

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 Illinois Vehicle Code is amended by changing
5 Sections 1-105.2, 6-306.5, 11-208, 11-208.3, and 11-612 and by
6 adding Section 11-208.9 as follows:

7 (625 ILCS 5/1-105.2)

8 Sec. 1-105.2. Automated traffic law violation. A violation
9 described in Section 11-208.6, 11-208.9, or 11-1201.1 of this
10 Code.

11 (Source: P.A. 96-478, eff. 1-1-10.)

12 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

13 Sec. 6-306.5. Failure to pay fine or penalty for standing,
14 parking, compliance, automated speed enforcement system, or
15 automated traffic law violations; suspension of driving
16 privileges.

17 (a) Upon receipt of a certified report, as prescribed by
18 subsection (c) of this Section, from any municipality or county
19 stating that the owner of a registered vehicle: (1) has failed
20 to pay any fine or penalty due and owing as a result of 10 or
21 more violations of a municipality's or county's vehicular
22 standing, parking, or compliance regulations established by

1 ordinance pursuant to Section 11-208.3 of this Code, (2) has
2 failed to pay any fine or penalty due and owing as a result of 5
3 offenses for automated speed enforcement system violations or
4 automated traffic violations as defined in Sections 11-208.6,
5 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
6 (3) is more than 14 days in default of a payment plan pursuant
7 to which a suspension had been terminated under subsection (c)
8 of this Section, the Secretary of State shall suspend the
9 driving privileges of such person in accordance with the
10 procedures set forth in this Section. The Secretary shall also
11 suspend the driving privileges of an owner of a registered
12 vehicle upon receipt of a certified report, as prescribed by
13 subsection (f) of this Section, from any municipality or county
14 stating that such person has failed to satisfy any fines or
15 penalties imposed by final judgments for 5 or more automated
16 speed enforcement system or automated traffic law violations,
17 or combination thereof, or 10 or more violations of local
18 standing, parking, or compliance regulations after exhaustion
19 of judicial review procedures.

20 (b) Following receipt of the certified report of the
21 municipality or county as specified in this Section, the
22 Secretary of State shall notify the person whose name appears
23 on the certified report that the person's drivers license will
24 be suspended at the end of a specified period of time unless
25 the Secretary of State is presented with a notice from the
26 municipality or county certifying that the fine or penalty due

1 and owing the municipality or county has been paid or that
2 inclusion of that person's name on the certified report was in
3 error. The Secretary's notice shall state in substance the
4 information contained in the municipality's or county's
5 certified report to the Secretary, and shall be effective as
6 specified by subsection (c) of Section 6-211 of this Code.

7 (c) The report of the appropriate municipal or county
8 official notifying the Secretary of State of unpaid fines or
9 penalties pursuant to this Section shall be certified and shall
10 contain the following:

11 (1) The name, last known address as recorded with the
12 Secretary of State, as provided by the lessor of the cited
13 vehicle at the time of lease, or as recorded in a United
14 States Post Office approved database if any notice sent
15 under Section 11-208.3 of this Code is returned as
16 undeliverable, and drivers license number of the person who
17 failed to pay the fine or penalty or who has defaulted in a
18 payment plan and the registration number of any vehicle
19 known to be registered to such person in this State.

20 (2) The name of the municipality or county making the
21 report pursuant to this Section.

22 (3) A statement that the municipality or county sent a
23 notice of impending drivers license suspension as
24 prescribed by ordinance enacted pursuant to Section
25 11-208.3 of this Code or a notice of default in a payment
26 plan, to the person named in the report at the address

1 recorded with the Secretary of State or at the last address
2 known to the lessor of the cited vehicle at the time of
3 lease or, if any notice sent under Section 11-208.3 of this
4 Code is returned as undeliverable, at the last known
5 address recorded in a United States Post Office approved
6 database; the date on which such notice was sent; and the
7 address to which such notice was sent. In a municipality or
8 county with a population of 1,000,000 or more, the report
9 shall also include a statement that the alleged violator's
10 State vehicle registration number and vehicle make, if
11 specified on the automated speed enforcement system
12 violation or automated traffic law violation notice, are
13 correct as they appear on the citations.

