



Rep. Marlow H. Colvin

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LRB095 16354 WGH 51129 a

1 AMENDMENT TO HOUSE BILL 4354

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4354, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (605 ILCS 115/13) (from Ch. 137, par. 13)

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

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

1 driver and the registered owner of the vehicle shall be jointly  
2 and severally liable to the operator for the toll.

3 (c) An operator may use photographic and technological  
4 devices to aid in the collection of tolls and enforcement of  
5 toll violations. An operator may contract with a county or  
6 municipality to provide assistance in the implementation of an  
7 automated toll violation enforcement system as described in  
8 Section 11-208.7 of the Illinois Vehicle Code.

9 (d) An operator may assess administrative fees and costs  
10 not to exceed a total of \$200 against the registered owner of a  
11 vehicle that is used in a violation of subsection (b),  
12 regardless of whether the driver of the vehicle has been  
13 convicted of that offense, whenever the owner fails to pay a  
14 toll in a timely manner after receiving notice that the toll is  
15 owed.

16 (e) As used in this Section:

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

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

22 ~~Every person who shall willfully break, throw, draw or injure~~  
23 ~~any gate erected on any toll bridge, or shall forcibly or~~  
24 ~~fraudulently pass over any such bridge without having first~~  
25 ~~paid or tendered the legal toll, shall be deemed guilty of a~~  
26 ~~petty offense, and upon conviction shall be fined, in addition~~

1 ~~to the damage resulting from such wrongful act, in any sum not~~  
2 ~~exceeding ten dollars.~~

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

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

7 (625 ILCS 5/1-105.1 new)

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

10 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

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

14 (a) Upon receipt of a certified report, as prescribed by  
15 subsection (c) of this Section, from any municipality stating  
16 that the owner of a registered vehicle has: (1) failed to pay  
17 any fine or penalty due and owing as a result of 10 or more  
18 violations of a municipality's vehicular standing, parking, or  
19 compliance regulations established by ordinance pursuant to  
20 Section 11-208.3 of this Code, or (2) failed to pay any fine or  
21 penalty due and owing as a result of 5 offenses for automated  
22 traffic violations as defined in Section 11-208.6 or automated  
23 toll violations as defined in Section 11-208.7 or any

1 combination thereof, the Secretary of State shall suspend the  
2 driving privileges of such person in accordance with the  
3 procedures set forth in this Section. The Secretary shall also  
4 suspend the driving privileges of an owner of a registered  
5 vehicle upon receipt of a certified report, as prescribed by  
6 subsection (f) of this Section, from any municipality stating  
7 that such person has failed to satisfy any fines or penalties  
8 imposed by final judgments for 5 or more automated traffic law  
9 violations or automated toll violations or 10 or more  
10 violations of local standing, parking, or compliance  
11 regulations after exhaustion of judicial review procedures.

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

25 (c) The report of the appropriate municipal official  
26 notifying the Secretary of State of unpaid fines or penalties

1 pursuant to this Section shall be certified and shall contain  
2 the following:

3 (1) The name, last known address as recorded with the  
4 Secretary of State, as provided by the lessor of the cited  
5 vehicle at the time of lease, or as recorded in a United  
6 States Post Office approved database if any notice sent  
7 under Section 11-208.3 of this Code is returned as  
8 undeliverable, and drivers license number of the person who  
9 failed to pay the fine or penalty and the registration  
10 number of any vehicle known to be registered to such person  
11 in this State.

12 (2) The name of the municipality making the report  
13 pursuant to this Section.

14 (3) A statement that the municipality sent a notice of  
15 impending drivers license suspension as prescribed by  
16 ordinance enacted pursuant to Section 11-208.3, to the  
17 person named in the report at the address recorded with the  
18 Secretary of State or at the last address known to the  
19 lessor of the cited vehicle at the time of lease or, if any  
20 notice sent under Section 11-208.3 of this Code is returned  
21 as undeliverable, at the last known address recorded in a  
22 United States Post Office approved database; the date on  
23 which such notice was sent; and the address to which such  
24 notice was sent. In a municipality with a population of  
25 1,000,000 or more, the report shall also include a  
26 statement that the alleged violator's State vehicle

1 registration number and vehicle make, if specified on the  
2 automated traffic law or automated toll violation notice,  
3 are correct as they appear on the citations.

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

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

1 violations indicated on the certified report.

