

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 7-307 and 11-208.3 as follows:

6 (625 ILCS 5/7-307) (from Ch. 95 1/2, par. 7-307)

7 Sec. 7-307. Courts to report nonpayments of judgment. The
8 clerk of a court, or the judge of a court which has no clerk, or
9 the judgment creditor or his or her attorney of record shall
10 forward to the Secretary of State, on a form prescribed by the
11 Secretary, a certified record of any judgment for damages, the
12 rendering and nonpayment of which judgment required the
13 suspension of the driver's license and registrations in the
14 name of the judgment debtor hereunder, such record to be
15 forwarded to the Secretary of State upon request by the
16 plaintiff after the expiration of 30 days after such judgment
17 has become final and when such judgment has not been stayed or
18 satisfied within the amounts specified in this Article as shown
19 by the records of the Court.

20 (Source: P.A. 86-549.)

21 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

22 Sec. 11-208.3. Administrative adjudication of violations

1 of traffic regulations concerning the standing, parking, or
2 condition of vehicles, automated traffic law violations, and
3 automated speed enforcement system violations.

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

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

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

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

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

18 (3) Service of the parking, standing, or compliance
19 violation notice by affixing the original or a facsimile of
20 the notice to an unlawfully parked vehicle or by handing
21 the notice to the operator of a vehicle if he or she is
22 present and service of an automated speed enforcement
23 system or automated traffic law violation notice by mail to
24 the address of the registered owner or lessee of the cited
25 vehicle as recorded with the Secretary of State or the
26 lessor of the motor vehicle within 30 days after the

1 Secretary of State or the lessor of the motor vehicle
2 notifies the municipality or county of the identity of the
3 owner or lessee of the vehicle, but not later than 90 days
4 after the violation, except that in the case of a lessee of
5 a motor vehicle, service of an automated traffic law
6 violation notice may occur no later than 210 days after the
7 violation. A person authorized by ordinance to issue and
8 serve parking, standing, and compliance violation notices
9 shall certify as to the correctness of the facts entered on
10 the violation notice by signing his or her name to the
11 notice at the time of service or in the case of a notice
12 produced by a computerized device, by signing a single
13 certificate to be kept by the traffic compliance
14 administrator attesting to the correctness of all notices
15 produced by the device while it was under his or her
16 control. In the case of an automated traffic law violation,
17 the ordinance shall require a determination by a technician
18 employed or contracted by the municipality or county that,
19 based on inspection of recorded images, the motor vehicle
20 was being operated in violation of Section 11-208.6,
21 11-208.9, or 11-1201.1 or a local ordinance. If the
22 technician determines that the vehicle entered the
23 intersection as part of a funeral procession or in order to
24 yield the right-of-way to an emergency vehicle, a citation
25 shall not be issued. In municipalities with a population of
26 less than 1,000,000 inhabitants and counties with a

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

1 speed equipment, that the vehicle was being operated in
2 violation of Article VI of Chapter 11 of this Code or a
3 similar local ordinance. If the technician determines that
4 the vehicle speed was not determined by a calibrated,
5 certified speed equipment device based upon the speed
6 equipment documentation, or if the vehicle was an emergency
7 vehicle, a citation may not be issued. The automated speed
8 enforcement ordinance shall require that all
9 determinations by a technician that a violation occurred be
10 reviewed and approved by a law enforcement officer or
11 retired law enforcement officer of the municipality
12 issuing the violation or by an additional fully trained
13 reviewing technician who is not employed by the contractor
14 who employs the technician who made the initial
15 determination. Routine and independent calibration of the
16 speeds produced by automated speed enforcement systems and
17 equipment shall be conducted annually by a qualified
18 technician. Speeds produced by an automated speed
19 enforcement system shall be compared with speeds produced
20 by lidar or other independent equipment. Radar ~~Qualified~~
21 ~~technicians shall test radar~~ or lidar equipment shall
22 undergo an internal validation test no less frequently than
23 once each week. Qualified technicians, ~~and~~ shall test loop
24 based equipment no less frequently than once a year. Radar
25 equipment shall be checked for accuracy by a qualified
26 technician when the unit is serviced, when unusual or