14 (4) A unique identifying reference number for each
15 request of suspension sent whenever a person has failed to
16 pay the fine or penalty or has defaulted on a payment plan.

17 (d) Any municipality or county making a certified report to
18 the Secretary of State pursuant to this Section shall notify
19 the Secretary of State, in a form prescribed by the Secretary,
20 whenever a person named in the certified report has paid the
21 previously reported fine or penalty, whenever a person named in
22 the certified report has entered into a payment plan pursuant
23 to which the municipality or county has agreed to terminate the
24 suspension, or whenever the municipality or county determines
25 that the original report was in error. A certified copy of such
26 notification shall also be given upon request and at no

1 additional charge to the person named therein. Upon receipt of
2 the municipality's or county's notification or presentation of
3 a certified copy of such notification, the Secretary of State
4 shall terminate the suspension.

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

20 (f) Any municipality or county, other than a municipality
21 or county establishing vehicular standing, parking, and
22 compliance regulations pursuant to Section 11-208.3, automated
23 speed enforcement system regulations under Section 11-208.8,
24 or automated traffic law regulations under Section 11-208.6,
25 11-208.9, or 11-1201.1, may also cause a suspension of a
26 person's drivers license pursuant to this Section. Such

1 municipality or county may invoke this sanction by making a
2 certified report to the Secretary of State upon a person's
3 failure to satisfy any fine or penalty imposed by final
4 judgment for 10 or more violations of local standing, parking,
5 or compliance regulations or a combination of 5 or more
6 automated speed enforcement system or automated traffic law
7 violations after exhaustion of judicial review procedures, but
8 only if:

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

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

16 (3) in municipalities or counties with a population of
17 1,000,000 or more, the municipality or county has verified
18 that the alleged violator's State vehicle registration
19 number and vehicle make are correct as they appear on the
20 citations.

21 (g) Any municipality or county, other than a municipality
22 or county establishing standing, parking, and compliance
23 regulations pursuant to Section 11-208.3, automated speed
24 enforcement system regulations under Section 11-208.8, or
25 automated traffic law regulations under Section 11-208.6,
26 11-208.9, or 11-1201.1, may provide by ordinance for the

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

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

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

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

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

12 (Source: P.A. 96-478, eff. 1-1-10; 96-1184, eff. 7-22-10;
13 96-1386, eff. 7-29-10; 97-333, eff. 8-12-11; 97-672, eff.
14 7-1-12.)

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 Sections 11-1306 and 11-1307 of this
23 Act;

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

1 3. Regulating or prohibiting processions or
2 assemblages on the highways;

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

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

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

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

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

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

22 10. Altering the speed limits as authorized in Section
23 11-604;

24 11. Prohibiting U-turns;

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

1 13. Prohibiting parking during snow removal operation;

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

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

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

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

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

24 (d) The provisions of this Code shall not be deemed to
25 prevent local authorities within the reasonable exercise of
26 their police power from prohibiting, on private property, the

1 unauthorized use of parking spaces reserved for persons with
2 disabilities.

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

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

26 (g) A municipality or county, as provided in Section

1 11-1201.1, may enact an ordinance providing for an automated
2 traffic law enforcement system to enforce violations of Section
3 11-1201 of this Code or a similar provision of a local
4 ordinance and imposing liability on a registered owner of a
5 vehicle used in such a violation.

6 (h) A municipality designated in Section 11-208.8 may enact
7 an ordinance providing for an automated speed enforcement
8 system to enforce violations of Article VI of Chapter 11 of
9 this Code or a similar provision of a local ordinance.

10 (i) A municipality or county designated in Section 11-208.9
11 may enact an ordinance providing for an automated traffic law
12 enforcement system to enforce violations of Section 11-1414 of
13 this Code or a similar provision of a local ordinance and
14 imposing liability on a registered owner or lessee of a vehicle
15 used in such a violation.

16 (Source: P.A. 96-478, eff. 1-1-10; 96-1256, eff. 1-1-11; 97-29,
17 eff. 1-1-12; 97-672, eff. 7-1-12.)

18 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

19 Sec. 11-208.3. Administrative adjudication of violations
20 of traffic regulations concerning the standing, parking, or
21 condition of vehicles, automated traffic law violations, and
22 automated speed enforcement system violations.