2 (f) Any municipality, other than a municipality  
3 establishing vehicular standing, parking, and compliance  
4 regulations pursuant to Section 11-208.3 or automated traffic  
5 law regulations under Section 11-208.6 or automated toll  
6 violations under Section 11-208.7, may also cause a suspension  
7 of a person's drivers license pursuant to this Section. Such  
8 municipality may invoke this sanction by making a certified  
9 report to the Secretary of State upon a person's failure to  
10 satisfy any fine or penalty imposed by final judgment for 10 or  
11 more violations of local standing, parking, or compliance  
12 regulations or 5 or more automated traffic law violations or  
13 automated toll violations after exhaustion of judicial review  
14 procedures, but only if:

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

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

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

25 (g) Any municipality, other than a municipality  
26 establishing standing, parking, and compliance regulations

1 pursuant to Section 11-208.3 or automated traffic law  
2 regulations under Section 11-208.6 or automated toll  
3 regulations under Section 11-208.7, may provide by ordinance  
4 for the sending of a notice of impending drivers license  
5 suspension to the person who has failed to satisfy any fine or  
6 penalty imposed by final judgment for 10 or more violations of  
7 local standing, parking, or compliance regulations or 5 or more  
8 automated traffic law violations or automated toll violations  
9 or a combination thereof after exhaustion of judicial review  
10 procedures. An ordinance so providing shall specify that the  
11 notice sent to the person liable for any fine or penalty shall  
12 state that failure to pay the fine or penalty owing within 45  
13 days of the notice's date will result in the municipality  
14 notifying the Secretary of State that the person's drivers  
15 license is eligible for suspension pursuant to this Section.  
16 The notice of impending drivers license suspension shall be  
17 sent by first class United States mail, postage prepaid, to the  
18 address recorded with the Secretary of State or at the last  
19 address known to the lessor of the cited vehicle at the time of  
20 lease or, if any notice sent under Section 11-208.3 of this  
21 Code is returned as undeliverable, to the last known address  
22 recorded in a United States Post Office approved database.

23 (h) An administrative hearing to contest an impending  
24 suspension or a suspension made pursuant to this Section may be  
25 had upon filing a written request with the Secretary of State.  
26 The filing fee for this hearing shall be \$20, to be paid at the



1 time the request is made. A municipality which files a  
2 certified report with the Secretary of State pursuant to this  
3 Section shall reimburse the Secretary for all reasonable costs  
4 incurred by the Secretary as a result of the filing of the  
5 report, including but not limited to the costs of providing the  
6 notice required pursuant to subsection (b) and the costs  
7 incurred by the Secretary in any hearing conducted with respect  
8 to the report pursuant to this subsection and any appeal from  
9 such a hearing.

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

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

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

15 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

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

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

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

23 2. Regulating traffic by means of police officers or  
24 traffic control signals;

25 3. Regulating or prohibiting processions or

1           assemblages on the highways;

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

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

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

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

16          8. Regulating the operation of bicycles and requiring  
17          the registration and licensing of same, including the  
18          requirement of a registration fee;

19          9. Regulating or prohibiting the turning of vehicles or  
20          specified types of vehicles at intersections;

21          10. Altering the speed limits as authorized in Section  
22          11-604;

23          11. Prohibiting U-turns;

24          12. Prohibiting pedestrian crossings at other than  
25          designated and marked crosswalks or at intersections;

26          13. Prohibiting parking during snow removal operation;

1           14. Imposing fines in accordance with Section  
2           11-1301.3 as penalties for use of any parking place  
3           reserved for persons with disabilities, as defined by  
4           Section 1-159.1, or disabled veterans by any person using a  
5           motor vehicle not bearing registration plates specified in  
6           Section 11-1301.1 or a special decal or device as defined  
7           in Section 11-1301.2 as evidence that the vehicle is  
8           operated by or for a person with disabilities or disabled  
9           veteran;

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

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

14           (b) No ordinance or regulation enacted under subsections 1,  
15           4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective  
16           until signs giving reasonable notice of such local traffic  
17           regulations are posted.

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

23           (d) The provisions of this Code shall not be deemed to  
24           prevent local authorities within the reasonable exercise of  
25           their police power from prohibiting, on private property, the  
26           unauthorized use of parking spaces reserved for persons with

1 disabilities.

