toll violations. An operator may contract with a county or
21 municipality to provide assistance in the implementation of an
22 automated toll violation enforcement system pursuant to
23 Section 11-208.7 of the Illinois Vehicle Code.

1 (d) An operator may assess administrative fees and costs
2 not to exceed a total of \$200 against the registered owner of a
3 vehicle that is used in a violation of subsection (b),
4 regardless of whether the driver of the vehicle has been
5 convicted of that offense, whenever the owner fails to pay a
6 toll in a timely manner after receiving notice that the toll is
7 owed.

8 (e) As used in this Section:

9 "Toll bridge" includes any toll bridge constructed under
10 this Act, under Section 11-108-1 of the Illinois Municipal
11 Code, or under any other law.

12 "Operator" means any entity, public or private, authorized
13 to collect tolls on a toll bridge.

14 ~~Every person who shall willfully break, throw, draw or injure~~
15 ~~any gate erected on any toll bridge, or shall forcibly or~~
16 ~~fraudulently pass over any such bridge without having first~~
17 ~~paid or tendered the legal toll, shall be deemed guilty of a~~
18 ~~petty offense, and upon conviction shall be fined, in addition~~
19 ~~to the damage resulting from such wrongful act, in any sum not~~
20 ~~exceeding ten dollars.~~

21 (Source: P.A. 89-657, eff. 8-14-96)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 6-306.5, 11-208, and 11-208.3 and by adding
24 Sections 1-105.1 and 11-208.7 as follows:

1 (625 ILCS 5/1-105.1 new)

2 Sec. 1-105.1. Automated toll violation. A violation
3 described in Section 11-208.7 of this Code.

4 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

5 Sec. 6-306.5. Failure to pay fine or penalty for standing,
6 parking, compliance, or automated traffic law or automated toll
7 violations; suspension of driving privileges.

8 (a) Upon receipt of a certified report, as prescribed by
9 subsection (c) of this Section, from any municipality stating
10 that the owner of a registered vehicle has: (1) failed to pay
11 any fine or penalty due and owing as a result of 10 or more
12 violations of a municipality's vehicular standing, parking, or
13 compliance regulations established by ordinance pursuant to
14 Section 11-208.3 of this Code, or (2) failed to pay any fine or
15 penalty due and owing as a result of 5 offenses for automated
16 traffic violations as defined in Section 11-208.6 or automated
17 toll violations as defined in Section 11-208.7 or any
18 combination thereof, the Secretary of State shall suspend the
19 driving privileges of such person in accordance with the
20 procedures set forth in this Section. The Secretary shall also
21 suspend the driving privileges of an owner of a registered
22 vehicle upon receipt of a certified report, as prescribed by
23 subsection (f) of this Section, from any municipality stating
24 that such person has failed to satisfy any fines or penalties
25 imposed by final judgments for 5 or more automated traffic law

1 violations or automated toll violations or 10 or more
2 violations of local standing, parking, or compliance
3 regulations after exhaustion of judicial review procedures.

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

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

21 (1) The name, last known address as recorded with the
22 Secretary of State, as provided by the lessor of the cited
23 vehicle at the time of lease, or as recorded in a United
24 States Post Office approved database if any notice sent
25 under Section 11-208.3 of this Code is returned as
26 undeliverable, and drivers license number of the person who

1 failed to pay the fine or penalty and the registration
2 number of any vehicle known to be registered to such person
3 in this State.

4 (2) The name of the municipality making the report
5 pursuant to this Section.

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

22 (d) Any municipality making a certified report to the
23 Secretary of State pursuant to this Section shall notify the
24 Secretary of State, in a form prescribed by the Secretary,
25 whenever a person named in the certified report has paid the
26 previously reported fine or penalty or whenever the

1 municipality determines that the original report was in error.
2 A certified copy of such notification shall also be given upon
3 request and at no additional charge to the person named
4 therein. Upon receipt of the municipality's notification or
5 presentation of a certified copy of such notification, the
6 Secretary of State shall terminate the suspension.