23 (a) Any municipality or county may provide by ordinance for
24 a system of administrative adjudication of vehicular standing
25 and parking violations and vehicle compliance violations as

1 described in this subsection, automated traffic law violations
2 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
3 automated speed enforcement system violations as defined in
4 Section 11-208.8. The administrative system shall have as its
5 purpose the fair and efficient enforcement of municipal or
6 county regulations through the administrative adjudication of
7 automated speed enforcement system or automated traffic law
8 violations and violations of municipal or county ordinances
9 regulating the standing and parking of vehicles, the condition
10 and use of vehicle equipment, and the display of municipal or
11 county wheel tax licenses within the municipality's or county's
12 borders. The administrative system shall only have authority to
13 adjudicate civil offenses carrying fines not in excess of \$500
14 or requiring the completion of a traffic education program, or
15 both, that occur after the effective date of the ordinance
16 adopting such a system under this Section. For purposes of this
17 Section, "compliance violation" means a violation of a
18 municipal or county regulation governing the condition or use
19 of equipment on a vehicle or governing the display of a
20 municipal or county wheel tax license.

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

23 (1) A traffic compliance administrator authorized to
24 adopt, distribute and process parking, compliance, and
25 automated speed enforcement system or automated traffic
26 law violation notices and other notices required by this

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

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

1 violation if the state registration number or vehicle make
2 specified is incorrect. The violation notice shall state
3 that the completion of any required traffic education
4 program, the payment of any indicated fine, and the payment
5 of any applicable penalty for late payment or failure to
6 complete a required traffic education program, or both,
7 shall operate as a final disposition of the violation. The
8 notice also shall contain information as to the
9 availability of a hearing in which the violation may be
10 contested on its merits. The violation notice shall specify
11 the time and manner in which a hearing may be had.

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

1 violation. A person authorized by ordinance to issue and
2 serve parking, standing, and compliance 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 determination by a technician
12 employed or contracted by the municipality or county that,
13 based on inspection of recorded images, the motor vehicle
14 was being operated in violation of Section 11-208.6,
15 11-208.9, or 11-1201.1 or a local ordinance. If the
16 technician determines that the vehicle entered the
17 intersection as part of a funeral procession or in order to
18 yield the right-of-way to an emergency vehicle, a citation
19 shall not be issued. In municipalities with a population of
20 less than 1,000,000 inhabitants and counties with a
21 population of less than 3,000,000 inhabitants, the
22 automated traffic law ordinance shall require that all
23 determinations by a technician that a motor vehicle was
24 being operated in violation of Section 11-208.6, 11-208.9,
25 or 11-1201.1 or a local ordinance must be reviewed and
26 approved by a law enforcement officer or retired law

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

1 vehicle, a citation may not be issued. The automated speed
2 enforcement ordinance shall require that all
3 determinations by a technician that a violation occurred be
4 reviewed and approved by a law enforcement officer or
5 retired law enforcement officer of the municipality
6 issuing the violation or by an additional fully trained
7 reviewing technician who is not employed by the contractor
8 who employs the technician who made the initial
9 determination. Routine and independent calibration of the
10 speeds produced by automated speed enforcement systems and
11 equipment shall be conducted by a qualified technician.
12 Speeds produced by an automated speed enforcement system
13 shall be compared with speeds produced by lidar or other
14 independent equipment. Qualified technicians shall test
15 radar or lidar equipment no less frequently than once each
16 week, and shall test loop based equipment no less
17 frequently than once a year. Radar equipment shall be
18 checked for accuracy by a qualified technician when the
19 unit is serviced, when unusual or suspect readings persist,
20 or when deemed necessary by a reviewing technician. Radar
21 equipment shall be checked with certified tuning forks, the
22 internal circuit test, and diode display test whenever the
23 radar is turned on. Technicians must be alert for any
24 unusual or suspect readings, and if unusual or suspect
25 readings of a radar unit persist, that unit shall
26 immediately be removed from service and not returned to