2 (e) No unit of local government, including a home rule  
3 unit, may enact or enforce an ordinance that applies only to  
4 motorcycles if the principal purpose for that ordinance is to  
5 restrict the access of motorcycles to any highway or portion of  
6 a highway for which federal or State funds have been used for  
7 the planning, design, construction, or maintenance of that  
8 highway. No unit of local government, including a home rule  
9 unit, may enact an ordinance requiring motorcycle users to wear  
10 protective headgear. Nothing in this subsection (e) shall  
11 affect the authority of a unit of local government to regulate  
12 motorcycles for traffic control purposes or in accordance with  
13 Section 12-602 of this Code. No unit of local government,  
14 including a home rule unit, may regulate motorcycles in a  
15 manner inconsistent with this Code. This subsection (e) is a  
16 limitation under subsection (i) of Section 6 of Article VII of  
17 the Illinois Constitution on the concurrent exercise by home  
18 rule units of powers and functions exercised by the State.

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

24 (g) A municipality or county may enact an ordinance  
25 providing for an automated toll enforcement system to enforce  
26 violations of the Toll Bridge Act or a similar provision of a

1 local ordinance and imposing liability on a registered owner of  
2 a vehicle used in such a violation.

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

4 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

5 Sec. 11-208.3. Administrative adjudication of violations  
6 of traffic regulations concerning the standing, parking, or  
7 condition of vehicles and automated traffic law and automated  
8 toll violations.

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

1 violation of a municipal regulation governing the condition or  
2 use of equipment on a vehicle or governing the display of a  
3 municipal wheel tax license.

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

6 (1) A traffic compliance administrator authorized to  
7 adopt, distribute and process parking, compliance, and  
8 automated traffic law or automated toll violation notices  
9 and other notices required by this Section, collect money  
10 paid as fines and penalties for violation of parking and  
11 compliance ordinances and automated traffic law or  
12 automated toll violations, and operate an administrative  
13 adjudication system. The traffic compliance administrator  
14 also may make a certified report to the Secretary of State  
15 under Section 6-306.5.

16 (2) A parking, standing, compliance, or automated  
17 traffic law or automated toll violation notice that shall  
18 specify the date, time, and place of violation of a  
19 parking, standing, compliance, or automated traffic law or  
20 automated toll regulation; the particular regulation  
21 violated; the fine and any penalty that may be assessed for  
22 late payment, when so provided by ordinance; the vehicle  
23 make and state registration number; and the identification  
24 number of the person issuing the notice. With regard to  
25 automated traffic law or automated toll violations,  
26 vehicle make shall be specified on the automated traffic

1 law or automated toll violation notice if the make is  
2 available and readily discernible. With regard to  
3 municipalities with a population of 1 million or more, it  
4 shall be grounds for dismissal of a parking violation if  
5 the state registration number or vehicle make specified is  
6 incorrect. The violation notice shall state that the  
7 payment of the indicated fine, and of any applicable  
8 penalty for late payment, shall operate as a final  
9 disposition of the violation. The notice also shall contain  
10 information as to the availability of a hearing in which  
11 the violation may be contested on its merits. The violation  
12 notice shall specify the time and manner in which a hearing  
13 may be had.

14 (3) Service of the parking, standing, or compliance  
15 violation notice by affixing the original or a facsimile of  
16 the notice to an unlawfully parked vehicle or by handing  
17 the notice to the operator of a vehicle if he or she is  
18 present and service of an automated traffic law or  
19 automated toll violation notice by mail to the address of  
20 the registered owner of the cited vehicle as recorded with  
21 the Secretary of State within 30 days after the Secretary  
22 of State notifies the municipality or county of the  
23 identity of the owner of the vehicle, but in no event later  
24 than 90 days after the violation. A person authorized by  
25 ordinance to issue and serve parking, standing, and  
26 compliance violation notices shall certify as to the

1           correctness of the facts entered on the violation notice by  
2           signing his or her name to the notice at the time of  
3           service or in the case of a notice produced by a  
4           computerized device, by signing a single certificate to be  
5           kept by the traffic compliance administrator attesting to  
6           the correctness of all notices produced by the device while  
7           it was under his or her control. In the case of an  
8           automated traffic law violation, the ordinance shall  
9           require a determination by a technician employed or  
10          contracted by the municipality or county that, based on  
11          inspection of recorded images, the motor vehicle was being  
12          operated in violation of Section 11-208.6 or a local  
13          ordinance. If the technician determines that the vehicle  
14          entered the intersection as part of a funeral procession or  
15          in order to yield the right-of-way to an emergency vehicle,  
16          a citation shall not be issued. In the case of an automated  
17          toll violation, the ordinance shall require a  
18          determination by a technician employed or contracted by the  
19          municipality or county or entity having a contract with the  
20          municipality or county that, based on inspection of  
21          recorded images, the motor vehicle was being operated in  
22          violation of subsection (b) of Section 13 of the Toll  
23          Bridge Act or a local ordinance. The original or a  
24          facsimile of the violation notice or, in the case of a  
25          notice produced by a computerized device, a printed record  
26          generated by the device showing the facts entered on the