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

20 (f) Any municipality, other than a municipality
21 establishing vehicular standing, parking, and compliance
22 regulations pursuant to Section 11-208.3 or automated traffic
23 law regulations under Section 11-208.6 or automated toll
24 violations under Section 11-208.7, may also cause a suspension
25 of a person's drivers license pursuant to this Section. Such
26 municipality may invoke this sanction by making a certified

1 report to the Secretary of State upon a person's failure to
2 satisfy any fine or penalty imposed by final judgment for 10 or
3 more violations of local standing, parking, or compliance
4 regulations or 5 or more automated traffic law violations or
5 automated toll violations after exhaustion of judicial review
6 procedures, but 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 or
14 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 11-208.6 or automated toll
21 regulations under Section 11-208.7, may provide by ordinance
22 for the sending of a notice of impending drivers license
23 suspension to the person who has failed to satisfy any fine or
24 penalty imposed by final judgment for 10 or more violations of
25 local standing, parking, or compliance regulations or 5 or more
26 automated traffic law violations or automated toll violations

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

15 (h) An administrative hearing to contest an impending
16 suspension or a suspension made pursuant to this Section may be
17 had upon filing a written request with the Secretary of State.
18 The filing fee for this hearing shall be \$20, to be paid at the
19 time the request is made. A municipality which files a
20 certified report with the Secretary of State pursuant to this
21 Section shall reimburse the Secretary for all reasonable costs
22 incurred by the Secretary as a result of the filing of the
23 report, including but not limited to the costs of providing the
24 notice required pursuant to subsection (b) and the costs
25 incurred by the Secretary in any hearing conducted with respect
26 to the report pursuant to this subsection and any appeal from

1 such a hearing.

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

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

6 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06.)

7 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

15 2. Regulating traffic by means of police officers or
16 traffic control signals;

17 3. Regulating or prohibiting processions or
18 assemblages on the highways;

19 4. Designating particular highways as one-way highways
20 and requiring that all vehicles thereon be moved in one
21 specific direction;

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

24 6. Designating any highway as a through highway, as
25 authorized in Section 11-302, and requiring that all

1 vehicles stop before entering or crossing the same or
2 designating any intersection as a stop intersection or a
3 yield right-of-way intersection and requiring all vehicles
4 to stop or yield the right-of-way at one or more entrances
5 to such intersections;

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

8 8. Regulating the operation of bicycles and requiring
9 the registration and licensing of same, including the
10 requirement of a registration fee;

11 9. Regulating or prohibiting the turning of vehicles or
12 specified types of vehicles at intersections;

13 10. Altering the speed limits as authorized in Section
14 11-604;

15 11. Prohibiting U-turns;

16 12. Prohibiting pedestrian crossings at other than
17 designated and marked crosswalks or at intersections;

18 13. Prohibiting parking during snow removal operation;

19 14. Imposing fines in accordance with Section
20 11-1301.3 as penalties for use of any parking place
21 reserved for persons with disabilities, as defined by
22 Section 1-159.1, or disabled veterans by any person using a
23 motor vehicle not bearing registration plates specified in
24 Section 11-1301.1 or a special decal or device as defined
25 in Section 11-1301.2 as evidence that the vehicle is
26 operated by or for a person with disabilities or disabled

1 veteran;

2 15. Adopting such other traffic regulations as are
3 specifically authorized by this Code; or

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

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

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

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

20 (e) No unit of local government, including a home rule
21 unit, may enact or enforce an ordinance that applies only to
22 motorcycles if the principal purpose for that ordinance is to
23 restrict the access of motorcycles to any highway or portion of
24 a highway for which federal or State funds have been used for
25 the planning, design, construction, or maintenance of that
26 highway. No unit of local government, including a home rule

1 unit, may enact an ordinance requiring motorcycle users to wear
2 protective headgear. Nothing in this subsection (e) shall
3 affect the authority of a unit of local government to regulate
4 motorcycles for traffic control purposes or in accordance with
5 Section 12-602 of this Code. No unit of local government,
6 including a home rule unit, may regulate motorcycles in a
7 manner inconsistent with this Code. This subsection (e) is a
8 limitation under subsection (i) of Section 6 of Article VII of
9 the Illinois Constitution on the concurrent exercise by home
10 rule units of powers and functions exercised by the State.

11 (f) A municipality or county designated in Section 11-208.6
12 may enact an ordinance providing for an automated traffic law
13 enforcement system to enforce violations of this Code or a
14 similar provision of a local ordinance and imposing liability
15 on a registered owner of a vehicle used in such a violation.