1 service until it has been checked by a qualified technician
2 and determined to be functioning properly. Documentation
3 of the calibration results, including the equipment
4 tested, test date, technician performing the test, and test
5 results, shall be maintained and available for use in the
6 determination of an automated speed enforcement system
7 violation and issuance of a citation. The technician
8 performing the calibration and testing of the automated
9 speed enforcement equipment shall be trained and certified
10 in the use of equipment for speed enforcement purposes.
11 Training on the speed enforcement equipment may be
12 conducted by law enforcement, civilian, or manufacturer's
13 personnel and shall be equivalent to the equipment use and
14 operations training included in the Speed Measuring Device
15 Operator Program developed by the National Highway Traffic
16 Safety Administration (NHTSA). The technician who performs
17 the work shall keep accurate records on each piece of
18 equipment the technician calibrates and tests. As used in
19 this paragraph, "fully-trained reviewing technician" means
20 a person who has received at least 40 hours of supervised
21 training in subjects which shall include image inspection
22 and interpretation, the elements necessary to prove a
23 violation, license plate identification, and traffic
24 safety and management. In all municipalities and counties,
25 the automated speed enforcement system or automated
26 traffic law ordinance shall require that no additional fee

1 shall be charged to the alleged violator for exercising his
2 or her right to an administrative hearing, and persons
3 shall be given at least 25 days following an administrative
4 hearing to pay any civil penalty imposed by a finding that
5 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
6 similar local ordinance has been violated. The original or
7 a facsimile of the violation notice or, in the case of a
8 notice produced by a computerized device, a printed record
9 generated by the device showing the facts entered on the
10 notice, shall be retained by the traffic compliance
11 administrator, and shall be a record kept in the ordinary
12 course of business. A parking, standing, compliance,
13 automated speed enforcement system, or automated traffic
14 law violation notice issued, signed and served in
15 accordance with this Section, a copy of the notice, or the
16 computer generated record shall be prima facie correct and
17 shall be prima facie evidence of the correctness of the
18 facts shown on the notice. The notice, copy, or computer
19 generated record shall be admissible in any subsequent
20 administrative or legal proceedings.

21 (4) An opportunity for a hearing for the registered
22 owner of the vehicle cited in the parking, standing,
23 compliance, automated speed enforcement system, or
24 automated traffic law violation notice in which the owner
25 may contest the merits of the alleged violation, and during
26 which formal or technical rules of evidence shall not

1 apply; provided, however, that under Section 11-1306 of
2 this Code the lessee of a vehicle cited in the violation
3 notice likewise shall be provided an opportunity for a
4 hearing of the same kind afforded the registered owner. The
5 hearings shall be recorded, and the person conducting the
6 hearing on behalf of the traffic compliance administrator
7 shall be empowered to administer oaths and to secure by
8 subpoena both the attendance and testimony of witnesses and
9 the production of relevant books and papers. Persons
10 appearing at a hearing under this Section may be
11 represented by counsel at their expense. The ordinance may
12 also provide for internal administrative review following
13 the decision of the hearing officer.

14 (5) Service of additional notices, sent by first class
15 United States mail, postage prepaid, to the address of the
16 registered owner of the cited vehicle as recorded with the
17 Secretary of State or, if any notice to that address is
18 returned as undeliverable, to the last known address
19 recorded in a United States Post Office approved database,
20 or, under Section 11-1306 or subsection (p) of Section
21 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
22 of this Code, to the lessee of the cited vehicle at the
23 last address known to the lessor of the cited vehicle at
24 the time of lease or, if any notice to that address is
25 returned as undeliverable, to the last known address
26 recorded in a United States Post Office approved database.

1 The service shall be deemed complete as of the date of
2 deposit in the United States mail. The notices shall be in
3 the following sequence and shall include but not be limited
4 to the information specified herein:

5 (i) A second notice of parking, standing, or
6 compliance violation. This notice shall specify the
7 date and location of the violation cited in the
8 parking, standing, or compliance violation notice, the
9 particular regulation violated, the vehicle make and
10 state registration number, any requirement to complete
11 a traffic education program, the fine and any penalty
12 that may be assessed for late payment or failure to
13 complete a traffic education program, or both, when so
14 provided by ordinance, the availability of a hearing in
15 which the violation may be contested on its merits, and
16 the time and manner in which the hearing may be had.
17 The notice of violation shall also state that failure
18 to complete a required traffic education program, to
19 pay the indicated fine and any applicable penalty, or
20 to appear at a hearing on the merits in the time and
21 manner specified, will result in a final determination
22 of violation liability for the cited violation in the
23 amount of the fine or penalty indicated, and that, upon
24 the occurrence of a final determination of violation
25 liability for the failure, and the exhaustion of, or
26 failure to exhaust, available administrative or

1 judicial procedures for review, any incomplete traffic
2 education program or any unpaid fine or penalty, or
3 both, will constitute a debt due and owing the
4 municipality or county.