1 suspect readings persist, or when deemed necessary by a
2 reviewing technician. Radar equipment shall be checked
3 with the internal frequency generator and ~~certified tuning~~
4 ~~forks,~~ the internal circuit test, ~~and diode display test~~
5 whenever the radar is turned on. Technicians must be alert
6 for any unusual or suspect readings, and if unusual or
7 suspect readings of a radar unit persist, that unit shall
8 immediately be removed from service and not returned to
9 service until it has been checked by a qualified technician
10 and determined to be functioning properly. Documentation
11 of the annual calibration results, including the equipment
12 tested, test date, technician performing the test, and test
13 results, shall be maintained and available for use in the
14 determination of an automated speed enforcement system
15 violation and issuance of a citation. The technician
16 performing the calibration and testing of the automated
17 speed enforcement equipment shall be trained and certified
18 in the use of equipment for speed enforcement purposes.
19 Training on the speed enforcement equipment may be
20 conducted by law enforcement, civilian, or manufacturer's
21 personnel and if applicable may ~~shall~~ be equivalent to the
22 equipment use and operations training included in the Speed
23 Measuring Device Operator Program developed by the
24 National Highway Traffic Safety Administration (NHTSA).
25 The vendor or technician who performs the work shall keep
26 accurate records on each piece of equipment the technician

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

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

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

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

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

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

1 to complete a required traffic education program, to
2 pay the indicated fine and any applicable penalty, or
3 to appear at a hearing on the merits in the time and
4 manner specified, will result in a final determination
5 of violation liability for the cited violation in the
6 amount of the fine or penalty indicated, and that, upon
7 the occurrence of a final determination of violation
8 liability for the failure, and the exhaustion of, or
9 failure to exhaust, available administrative or
10 judicial procedures for review, any incomplete traffic
11 education program or any unpaid fine or penalty, or
12 both, will constitute a debt due and owing the
13 municipality or county.

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

1 to pay any fine or penalty due and owing the
2 municipality or county, or both, within the time
3 specified may result in the municipality's or county's
4 filing of a petition in the Circuit Court to have the
5 incomplete traffic education program or unpaid fine or
6 penalty, or both, rendered a judgment as provided by
7 this Section, or may result in suspension of the
8 person's drivers license for failure to complete a
9 traffic education program or to pay fines or penalties,
10 or both, for 10 or more parking violations under
11 Section 6-306.5, or a combination of 5 or more
12 automated traffic law violations under Section
13 11-208.6 or 11-208.9 or automated speed enforcement
14 system violations under Section 11-208.8.

15 (6) A notice of impending drivers license suspension.

16 This notice shall be sent to the person liable for failure
17 to complete a required traffic education program or to pay
18 any fine or penalty that remains due and owing, or both, on
19 10 or more parking violations or combination of 5 or more
20 unpaid automated speed enforcement system or automated
21 traffic law violations. The notice shall state that failure
22 to complete a required traffic education program or to pay
23 the fine or penalty owing, or both, within 45 days of the
24 notice's date will result in the municipality or county
25 notifying the Secretary of State that the person is
26 eligible for initiation of suspension proceedings under

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

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

26 (8) A petition to set aside a determination of parking,

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

25 (9) Procedures for non-residents. Procedures by which
26 persons who are not residents of the municipality or county

1 may contest the merits of the alleged violation without
2 attending a hearing.

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

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

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

26 (1) Criteria for the designation of vehicles eligible

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

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

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

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

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

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

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

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

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

1 registered owner or the lessee for the amount indicated in the
2 final determination of parking, standing, compliance,
3 automated speed enforcement system, or automated traffic law
4 violation, plus costs. The judgment shall have the same effect
5 and may be enforced in the same manner as other judgments for
6 the recovery of money.

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

9 A low-income individual required to complete a traffic
10 education program under this Section who provides proof of
11 eligibility for the federal earned income tax credit under
12 Section 32 of the Internal Revenue Code or the Illinois earned
13 income tax credit under Section 212 of the Illinois Income Tax
14 Act shall not be required to pay any fee for participating in a
15 required traffic education program.

16 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,
17 eff. 7-1-12; 98-556, eff. 1-1-14.)

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