16 (g) A municipality or county may enact an ordinance
17 providing for an automated toll enforcement system to enforce
18 violations of the Toll Bridge Act or a similar provision of a
19 local ordinance and imposing liability on a registered owner of
20 a vehicle used in such a violation.

21 (Source: P.A. 94-795, eff. 5-22-06.)

22 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

23 Sec. 11-208.3. Administrative adjudication of violations
24 of traffic regulations concerning the standing, parking, or
25 condition of vehicles and automated traffic law and automated

1 toll violations.

2 (a) Any municipality may provide by ordinance for a system
3 of administrative adjudication of vehicular standing and
4 parking violations and vehicle compliance violations as
5 defined in this subsection and automated traffic law violations
6 as defined in Section 11-208.6 and automated toll violations as
7 defined in Section 11-208.7. The administrative system shall
8 have as its purpose the fair and efficient enforcement of
9 municipal regulations through the administrative adjudication
10 of automated traffic law or automated toll violations and
11 violations of municipal ordinances regulating the standing and
12 parking of vehicles, the condition and use of vehicle
13 equipment, and the display of municipal wheel tax licenses
14 within the municipality's borders. The administrative system
15 shall only have authority to adjudicate civil offenses carrying
16 fines not in excess of \$250 that occur after the effective date
17 of the ordinance adopting such a system under this Section. For
18 purposes of this Section, "compliance violation" means a
19 violation of a municipal regulation governing the condition or
20 use of equipment on a vehicle or governing the display of a
21 municipal wheel tax license.

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

24 (1) A traffic compliance administrator authorized to
25 adopt, distribute and process parking, compliance, and
26 automated traffic law or automated toll violation notices

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

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

1 disposition of the violation. The notice also shall contain
2 information as to the availability of a hearing in which
3 the violation may be contested on its merits. The violation
4 notice shall specify the time and manner in which a hearing
5 may be had.

6 (3) Service of the parking, standing, or compliance
7 violation notice by affixing the original or a facsimile of
8 the notice to an unlawfully parked vehicle or by handing
9 the notice to the operator of a vehicle if he or she is
10 present and service of an automated traffic law or
11 automated toll violation notice by mail to the address of
12 the registered owner of the cited vehicle as recorded with
13 the Secretary of State within 30 days after the Secretary
14 of State notifies the municipality or county of the
15 identity of the owner of the vehicle, but in no event later
16 than 90 days after the violation. A person authorized by
17 ordinance to issue and serve parking, standing, and
18 compliance violation notices shall certify as to the
19 correctness of the facts entered on the violation notice by
20 signing his or her name to the notice at the time of
21 service or in the case of a notice produced by a
22 computerized device, by signing a single certificate to be
23 kept by the traffic compliance administrator attesting to
24 the correctness of all notices produced by the device while
25 it was under his or her control. In the case of an
26 automated traffic law violation, the ordinance shall

1 require a determination by a technician employed or
2 contracted by the municipality or county that, based on
3 inspection of recorded images, the motor vehicle was being
4 operated in violation of Section 11-208.6 or a local
5 ordinance. If the technician determines that the vehicle
6 entered the intersection as part of a funeral procession or
7 in order to yield the right-of-way to an emergency vehicle,
8 a citation shall not be issued. In the case of an automated
9 toll violation, the ordinance shall require a
10 determination by a technician employed or contracted by the
11 municipality or county or entity having a contract with the
12 municipality or county that, based on inspection of
13 recorded images, the motor vehicle was being operated in
14 violation of subsection (b) of Section 13 of the Toll
15 Bridge Act or a local ordinance. The original or a
16 facsimile of the violation notice or, in the case of a
17 notice produced by a computerized device, a printed record
18 generated by the device showing the facts entered on the
19 notice, shall be retained by the traffic compliance
20 administrator, and shall be a record kept in the ordinary
21 course of business. A parking, standing, compliance, or
22 automated traffic law or automated toll violation notice
23 issued, signed and served in accordance with this Section,
24 a copy of the notice, or the computer generated record
25 shall be prima facie correct and shall be prima facie
26 evidence of the correctness of the facts shown on the

1 notice. The notice, copy, or computer generated record
2 shall be admissible in any subsequent administrative or
3 legal proceedings.