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

1 or both, for 10 or more parking violations under
2 Section 6-306.5, or a combination of 5 or more
3 automated traffic law violations under Section
4 11-208.6 or 11-208.9 or automated speed enforcement
5 system violations under Section 11-208.8.

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

1 last known address recorded in a United States Post Office
2 approved database.

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

17 (8) A petition to set aside a determination of parking,
18 standing, compliance, automated speed enforcement system,
19 or automated traffic law violation liability that may be
20 filed by a person owing an unpaid fine or penalty. A
21 petition to set aside a determination of liability may also
22 be filed by a person required to complete a traffic
23 education program. The petition shall be filed with and
24 ruled upon by the traffic compliance administrator in the
25 manner and within the time specified by ordinance. The
26 grounds for the petition may be limited to: (A) the person

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

16 (9) Procedures for non-residents. Procedures by which
17 persons who are not residents of the municipality or county
18 may contest the merits of the alleged violation without
19 attending a hearing.

20 (10) A schedule of civil fines for violations of
21 vehicular standing, parking, compliance, automated speed
22 enforcement system, or automated traffic law regulations
23 enacted by ordinance pursuant to this Section, and a
24 schedule of penalties for late payment of the fines or
25 failure to complete required traffic education programs,
26 provided, however, that the total amount of the fine and

1 penalty for any one violation shall not exceed \$250, except
2 as provided in subsection (c) of Section 11-1301.3 of this
3 Code.

4 (11) Other provisions as are necessary and proper to
5 carry into effect the powers granted and purposes stated in
6 this Section.

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

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

25 (2) A notice of impending vehicle immobilization and a
26 right to a hearing to challenge the validity of the notice

1 by disproving liability for the incomplete traffic
2 education programs or unpaid final determinations of
3 parking, standing, compliance, automated speed enforcement
4 system, or automated traffic law violation liability, or
5 both, listed on the notice.

6 (3) The right to a prompt hearing after a vehicle has
7 been immobilized or subsequently towed without the
8 completion of the required traffic education program or
9 payment of the outstanding fines and penalties on parking,
10 standing, compliance, automated speed enforcement system,
11 or automated traffic law violations, or both, for which
12 final determinations have been issued. An order issued
13 after the hearing is a final administrative decision within
14 the meaning of Section 3-101 of the Code of Civil
15 Procedure.

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

19 (d) Judicial review of final determinations of parking,
20 standing, compliance, automated speed enforcement system, or
21 automated traffic law violations and final administrative
22 decisions issued after hearings regarding vehicle
23 immobilization and impoundment made under this Section shall be
24 subject to the provisions of the Administrative Review Law.

25 (e) Any fine, penalty, incomplete traffic education
26 program, or part of any fine or any penalty remaining unpaid

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

11 (f) After the expiration of the period within which
12 judicial review may be sought for a final determination of
13 parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violation, the municipality or
15 county may commence a proceeding in the Circuit Court for
16 purposes of obtaining a judgment on the final determination of
17 violation. Nothing in this Section shall prevent a municipality
18 or county from consolidating multiple final determinations of
19 parking, standing, compliance, automated speed enforcement
20 system, or automated traffic law violations against a person in
21 a proceeding. Upon commencement of the action, the municipality
22 or county shall file a certified copy or record of the final
23 determination of parking, standing, compliance, automated
24 speed enforcement system, or automated traffic law violation,
25 which shall be accompanied by a certification that recites
26 facts sufficient to show that the final determination of

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

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

26 A low-income individual required to complete a traffic

1 education program under this Section who provides proof of
2 eligibility for the federal earned income tax credit under
3 Section 32 of the Internal Revenue Code or the Illinois earned
4 income tax credit under Section 212 of the Illinois Income Tax
5 Act shall not be required to pay any fee for participating in a
6 required traffic education program.

