

1 AN ACT in relation to vehicles.

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
5 changing Section 11-208.3 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

27 (b) Any ordinance establishing a system of
28 administrative adjudication under this Section shall provide
29 for:

30 (1) A traffic compliance administrator authorized
31 to adopt, distribute and process parking and compliance

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

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

27 (3) Service of the parking, standing, or compliance
28 violation notice by affixing the original or a facsimile
29 of the notice to an unlawfully parked vehicle or by
30 handing the notice to the operator of a vehicle if he or
31 she is present. A person authorized by ordinance to
32 issue and serve parking, standing, and compliance
33 violation notices shall certify as to the correctness of
34 the facts entered on the violation notice by signing his

1 or her name to the notice at the time of service or in
2 the case of a notice produced by a computerized device,
3 by signing a single certificate to be kept by the traffic
4 compliance administrator attesting to the correctness of
5 all notices produced by the device while it was under his
6 or her control. The original or a facsimile of the
7 violation notice or, in the case of a notice produced by
8 a computerized device, a printed record generated by the
9 device showing the facts entered on the notice, shall be
10 retained by the traffic compliance administrator, and
11 shall be a record kept in the ordinary course of
12 business. A parking, standing, or compliance violation
13 notice issued, signed and served in accordance with this
14 Section, ~~or~~ a copy of the notice, or the computer
15 generated record shall be prima facie correct and shall
16 be prima facie evidence of the correctness of the facts
17 shown on the notice. The notice, ~~or copy,~~ or computer
18 generated record shall be admissible in any subsequent
19 administrative or legal proceedings.

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

1 Section may be represented by counsel at their expense.
2 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
6 class United States mail, postage prepaid, to the address
7 of the registered owner of the cited vehicle as recorded
8 with the Secretary of State or, under Section 11-1306 of
9 this Code, to the lessee of the cited vehicle at the last
10 address known to the lessor of the cited vehicle at the
11 time of lease. The service shall be deemed complete as
12 of the date of deposit in the United States mail. The
13 notices shall be in the following sequence and shall
14 include but not be limited to the information specified
15 herein:

16 (i) A second notice of violation. This notice
17 shall specify the date and location of the violation
18 cited in the parking, standing, or compliance
19 violation notice, the particular regulation
20 violated, the vehicle make and state registration
21 number, the fine and any penalty that may be
22 assessed for late payment when so provided by
23 ordinance, the availability of a hearing in which
24 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
27 failure either to pay the indicated fine and any
28 applicable penalty, or to appear at a hearing on the
29 merits in the time and manner specified, will result
30 in a final determination of violation liability for
31 the cited violation in the amount of the fine or
32 penalty indicated, and that, upon the occurrence of
33 a final determination of violation liability for the
34 failure, and the exhaustion of, or failure to

1 exhaust, available administrative or judicial
2 procedures for review, any unpaid fine or penalty
3 will constitute a debt due and owing the
4 municipality.

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

22 (6) A Notice of impending drivers license
23 suspension. This notice shall be sent to the person
24 liable for any fine or penalty that remains due and owing
25 on 10 or more parking violations. The notice shall state
26 that failure to pay the fine or penalty owing within 45
27 days of the notice's date will result in the municipality
28 notifying the Secretary of State that the person is
29 eligible for initiation of suspension proceedings under
30 Section 6-306.5 of this Code. The notice shall also state
31 that the person may obtain a photostatic copy of an
32 original ticket imposing a fine or penalty by sending a
33 self addressed, stamped envelope to the municipality
34 along with a request for the photostatic copy. The

1 notice of impending drivers license suspension shall be
2 sent by first class United States mail, postage prepaid,
3 to the address recorded with the Secretary of State.

4 (7) Final determinations of violation liability. A
5 final determination of violation liability shall occur
6 following failure to pay the fine or penalty after a
7 hearing officer's determination of violation liability
8 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
11 the alleged violation in the time and manner specified in
12 a prior mailed notice, the hearing officer's
13 determination of violation liability shall become final:
14 (A) upon denial of a timely petition to set aside that
15 determination, or (B) upon expiration of the period for
16 filing the petition without a filing having been made.

