



Sen. Michael Noland

Filed: 3/4/2014

09800SB2583sam002

LRB098 12120 MLW 55989 a

1 AMENDMENT TO SENATE BILL 2583

2 AMENDMENT NO. _____. Amend Senate Bill 2583 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-711, 6-601, and 6-803 and adding Section
6 6-308 as follows:

7 (625 ILCS 5/3-711) (from Ch. 95 1/2, par. 3-711)

8 Sec. 3-711. Whenever a court convicts a person of a
9 violation of Section 3-707, 3-708 or 3-710 of this Code, or
10 enters an order placing on supervision the person charged with
11 the violation, the clerk of the court within 5 ~~10~~ days shall
12 forward a report of the conviction or order of supervision to
13 the Secretary of State in a form prescribed by the Secretary.
14 In any case where the person charged with the violation fails
15 to appear in court, the procedures provided in Section 6-308
16 ~~6-306.3 or 6-306.4~~ of this Code, whichever is applicable shall

1 apply.

2 The Secretary shall keep records of such reports. However,
3 reports of orders of supervision shall not be released to any
4 outside source, except the affected driver and law enforcement
5 agencies, and shall be used only to inform the Secretary and
6 the courts that such driver previously has been assigned court
7 supervision.

8 (Source: P.A. 86-149.)

9 (625 ILCS 5/6-308 new)

10 Sec. 6-308. Procedures for traffic violations.

11 (a) Any person cited for violating this Code or a similar
12 provision of a local ordinance for which a violation is a petty
13 offense as defined by Section 5-1-17 of the Unified Code of
14 Corrections shall not be required to post bond. All other
15 provisions of this Code or similar provisions of local
16 ordinances shall be governed by the bail provisions of the
17 Illinois Supreme Court Rules when it is not practical or
18 feasible to take the person before a judge to have bail set or
19 to avoid undue delay because of the hour or circumstances.

20 (b) Whenever a person fails to appear in court or pay any
21 traffic fine, penalty, or cost imposed for a violation of this
22 Code or a similar provision of a local ordinance the court
23 shall continue the case for a minimum of 30 days and the clerk
24 of the court shall send notice of the continued court date to
25 the person's address of record with the Secretary of State. If

1 the person does not appear in court on the continued court
2 date, pay in full the amount necessary to satisfy the citation
3 on or before the continued court date, or satisfy the court
4 that the person's appearance in and surrender to the court is
5 impossible with no fault on the person's part, the court shall
6 enter an order of failure to appear or pay. The clerk of the
7 court shall notify the Secretary of State of the court's order.
8 The Secretary of State, when notified by the clerk of the court
9 that an order of failure to appear or pay has been entered,
10 shall immediately suspend the driver's license. The suspension
11 of the person's driving privileges resulting from a failure to
12 appear or pay shall be designated by the Secretary as a Failure
13 to Appear suspension. The Secretary shall not remove the
14 suspension, nor issue any hardship permit or privilege to the
15 person whose license has been suspended, until notified by the
16 ordering court that the person has complied or paid in full the
17 amount required to satisfy the judgment and paid any suspension
18 reinstatement fee required by the Secretary. Upon payment in
19 full of a fine, penalty, or court cost which has previously
20 been reported under this Section as unpaid, or in which an
21 order of failure to appear has been entered and reported, the
22 clerk of the court shall present the person with a signed
23 receipt containing the seal of the court indicating the fine,
24 penalty, or cost has been paid in full, and shall notify the
25 Secretary of State that the person has complied or that the
26 fine, penalty, or cost has been paid in full.

1 (c) This Section does not apply to fines, penalties, or
2 costs to be collected subsequent to orders of court supervision
3 or other available court diversions.

4 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)
5 Sec. 6-601. Penalties.

6 (a) It is a petty offense for any person to violate any of
7 the provisions of this Chapter unless such violation is by this
8 Code or other law of this State declared to be a misdemeanor or
9 a felony.

10 (b) General penalties. Unless another penalty is in this
11 Code or other laws of this State, every person convicted of a
12 petty offense for the violation of any provision of this
13 Chapter shall be punished by a fine of at least \$50 but not
14 more than \$500.

15 (c) Unlicensed driving. Except as hereinafter provided a
16 violation of Section 6-101 shall be:

17 1. A Class A misdemeanor if the person failed to obtain
18 a driver's license or permit after expiration of a period
19 of revocation.