7 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
8 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
9 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672, eff.
10 7-1-12.)

11 (625 ILCS 5/11-208.9 new)

12 Sec. 11-208.9. Automated traffic law enforcement system;
13 approaching, overtaking, and passing a school bus.

14 (a) As used in this Section, "automated traffic law
15 enforcement system" means a device with one or more motor
16 vehicle sensors working in conjunction with the visual signals
17 on a school bus, as specified in Sections 12-803 and 12-805 of
18 this Code, to produce recorded images of motor vehicles that
19 fail to stop before meeting or overtaking, from either
20 direction, any school bus stopped at any location for the
21 purpose of receiving or discharging pupils in violation of
22 Section 11-1414 of this Code or a similar provision of a local
23 ordinance.

24 An automated traffic law enforcement system is a system, in
25 a municipality or county operated by a governmental agency,

1 that produces a recorded image of a motor vehicle's violation
2 of a provision of this Code or a local ordinance and is
3 designed to obtain a clear recorded image of the vehicle and
4 the vehicle's license plate. The recorded image must also
5 display the time, date, and location of the violation.

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

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

15 (c) A municipality or county that produces a recorded image
16 of a motor vehicle's violation of a provision of this Code or a
17 local ordinance must make the recorded images of a violation
18 accessible to the alleged violator by providing the alleged
19 violator with a website address, accessible through the
20 Internet.

21 (d) For each violation of a provision of this Code or a
22 local ordinance recorded by an automated traffic law
23 enforcement system, the county or municipality having
24 jurisdiction shall issue a written notice of the violation to
25 the registered owner of the vehicle as the alleged violator.
26 The notice shall be delivered to the registered owner of the

1 vehicle, by mail, within 30 days after the Secretary of State
2 notifies the municipality or county of the identity of the
3 owner of the vehicle, but in no event later than 90 days after
4 the violation.

5 (e) The notice required under subsection (d) shall include:

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

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

10 (3) the violation charged;

11 (4) the location where the violation occurred;

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

13 (6) a copy of the recorded images;

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

16 (8) a statement that recorded images are evidence of a
17 violation of overtaking or passing a school bus stopped for
18 the purpose of receiving or discharging pupils;

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;

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

25 (A) paying the fine; or

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

1 administrative hearing; and
2 (11) a website address, accessible through the
3 Internet, where the person may view the recorded images of
4 the violation.

5 (f) If a person charged with a traffic violation, as a
6 result of an automated traffic law enforcement system under
7 this Section, does not pay the fine or successfully contest the
8 civil penalty resulting from that violation, the Secretary of
9 State shall suspend the driving privileges of the registered
10 owner of the vehicle under Section 6-306.5 of this Code for
11 failing to pay any fine or penalty due and owing as a result of
12 a combination of 5 violations of the automated traffic law
13 enforcement system or the automated speed enforcement system
14 under Section 11-208.8 of this Code.

15 (g) Based on inspection of recorded images produced by an
16 automated traffic law 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 (h) Recorded images made by an automated traffic law
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 of this Section, however, may be admissible in any

1 proceeding resulting from the issuance of the citation.

2 (i) 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 driver of the motor vehicle received a
9 Uniform Traffic Citation from a police officer for a
10 violation of Section 11-1414 of this Code within one-eighth
11 of a mile and 15 minutes of the violation that was recorded
12 by the system;

13 (3) that the visual signals required by Sections 12-803
14 and 12-805 of this Code were damaged, not activated, not
15 present in violation of Sections 12-803 and 12-805, or
16 inoperable; and

17 (4) any other evidence or issues provided by municipal
18 or county ordinance.

19 (j) To demonstrate that the motor vehicle or the
20 registration plates were stolen before the violation occurred
21 and were not under the control or possession of the owner at
22 the time of the violation, the owner must submit proof that a
23 report concerning the stolen motor vehicle or registration
24 plates was filed with a law enforcement agency in a timely
25 manner.