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

23 (5) Service of additional notices, sent by first class
24 United States mail, postage prepaid, to the address of the
25 registered owner of the cited vehicle as recorded with the
26 Secretary of State or, if any notice to that address is

1 returned as undeliverable, to the last known address
2 recorded in a United States Post Office approved database,
3 or, under Section 11-1306 of this Code, to the lessee of
4 the cited vehicle at the last address known to the lessor
5 of the cited vehicle at the time of lease or, if any notice
6 to that address is returned as undeliverable, to the last
7 known address recorded in a United States Post Office
8 approved database. The service shall be deemed complete as
9 of the date of deposit in the United States mail. The
10 notices shall be in the following sequence and shall
11 include but not be limited to the information specified
12 herein:

13 (i) A second notice of parking, standing, or
14 compliance violation. This notice shall specify the
15 date and location of the violation cited in the
16 parking, standing, or compliance violation notice, the
17 particular regulation violated, the vehicle make and
18 state registration number, the fine and any penalty
19 that may be assessed for late payment when so provided
20 by ordinance, the availability of a hearing in which
21 the violation may be contested on its merits, and the
22 time and manner in which the hearing may be had. The
23 notice of violation shall also state that failure
24 either to pay the indicated fine and any applicable
25 penalty, or to appear at a hearing on the merits in the
26 time and manner specified, will result in a final

1 determination of violation liability for the cited
2 violation in the amount of the fine or penalty
3 indicated, and that, upon the occurrence of a final
4 determination of violation liability for the failure,
5 and the exhaustion of, or failure to exhaust, available
6 administrative or judicial procedures for review, any
7 unpaid fine or penalty will constitute a debt due and
8 owing the municipality.

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

1 violations under Section 11-208.6 or 5 or more
2 automated toll violations under Section 11-208.7.

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

23 (7) Final determinations of violation liability. A
24 final determination of violation liability shall occur
25 following failure to pay the fine or penalty after a
26 hearing officer's determination of violation liability and

1 the exhaustion of or failure to exhaust any administrative
2 review procedures provided by ordinance. Where a person
3 fails to appear at a hearing to contest the alleged
4 violation in the time and manner specified in a prior
5 mailed notice, the hearing officer's determination of
6 violation liability shall become final: (A) upon denial of
7 a timely petition to set aside that determination, or (B)
8 upon expiration of the period for filing the petition
9 without a filing having been made.

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

1 automated traffic law or automated toll violation
2 liability has been set aside upon a showing of just cause,
3 the registered owner shall be provided with a hearing on
4 the merits for that violation.

5 (9) Procedures for non-residents. Procedures by which
6 persons who are not residents of the municipality may
7 contest the merits of the alleged violation without
8 attending a hearing.

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

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

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

1 in a manner to prevent operation of the vehicle. Any ordinance
2 establishing a program of vehicle immobilization under this
3 Section shall provide:

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

11 (2) A notice of impending vehicle immobilization and a
12 right to a hearing to challenge the validity of the notice
13 by disproving liability for the unpaid final
14 determinations of parking, standing, compliance, or
15 automated traffic law or automated toll violation
16 liability listed on the 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 compliance, or automated traffic law or automated toll
21 violations for which final determinations have been
22 issued. An order issued after the hearing is a final
23 administrative decision within the meaning of Section
24 3-101 of the Code of Civil Procedure.

25 (4) A post immobilization and post-towing notice
26 advising the registered owner of the vehicle of the right

1 to a hearing to challenge the validity of the impoundment.

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

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

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

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

1 the same manner as other judgments for the recovery of money.

2 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
3 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

4 (625 ILCS 5/11-208.7 new)

5 Sec. 11-208.7. Automated toll violation enforcement
6 system.

7 (a) As used in this Section, "automated toll violation
8 enforcement system" means a device with one or more motor
9 vehicle sensors working in conjunction with a toll collection
10 device to produce recorded images of motor vehicles violating
11 subsection (b) of Section 13 of the Toll Bridge Act or a
12 similar provision of a local ordinance. An automated toll
13 violation enforcement system is a system, in a municipality or
14 county operated by a governmental agency with or without the
15 assistance of a private entity, that produces a recorded image
16 of a motor vehicle's violation of law or a local ordinance and
17 is designed to obtain a clear recorded image of the vehicle and
18 the vehicle's license plate. The recorded image must also
19 display the time, date, and location of the violation.

