

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
5 changing Section 6-308 as follows:

6 (625 ILCS 5/6-308)

7 (Text of Section before amendment by P.A. 103-789)

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

9 (a) Any person cited for violating this Code or a similar
10 provision of a local ordinance for which a violation is a petty
11 offense as defined by Section 5-1-17 of the Unified Code of
12 Corrections, excluding business offenses as defined by Section
13 5-1-2 of the Unified Code of Corrections or a violation of
14 Section 15-111 or subsection (d) of Section 3-401 of this
15 Code, shall not be required to sign the citation for his or her
16 release. All other provisions of this Code or similar
17 provisions of local ordinances shall be governed by the
18 pretrial release provisions of the Illinois Supreme Court
19 Rules when it is not practical or feasible to take the person
20 before a judge to have conditions of pretrial release set or to
21 avoid undue delay because of the hour or circumstances.

22 (b) Whenever a person fails to appear in court, the court
23 may continue the case for a minimum of 30 days and the clerk of

1 the court shall send notice of the continued court date to the
2 person's last known address. If the person does not appear in
3 court on or before the continued court date or satisfy the
4 court that the person's appearance in and surrender to the
5 court is impossible for no fault of the person, the court shall
6 enter an order of failure to appear. The clerk of the court
7 shall notify the Secretary of State, on a report prescribed by
8 the Secretary, of the court's order. The Secretary, when
9 notified by the clerk of the court that an order of failure to
10 appear has been entered, shall immediately suspend the
11 person's driver's license, which shall be designated by the
12 Secretary as a Failure to Appear suspension. The Secretary
13 shall not remove the suspension, nor issue any permit or
14 privileges to the person whose license has been suspended,
15 until notified by the ordering court that the person has
16 appeared and resolved the violation. Upon compliance, the
17 clerk of the court shall present the person with a notice of
18 compliance containing the seal of the court, and shall notify
19 the Secretary that the person has appeared and resolved the
20 violation.

21 (c) Illinois Supreme Court Rules shall govern pretrial
22 release and appearance procedures when a person who is a
23 resident of another state that is not a member of the
24 Nonresident Violator Compact of 1977 is cited for violating
25 this Code or a similar provision of a local ordinance.

26 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

1 (Text of Section after amendment by P.A. 103-789)

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

3 (a) Any person cited for violating this Code or a similar
4 provision of a local ordinance for which a violation is a petty
5 offense as defined by Section 5-1-17 of the Unified Code of
6 Corrections, excluding business offenses as defined by Section
7 5-1-2 of the Unified Code of Corrections or a violation of
8 Section 15-111 or subsection (d) of Section 3-401 of this
9 Code, shall not be required to sign the citation for his or her
10 release. All other provisions of this Code or similar
11 provisions of local ordinances shall be governed by the
12 pretrial release provisions of the Illinois Supreme Court
13 Rules when it is not practical or feasible to take the person
14 before a judge to have conditions of pretrial release set or to
15 avoid undue delay because of the hour or circumstances.

16 (b) Whenever a person fails to appear in court, the court
17 may continue the case for a minimum of 30 days and the clerk of
18 the court shall send notice of the continued court date to the
19 person's last known address and, if the clerk of the court
20 elects to establish a system to send text, email, and
21 telephone notifications, may also send notifications to an
22 email address and may send a text message to the person's last
23 known cellular telephone number. If the person does not have a
24 cellular telephone number, the clerk of the court may reach
25 the person by calling the person's last known landline

1 telephone number regarding continued court dates. The notice
2 shall include a statement that a subsequent failure to appear
3 in court could result in a warrant for the defendant's arrest
4 and other significant consequences affecting their driving
5 privileges. If the person does not (i) appear in court on or
6 before the continued court date, (ii) satisfy the charge
7 without a court appearance if allowed by Illinois Supreme
8 Court Rule, or (iii) satisfy the court that the person's
9 appearance in and surrender to the court is impossible for no
10 fault of the person, the court shall: (1) for those offenses
11 under this Code that are punishable by fine only, enter an ex
12 parte judgment of conviction imposing a single assessment,
13 specified in the applicable assessment Schedule 10 or 10.5
14 ~~or 11~~ for the charged offense, as provided in the Criminal and
15 Traffic Assessment Act, plus a fine allowed by statute and the
16 clerk of the court shall notify the Secretary of State, in a
17 manner and form prescribed by the Secretary, of the court's
18 order, or (2) for those offenses under this Code that are
19 punishable by a sentence of imprisonment, enter an order of
20 failure to appear. The clerk of the court shall notify the
21 Secretary of State, on a report prescribed by the Secretary,
22 of the court's order. The Secretary, when notified by the
23 clerk of the court that an order of failure to appear has been
24 entered, shall immediately suspend the person's driver's
25 license, which shall be designated by the Secretary as a
26 failure to appear suspension. The Secretary shall not remove

1 the suspension, nor issue any permit or privileges to the
2 person whose license has been suspended, until the Secretary
3 is notified by the ordering court that the person has appeared
4 and resolved the violation or failure to appear order. Upon
5 compliance, the clerk of the court shall present the person
6 with a notice of compliance containing the seal of the court
7 and shall notify the Secretary that the person has appeared
8 and resolved the violation or failure to appear order. ~~The~~
9 ~~clerk of the court shall notify the Secretary of State, in a~~
10 ~~form and manner prescribed by the Secretary, of the court's~~
11 ~~order.~~

12 (c) Illinois Supreme Court Rules shall govern pretrial
13 release and appearance procedures when a person who is a
14 resident of another state that is not a member of the
15 Nonresident Violator Compact of 1977 is cited for violating
16 this Code or a similar provision of a local ordinance. The
17 changes made to this Section by Public Act 103-0789 do not
18 apply to suspensions entered pursuant to the Nonresident
19 Violator Compact of 1977.

20 (d) The changes made to this Section by Public Act 103-789
21 apply to each individual whose license was suspended pursuant
22 to this Section from January 1, 2020 through June 30, 2025 for
23 an offense under this Code that is punishable only by fine and
24 did not involve the death of another person. No later than
25 October 1, 2025, the clerk of the court shall notify the
26 Secretary of State in a manner and form prescribed by the

1 Secretary, of each failure to appear notification previously
2 sent to the Secretary by the clerk of the court resulting from
3 an offense that is punishable only by fine and did not involve
4 the death of another person for which a notice of compliance
5 had not been sent to the Secretary. No later than January 1,
6 2026, the Secretary shall rescind the suspension of each
7 driver identified by the clerk of the court under this
8 subsection (d) without further action by the person whose
9 driver's license is suspended pursuant to this Section ~~, and~~
10 ~~the suspension shall be lifted by the Secretary of State~~
11 ~~without further action by any court.~~

12 (Source: P.A. 103-789, eff. 7-1-25 (see Section 55 of P.A.
13 103-1059 for the effective date of P.A. 103-789); 103-1059,
14 eff. 12-20-24.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 99. Effective date. This Act takes effect July 1,
23 2025.