1 notice, shall be retained by the traffic compliance  
2 administrator, and shall be a record kept in the ordinary  
3 course of business. A parking, standing, compliance, or  
4 automated traffic law or automated toll violation notice  
5 issued, signed and served in accordance with this Section,  
6 a copy of the notice, or the computer generated record  
7 shall be prima facie correct and shall be prima facie  
8 evidence of the correctness of the facts shown on the  
9 notice. The notice, copy, or computer generated record  
10 shall be admissible in any subsequent administrative or  
11 legal proceedings.

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

1 under this Section may be represented by counsel at their  
2 expense. The ordinance may also provide for internal  
3 administrative review following the decision of the  
4 hearing officer.

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

21 (i) A second notice of parking, standing, or  
22 compliance violation. This notice shall specify the  
23 date and location of the violation cited in the  
24 parking, standing, or compliance violation notice, the  
25 particular regulation violated, the vehicle make and  
26 state registration number, the fine and any penalty

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

17 (ii) A notice of final determination of parking,  
18 standing, compliance, or automated traffic law or  
19 automated toll violation liability. This notice shall  
20 be sent following a final determination of parking,  
21 standing, compliance, or automated traffic law or  
22 automated toll violation liability and the conclusion  
23 of judicial review procedures taken under this  
24 Section. The notice shall state that the unpaid fine or  
25 penalty is a debt due and owing the municipality. The  
26 notice shall contain warnings that failure to pay any

1 fine or penalty due and owing the municipality within  
2 the time specified may result in the municipality's  
3 filing of a petition in the Circuit Court to have the  
4 unpaid fine or penalty rendered a judgment as provided  
5 by this Section, or may result in suspension of the  
6 person's drivers license for failure to pay fines or  
7 penalties for 10 or more parking violations under  
8 Section 6-306.5 or 5 or more automated traffic law  
9 violations under Section 11-208.6 or 5 or more  
10 automated toll violations under Section 11-208.7.

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

1 the address recorded with the Secretary of State or, if any  
2 notice to that address is returned as undeliverable, to the  
3 last known address recorded in a United States Post Office  
4 approved database.

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

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

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

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

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

25 (11) Other provisions as are necessary and proper to  
26 carry into effect the powers granted and purposes stated in

1           this Section.

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

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

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

25           (3) The right to a prompt hearing after a vehicle has  
26 been immobilized or subsequently towed without payment of

1 the outstanding fines and penalties on parking, standing,  
2 compliance, or automated traffic law or automated toll  
3 violations for which final determinations have been  
4 issued. An order issued after the hearing is a final  
5 administrative decision within the meaning of Section  
6 3-101 of the Code of Civil Procedure.

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

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

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

26 (f) After the expiration of the period within which



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

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

10 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;  
11 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

12 (625 ILCS 5/11-208.7 new)

13 Sec. 11-208.7. Automated toll violation enforcement  
14 system.

15 (a) As used in this Section, "automated toll violation  
16 enforcement system" means a device with one or more motor  
17 vehicle sensors working in conjunction with a toll collection  
18 device to produce recorded images of motor vehicles violating  
19 subsection (b) of Section 13 of the Toll Bridge Act or a  
20 similar provision of a local ordinance. An automated toll  
21 violation enforcement system is a system, in a municipality or  
22 county operated by a governmental agency with or without the  
23 assistance of a private entity, that produces a recorded image  
24 of a motor vehicle's violation of law or a local ordinance and  
25 is designed to obtain a clear recorded image of the vehicle and

1 the vehicle's license plate. The recorded image must also  
2 display the time, date, and location of the violation.

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

5 (1) one or more photographs;

6 (2) one or more microphotographs;

7 (3) one or more electronic images; or

8 (4) a video recording showing the motor vehicle and, on  
9 at least one image or portion of the recording, clearly  
10 identifying the registration plate number of the motor  
11 vehicle.