17 (8) A petition to set aside a determination of
18 parking, standing, or compliance violation liability that
19 may be filed by a person owing an unpaid fine or penalty.
20 The petition shall be filed with and ruled upon by the
21 traffic compliance administrator in the manner and within
22 the time specified by ordinance. The grounds for the
23 petition may be limited to: (A) the person not having
24 been the owner or lessee of the cited vehicle on the date
25 the violation notice was issued, (B) the person having
26 already paid the fine or penalty for the violation in
27 question, and (C) excusable failure to appear at or
28 request a new date for a hearing. With regard to
29 municipalities with a population of 1 million or more, it
30 shall be grounds for dismissal of a parking violation if
31 the State registration number or vehicle make specified
32 is incorrect. After the determination of parking,
33 standing, or compliance violation liability has been set
34 aside upon a showing of just cause, the registered owner

1 shall be provided with a hearing on the merits for that
2 violation.

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

7 (10) A schedule of civil fines for violations of
8 vehicular standing, parking, and compliance regulations
9 enacted by ordinance pursuant to this Section, and a
10 schedule of penalties for late payment of the fines,
11 provided, however, that the total amount of the fine and
12 penalty for any one violation shall not exceed \$250.

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

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

26 (1) Criteria for the designation of vehicles
27 eligible for immobilization. A vehicle shall be eligible
28 for immobilization when the registered owner of the
29 vehicle has accumulated the number of unpaid final
30 determinations of parking, standing, or compliance
31 violation liability as determined by ordinance.

32 (2) A notice of impending vehicle immobilization
33 and a right to a hearing to challenge the validity of the
34 notice by disproving liability for the unpaid final

1 determinations of parking, standing, or compliance
2 violation liability listed on the notice.

3 (3) The right to a prompt hearing after a vehicle
4 has been immobilized or subsequently towed without
5 payment of the outstanding fines and penalties on
6 parking, standing, or compliance violations for which
7 final determinations have been issued. An order issued
8 after the hearing is a final administrative decision
9 within the meaning of Section 3-101 of the Code of Civil
10 Procedure.

11 (4) A post immobilization and post-towing notice
12 advising the registered owner of the vehicle of the right
13 to a hearing to challenge the validity of the
14 impoundment.

15 (d) Judicial review of final determinations of parking,
16 standing, and compliance violations and final administrative
17 decisions issued after hearings regarding vehicle
18 immobilization and impoundment made under this Section shall
19 be subject to the provisions of the Administrative Review
20 Law.

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

30 (f) After the expiration of the period within which
31 judicial review may be sought for a final determination of
32 parking, standing, or compliance violation, the municipality
33 may commence a proceeding in the Circuit Court for purposes
34 of obtaining a judgment on the final determination of

1 violation. Nothing in this Section shall prevent a
2 municipality from consolidating multiple final determinations
3 of parking, standing, or compliance violation against a
4 person in a proceeding. Upon commencement of the action, the
5 municipality shall file a certified copy of the final
6 determination of parking, standing, or compliance violation,
7 which shall be accompanied by a certification that recites
8 facts sufficient to show that the final determination of
9 violation was issued in accordance with this Section and the
10 applicable municipal ordinance. Service of the summons and a
11 copy of the petition may be by any method provided by Section
12 2-203 of the Code of Civil Procedure or by certified mail,
13 return receipt requested, provided that the total amount of
14 fines and penalties for final determinations of parking,
15 standing, or compliance violations does not exceed \$2500. If
16 the court is satisfied that the final determination of
17 parking, standing, or compliance violation was entered in
18 accordance with the requirements of this Section and the
19 applicable municipal ordinance, and that the registered owner
20 or the lessee, as the case may be, had an opportunity for an
21 administrative hearing and for judicial review as provided in
22 this Section, the court shall render judgment in favor of the
23 municipality and against the registered owner or the lessee
24 for the amount indicated in the final determination of
25 parking, standing, or compliance violation, plus costs. The
26 judgment shall have the same effect and may be enforced in
27 the same manner as other judgments for the recovery of money.
28 (Source: P.A. 88-415; 88-437; 88-670, eff. 12-2-94; 89-190,
29 eff. 1-1-96.)