20 (b) As used in this Section, "recorded images" means images
21 recorded by an automated toll violation enforcement system on:

22 (1) one or more photographs;

23 (2) one or more microphotographs;

24 (3) one or more electronic images; or

25 (4) a video recording showing the motor vehicle and, on

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

4 (c) For each violation of a provision of the Toll Bridge
5 Act or a local ordinance recorded by an automatic toll
6 violation enforcement system, the county or municipality
7 having jurisdiction shall issue a written notice of the
8 violation to the registered owner of the vehicle. The notice
9 shall be delivered to the registered owner of the vehicle, by
10 mail, within 30 days after the municipality or county is
11 notified of the identity of the owner of the vehicle, but in no
12 event later than 90 days after the violation. The notice shall
13 include:

14 (1) the name and address of the registered owner of the
15 vehicle;

16 (2) the registration number of the motor vehicle
17 involved in the violation;

18 (3) the violation charged;

19 (4) the location where the violation occurred;

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

21 (6) a copy of the recorded images;

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

24 (8) a statement that recorded images are evidence of a
25 toll violation;

26 (9) a warning that failure to pay the civil penalty or

1 to contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle; and

4 (10) a statement that the person may elect to proceed
5 by:

6 (A) paying the fine and the toll; or

7 (B) challenging the charge in court, by mail, or by
8 administrative hearing.

9 (d) The Secretary of State shall suspend the driving
10 privileges of the registered owner of the vehicle under Section
11 6-306.5 of this Code for failing to pay any fine or penalty due
12 and owing as a result of 5 violations of the automated traffic
13 law enforcement system or the automated toll violation
14 enforcement system or any combination thereof.

15 (e) Based on inspection of recorded images produced by an
16 automated toll violation enforcement system, a notice alleging
17 that the violation occurred shall be evidence of the facts
18 contained in the notice and admissible in any proceeding
19 alleging a violation under this Section.

20 (f) Recorded images made by an automatic toll violation
21 enforcement system are confidential and shall be made available
22 only to the alleged violator and governmental and law
23 enforcement agencies for purposes of adjudicating a violation
24 of this Section, for statistical purposes, or for other
25 governmental purposes. Any recorded image evidencing a
26 violation, however, may be admissible in any proceeding

1 resulting from the issuance of the citation.

2 (g) The court or hearing officer may consider in defense of
3 a violation:

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

8 (2) that the toll and all administrative fees and costs
9 were paid in full at least 30 days prior to the hearing;
10 and

11 (3) any other evidence or issues provided by municipal
12 or county ordinance.

13 (h) To demonstrate that the motor vehicle or the
14 registration plates were stolen before the violation occurred
15 and were not under the control or possession of the owner at
16 the time of the violation, the owner must submit proof that a
17 report concerning the stolen motor vehicle or registration
18 plates was filed with a law enforcement agency in a timely
19 manner.

20 (i) Unless the driver of the motor vehicle was cited by a
21 police officer at the time of the violation, the motor vehicle
22 owner is subject to a civil penalty not exceeding \$150, plus an
23 additional penalty of not more than \$150 for failure to pay the
24 original penalty in a timely manner, if the motor vehicle is
25 recorded by an automated toll violation enforcement system. A
26 violation for which a civil penalty is imposed under this

1 Section is not a violation of a traffic regulation governing
2 the movement of vehicles and may not be recorded on the driving
3 record of the owner of the vehicle.

4 (j) A toll gate or other area of a toll bridge where a toll
5 or charge is due that is equipped with an automated toll
6 violation enforcement system must be posted with a sign visible
7 to approaching traffic indicating that the gate or area is
8 being monitored by an automated toll violation enforcement
9 system.

10 (k) A municipality or county in which there is situated a
11 privately operated toll bridge may enter into an agreement with
12 the operator of the toll bridge under which the operator
13 assists in the operation of the automated toll violation
14 enforcement system on behalf of the municipality or county. The
15 compensation paid for that assistance may include the
16 collection and remittance, or payment of equivalent amounts, of
17 tolls and administrative fees and costs assessed by that
18 operator.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.