26 (k) Unless the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer at the time of
2 the violation, the motor vehicle owner is subject to a civil
3 penalty not exceeding \$150 for a first time violation or \$500
4 for a second or subsequent violation, plus an additional
5 penalty of not more than \$100 for failure to pay the original
6 penalty in a timely manner, if the motor vehicle is recorded by
7 an automated traffic law enforcement system. A violation for
8 which a civil penalty is imposed under this Section is not a
9 violation of a traffic regulation governing the movement of
10 vehicles and may not be recorded on the driving record of the
11 owner of the vehicle, but may be recorded by the municipality
12 or county for the purpose of determining if a person is subject
13 to the higher fine for a second or subsequent offense.

14 (l) A school bus equipped with an automated traffic law
15 enforcement system must be posted with a sign indicating that
16 the school bus is being monitored by an automated traffic law
17 enforcement system.

18 (m) A municipality or county that has one or more school
19 buses equipped with an automated traffic law enforcement system
20 must provide notice to drivers by posting a list of school
21 districts using school buses equipped with an automated traffic
22 law enforcement system on the municipality or county website.
23 School districts that have one or more school buses equipped
24 with an automated traffic law enforcement system must provide
25 notice to drivers by posting that information on their
26 websites.

1 (n) A municipality or county operating an automated traffic
2 law enforcement system shall conduct a statistical analysis to
3 assess the safety impact in each school district using school
4 buses equipped with an automated traffic law enforcement system
5 following installation of the system. The statistical analysis
6 shall be based upon the best available crash, traffic, and
7 other data, and shall cover a period of time before and after
8 installation of the system sufficient to provide a
9 statistically valid comparison of safety impact. The
10 statistical analysis shall be consistent with professional
11 judgment and acceptable industry practice. The statistical
12 analysis also shall be consistent with the data required for
13 valid comparisons of before and after conditions and shall be
14 conducted within a reasonable period following the
15 installation of the automated traffic law enforcement system.
16 The statistical analysis required by this subsection shall be
17 made available to the public and shall be published on the
18 website of the municipality or county. If the statistical
19 analysis for the 36-month period following installation of the
20 system indicates that there has been an increase in the rate of
21 accidents at the approach to school buses monitored by the
22 system, the municipality or county shall undertake additional
23 studies to determine the cause and severity of the accidents,
24 and may take any action that it determines is necessary or
25 appropriate to reduce the number or severity of the accidents
26 involving school buses equipped with an automated traffic law

1 enforcement system.

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

7 (p) No person who is the lessor of a motor vehicle pursuant
8 to a written lease agreement shall be liable for an automated
9 speed or traffic law enforcement system violation involving
10 such motor vehicle during the period of the lease; provided
11 that upon the request of the appropriate authority received
12 within 120 days after the violation occurred, the lessor
13 provides within 60 days after such receipt the name and address
14 of the lessee. The drivers license number of a lessee may be
15 subsequently individually requested by the appropriate
16 authority if needed for enforcement of this Section.

17 Upon the provision of information by the lessor pursuant to
18 this subsection, the county or municipality may issue the
19 violation to the lessee of the vehicle in the same manner as it
20 would issue a violation to a registered owner of a vehicle
21 pursuant to this Section, and the lessee may be held liable for
22 the violation.

23 (q) A municipality or county shall make a certified report
24 to the Secretary of State pursuant to Section 6-306.5 of this
25 Code whenever a registered owner of a vehicle has failed to pay
26 any fine or penalty due and owing as a result of a combination

1 of 5 offenses for automated traffic law or speed enforcement
2 system violations.

3 (r) After a municipality or county enacts an ordinance
4 providing for automated traffic law enforcement systems under
5 this Section, each school district within that municipality or
6 county's jurisdiction may implement an automated traffic law
7 enforcement system under this Section. The elected school board
8 for that district must approve the implementation of an
9 automated traffic law enforcement system. The school district
10 shall be responsible for entering into a contract, approved by
11 the elected school board of that district, with vendors for the
12 installation, maintenance, and operation of the automated
13 traffic law enforcement system. The school district must enter
14 into an intergovernmental agreement, approved by the elected
15 school board of that district, with the municipality or county
16 with jurisdiction over that school district for the
17 administration of the automated traffic law enforcement
18 system. The proceeds from a school district's automated traffic
19 law enforcement system's fines shall be divided equally between
20 the school district and the municipality or county
21 administering the automated traffic law enforcement system.