20 2. A Class B misdemeanor if the person has been issued
21 a driver's license or permit, which has expired, and if the
22 period of expiration is greater than one year; or if the
23 person has never been issued a driver's license or permit,
24 or is not qualified to obtain a driver's license or permit
25 because of his age.

1 3. A petty offense if the person has been issued a
2 temporary visitor's driver's license or permit and is
3 unable to provide proof of liability insurance as provided
4 in subsection (d-5) of Section 6-105.1.

5 If a licensee under this Code is convicted of violating
6 Section 6-308 ~~6-303~~ for operating a motor vehicle during a time
7 when such licensee's driver's license was suspended under the
8 provisions of Section 6-308 ~~6-306.3~~, then such act shall be a
9 petty offense (provided the licensee has answered the charge
10 which was the basis of the suspension under Section 6-306.3),
11 and there shall be imposed no additional like period of
12 suspension as provided in paragraph (b) of Section 6-308 ~~6-303~~.
13 (Source: P.A. 96-607, eff. 8-24-09; 97-1157, eff. 11-28-13.)

14 (625 ILCS 5/6-803) (from Ch. 95 1/2, par. 6-803)

15 Sec. 6-803. Procedure for Issuing Jurisdiction. (a) When
16 issuing a citation for a traffic violation, a police officer
17 shall issue the citation to a motorist who possesses a valid
18 driver's license issued by a party jurisdiction and shall not,
19 subject to the exceptions noted in Section 6-308 ~~6-306.4~~ of
20 this Code and paragraph (b) of this Section require the
21 motorist to post collateral to secure appearance, if the
22 officer receives the motorist's personal recognizance to
23 comply with the terms of the citation.

24 (b) Personal recognizance is acceptable only if not
25 prohibited by law. If mandatory appearance is required, it must

1 take place according to law, following issuance of the
2 citation.

3 (c) Upon failure of a motorist to comply with the terms of
4 a traffic citation, the appropriate official shall report the
5 failure to comply, in a manner prescribed by the Secretary, to
6 the licensing authority of the jurisdiction in which the
7 traffic citation was issued. The report shall be made in
8 accordance with procedures specified by the Secretary and shall
9 contain information as specified by the Secretary as minimum
10 requirements for effective processing by the home
11 jurisdiction.

12 (d) Upon receipt of the report, the Secretary shall
13 transmit to the licensing authority in the home jurisdiction of
14 the motorist the information in a form and content as contained
15 in the Compact Manual.

16 (e) The Secretary may not, except as provided under Section
17 6-308 ~~6-306.4~~ of this Code, suspend the privileges of a
18 motorist for whom a report has been transmitted, under the
19 terms of this Compact, to another member jurisdiction.

20 (f) The Secretary shall not transmit a report on any
21 violation if the date of transmission is more than 6 months
22 after the date on which the traffic citation was issued.

23 (g) The Secretary shall not transmit a report on any
24 violation where the date of issuance of the citation predates
25 the most recent of the effective dates of entry for the two
26 jurisdictions affected.

1 (Source: P.A. 84-1231.)

2 (625 ILCS 5/6-306.3 rep.)

3 Section 10. The Illinois Vehicle Code is amended by
4 repealing Section 6-306.3.

5 (625 ILCS 5/6-306.4 rep.)

6 Section 15. The Illinois Vehicle Code is amended by
7 repealing Section 6-306.4.

8 Section 20. The Code of Criminal Procedure of 1963 is
9 amended by changing Section 110-15 as follows:

10 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

11 Sec. 110-15. Applicability of provisions for giving and
12 taking bail. The provisions of Sections 110-7 and 110-8 of this
13 Code are exclusive of other provisions of law for the giving,
14 taking, or enforcement of bail. In all cases where a person is
15 admitted to bail the provisions of Sections 110-7 and 110-8 of
16 this Code shall be applicable.

17 However, the Supreme Court may, by rule or order, prescribe
18 a uniform schedule of amounts of bail in all but felony
19 offenses. No bail amounts shall be required for petty offenses.
20 ~~specified traffic and conservation cases, quasi-criminal~~
21 ~~offenses, and misdemeanors.~~ Such uniform schedule may provide
22 that the cash deposit provisions of Section 110-7 shall not

1 apply to bail amounts established for alleged violations
2 punishable by fine alone, ~~and the schedule may further provide~~
3 ~~that in specified traffic cases a valid Illinois chauffeur's or~~
4 ~~operator's license must be deposited, in addition to 10% of the~~
5 ~~amount of the bail specified in the schedule.~~

6 (Source: Laws 1967, p. 2969.)".