12 (c) A county or municipality, including a home rule county  
13 or municipality, may not use an automated toll violation  
14 enforcement system to provide recorded images of a motor  
15 vehicle for the purpose of recording its speed for the purpose  
16 of enforcing any law or ordinance regarding a maximum or  
17 minimum speed limit. The regulation of the use of automated  
18 toll violation enforcement systems to record vehicle speeds is  
19 an exclusive power and function of the State. This subsection  
20 (c) is a denial and limitation of home rule powers and  
21 functions under subsection (h) of Section 6 of Article VII of  
22 the Illinois Constitution.

23 (d) For each violation of a provision of the Toll Bridge  
24 Act or a local ordinance recorded by an automatic toll  
25 violation enforcement system, the county or municipality  
26 having jurisdiction shall issue a written notice of the

1 violation to the registered owner of the vehicle. The notice  
2 shall be delivered to the registered owner of the vehicle, by  
3 mail, within 30 days after the municipality or county is  
4 notified of the identity of the owner of the vehicle, but in no  
5 event later than 90 days after the violation. The notice shall  
6 include:

7 (1) the name and address of the registered owner of the  
8 vehicle;

9 (2) the registration number of the motor vehicle  
10 involved in the violation;

11 (3) the violation charged;

12 (4) the location where the violation occurred;

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

14 (6) a copy of the recorded images;

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

17 (8) a statement that recorded images are evidence of a  
18 toll violation;

19 (9) a warning that failure to pay the civil penalty or  
20 to contest liability in a timely manner is an admission of  
21 liability and may result in a suspension of the driving  
22 privileges of the registered owner of the vehicle; and

23 (10) a statement that the person may elect to proceed  
24 by:

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

26 (B) challenging the charge in court, by mail, or by

1           administrative hearing.

2           (e) The Secretary of State shall suspend the driving  
3 privileges of the registered owner of the vehicle under Section  
4 6-306.5 of this Code for failing to pay any fine or penalty due  
5 and owing as a result of 5 violations of the automated traffic  
6 law enforcement system or the automated toll violation  
7 enforcement system or any combination thereof.

8           (f) Based on inspection of recorded images produced by an  
9 automated toll violation enforcement system, a notice alleging  
10 that the violation occurred shall be evidence of the facts  
11 contained in the notice and admissible in any proceeding  
12 alleging a violation under this Section.

13           (g) Recorded images made by an automatic toll violation  
14 enforcement system are confidential and shall be made available  
15 only to the alleged violator and governmental and law  
16 enforcement agencies for purposes of adjudicating a violation  
17 of this Section, for statistical purposes, or for other  
18 governmental purposes. Any recorded image evidencing a  
19 violation, however, may be admissible in any proceeding  
20 resulting from the issuance of the citation.

21           (h) The court or hearing officer may consider in defense of  
22 a violation:

23           (1) that the motor vehicle or registration plates of  
24 the motor vehicle were stolen before the violation occurred  
25 and not under the control of or in the possession of the  
26 owner at the time of the violation;

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

4           (3) any other evidence or issues provided by municipal  
5           or county ordinance.

6           (i) To demonstrate that the motor vehicle or the  
7           registration plates were stolen before the violation occurred  
8           and were not under the control or possession of the owner at  
9           the time of the violation, the owner must submit proof that a  
10           report concerning the stolen motor vehicle or registration  
11           plates was filed with a law enforcement agency in a timely  
12           manner.

13           (j) Unless the driver of the motor vehicle was cited by a  
14           police officer at the time of the violation, the motor vehicle  
15           owner is subject to a civil penalty not exceeding \$150, plus an  
16           additional penalty of not more than \$150 for failure to pay the  
17           original penalty in a timely manner, if the motor vehicle is  
18           recorded by an automated toll violation enforcement system. A  
19           violation for which a civil penalty is imposed under this  
20           Section is not a violation of a traffic regulation governing  
21           the movement of vehicles and may not be recorded on the driving  
22           record of the owner of the vehicle.

23           (k) A toll gate or other area of a toll bridge where a toll  
24           or charge is due that is equipped with an automated toll  
25           violation enforcement system must be posted with a sign visible  
26           to approaching traffic indicating that the gate or area is

1 being monitored by an automated toll violation enforcement  
2 system.

3 (1) A municipality or county in which there is situated a  
4 privately operated toll bridge may enter into an agreement with  
5 the operator of the toll bridge under which the operator  
6 assists in the operation of the automated toll violation  
7 enforcement system on behalf of the municipality. The  
8 compensation paid for that assistance may include the  
9 collection and remittance, or payment of equivalent amounts, of  
10 tolls and administrative fees and costs assessed by that  
11 operator.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".