

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 only 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 shall be retained by the traffic  
8 compliance administrator, and shall be a record kept in  
9 the ordinary course of business. A parking, standing, or  
10 compliance violation notice issued, signed and served in  
11 accordance with this Section, or a copy of the notice,  
12 shall be prima facie correct and shall be prima facie  
13 evidence of the correctness of the facts shown on the  
14 notice. The notice or copy shall be admissible in any  
15 subsequent administrative or legal proceedings.

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

1           (5) Service of additional notices, sent by first  
2 class United States mail, postage prepaid, to the address  
3 of the registered owner of the cited vehicle as recorded  
4 with the Secretary of State or, under Section 11-1306 of  
5 this Code, to the lessee of the cited vehicle at the last  
6 address known to the lessor of the cited vehicle at the  
7 time of lease. The service shall be deemed complete as  
8 of the date of deposit in the United States mail. The  
9 notices shall be in the following sequence and shall  
10 include but not be limited to the information specified  
11 herein:

12           (i) A second notice of violation. This notice  
13 shall specify the date and location of the violation  
14 cited in the parking, standing, or compliance  
15 violation notice, the particular regulation  
16 violated, the vehicle make and state registration  
17 number, the fine and any penalty that may be  
18 assessed for late payment when so provided by  
19 ordinance, the availability of a hearing in which  
20 the violation may be contested on its merits, and  
21 the time and manner in which the hearing may be had.  
22 The notice of violation shall also state that  
23 failure either to pay the indicated fine and any  
24 applicable penalty, or to appear at a hearing on the  
25 merits in the time and manner specified, will result  
26 in a final determination of violation liability for  
27 the cited violation in the amount of the fine or  
28 penalty indicated, and that, upon the occurrence of  
29 a final determination of violation liability for the  
30 failure, and the exhaustion of, or failure to  
31 exhaust, available administrative or judicial  
32 procedures for review, any unpaid fine or penalty  
33 will constitute a debt due and owing the  
34 municipality.

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

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

34          (7) Final determinations of violation liability. A

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

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

33 (9) Procedures for non-residents. Procedures by  
34 which persons who are not residents of the municipality

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, and compliance regulations  
5           enacted by ordinance pursuant to this Section, and a  
6           schedule of penalties for late payment of the fines,  
7           provided, however, that the total amount of the fine and  
8           penalty for any one violation shall not exceed \$250.

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

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

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

28               (2) A notice of impending vehicle immobilization  
29               and a right to a hearing to challenge the validity of the  
30               notice by disproving liability for the unpaid final  
31               determinations of parking, standing, or compliance  
32               violation liability listed on the notice.

33               (3) The right to a prompt hearing after a vehicle  
34               has been immobilized or subsequently towed without

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

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

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

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

26 (f) After the expiration of the period within which  
27 judicial review may be sought for a final determination of  
28 parking, standing, or compliance violation, the municipality  
29 may commence a proceeding in the Circuit Court for purposes  
30 of obtaining a judgment on the final determination of  
31 violation. Nothing in this Section shall prevent a  
32 municipality from consolidating multiple final determinations  
33 of parking, standing, or compliance violation against a  
34 person in a proceeding. Upon commencement of the action, the



1 municipality shall file a certified copy of the final  
2 determination of parking, standing, or compliance violation,  
3 which shall be accompanied by a certification that recites  
4 facts sufficient to show that the final determination of  
5 violation was issued in accordance with this Section and the  
6 applicable municipal ordinance. Service of the summons and a  
7 copy of the petition may be by any method provided by Section  
8 2-203 of the Code of Civil Procedure or by certified mail,  
9 return receipt requested, provided that the total amount of  
10 fines and penalties for final determinations of parking,  
11 standing, or compliance violations does not exceed \$2500. If  
12 the court is satisfied that the final determination of  
13 parking, standing, or compliance violation was entered in  
14 accordance with the requirements of this Section and the  
15 applicable municipal ordinance, and that the registered owner  
16 or the lessee, as the case may be, had an opportunity for an  
17 administrative hearing and for judicial review as provided in  
18 this Section, the court shall render judgment in favor of the  
19 municipality and against the registered owner or the lessee  
20 for the amount indicated in the final determination of  
21 parking, standing, or compliance violation, plus costs. The  
22 judgment shall have the same effect and may be enforced in  
23 the same manner as other judgments for the recovery of money.  
24 (Source: P.A. 88-415; 88-437; 88-670, eff. 12-2-94; 89-190,  
25 eff. 1-1-96.)