



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4123

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204 from Ch. 95 1/2, par. 6-204
625 ILCS 5/16-104e
625 ILCS 5/16-109 new

Amends the Illinois Vehicle Code. Creates a traffic ticket fine waiver program available to a defendant who is in default or is unable to pay required fines, fees, costs, or court assessments, or who has a suspended driver's license, resulting from a minor traffic offense under the Code or a similar provision of a local ordinance. Provides that upon submission of the application to enter into the program, the court shall grant the defendant (1) the ability to convert all of the amount due into court-approved public community service or (2) a partial obligation waiver. Provides that the program shall apply only to a defendant convicted of a minor traffic offense committed no earlier than 2 years before the effective date of the bill. Defines "minor traffic offense". Makes conforming changes.

LRB100 13749 AXK 28464 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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. Legislative intent. It is the intent of this
5 amendatory Act of the 100th General Assembly to provide
6 economic relief to persons who need assistance in paying off
7 debts incurred due to minor traffic offense tickets. The
8 General Assembly recognizes that possessing a driver's license
9 in this State is a privilege; however, it also recognizes that
10 persons should not be deprived of the opportunity to provide
11 for themselves or their families because of a suspended
12 driver's license or increased debt from failure to pay fines
13 and costs on traffic violation tickets.

14 Section 10. The Illinois Vehicle Code is amended by
15 changing Sections 6-204 and 16-104e and by adding Section
16 16-109 as follows:

17 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

18 Sec. 6-204. When court to forward license and reports.

19 (a) For the purpose of providing to the Secretary of State
20 the records essential to the performance of the Secretary's
21 duties under this Code to cancel, revoke or suspend the
22 driver's license and privilege to drive motor vehicles of

1 certain minors adjudicated truant minors in need of
2 supervision, addicted, or delinquent and of persons found
3 guilty of the criminal offenses or traffic violations which
4 this Code recognizes as evidence relating to unfitness to
5 safely operate motor vehicles, the following duties are imposed
6 upon public officials:

7 (1) Whenever any person is convicted of any offense for
8 which this Code makes mandatory the cancellation or
9 revocation of the driver's license or permit of such person
10 by the Secretary of State, the judge of the court in which
11 such conviction is had shall require the surrender to the
12 clerk of the court of all driver's licenses or permits then
13 held by the person so convicted, and the clerk of the court
14 shall, within 5 days thereafter, forward the same, together
15 with a report of such conviction, to the Secretary.

16 (2) Whenever any person is convicted of any offense
17 under this Code or similar offenses under a municipal
18 ordinance, other than regulations governing standing,
19 parking or weights of vehicles, and excepting the following
20 enumerated Sections of this Code: Sections 11-1406
21 (obstruction to driver's view or control), 11-1407
22 (improper opening of door into traffic), 11-1410 (coasting
23 on downgrade), 11-1411 (following fire apparatus),
24 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
25 vehicle which is in unsafe condition or improperly
26 equipped), 12-201(a) (daytime lights on motorcycles),

1 12-202 (clearance, identification and side marker lamps),
2 12-204 (lamp or flag on projecting load), 12-205 (failure
3 to display the safety lights required), 12-401
4 (restrictions as to tire equipment), 12-502 (mirrors),
5 12-503 (windshields must be unobstructed and equipped with
6 wipers), 12-601 (horns and warning devices), 12-602
7 (mufflers, prevention of noise or smoke), 12-603 (seat
8 safety belts), 12-702 (certain vehicles to carry flares or
9 other warning devices), 12-703 (vehicles for oiling roads
10 operated on highways), 12-710 (splash guards and
11 replacements), 13-101 (safety tests), 15-101 (size, weight
12 and load), 15-102 (width), 15-103 (height), 15-104 (name
13 and address on second division vehicles), 15-107 (length of
14 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
15 15-112 (weights), 15-301 (weights), 15-316 (weights),
16 15-318 (weights), and also excepting the following
17 enumerated Sections of the Chicago Municipal Code:
18 Sections 27-245 (following fire apparatus), 27-254
19 (obstruction of traffic), 27-258 (driving vehicle which is
20 in unsafe condition), 27-259 (coasting on downgrade),
21 27-264 (use of horns and signal devices), 27-265
22 (obstruction to driver's view or driver mechanism), 27-267
23 (dimming of headlights), 27-268 (unattended motor
24 vehicle), 27-272 (illegal funeral procession), 27-273
25 (funeral procession on boulevard), 27-275 (driving freight
26 hauling vehicles on boulevard), 27-276 (stopping and

1 standing of buses or taxicabs), 27-277 (cruising of public
2 passenger vehicles), 27-305 (parallel parking), 27-306
3 (diagonal parking), 27-307 (parking not to obstruct
4 traffic), 27-308 (stopping, standing or parking
5 regulated), 27-311 (parking regulations), 27-312 (parking
6 regulations), 27-313 (parking regulations), 27-314
7 (parking regulations), 27-315 (parking regulations),
8 27-316 (parking regulations), 27-317 (parking
9 regulations), 27-318 (parking regulations), 27-319
10 (parking regulations), 27-320 (parking regulations),
11 27-321 (parking regulations), 27-322 (parking
12 regulations), 27-324 (loading and unloading at an angle),
13 27-333 (wheel and axle loads), 27-334 (load restrictions in
14 the downtown district), 27-335 (load restrictions in
15 residential areas), 27-338 (width of vehicles), 27-339
16 (height of vehicles), 27-340 (length of vehicles), 27-352
17 (reflectors on trailers), 27-353 (mufflers), 27-354
18 (display of plates), 27-355 (display of city vehicle tax
19 sticker), 27-357 (identification of vehicles), 27-358
20 (projecting of loads), and also excepting the following
21 enumerated paragraphs of Section 2-201 of the Rules and
22 Regulations of the Illinois State Toll Highway Authority:
23 (l) (driving unsafe vehicle on tollway), (m) (vehicles
24 transporting dangerous cargo not properly indicated), it
25 shall be the duty of the clerk of the court in which such
26 conviction is had within 5 days thereafter to forward to

1 the Secretary of State a report of the conviction and the
2 court may recommend the suspension of the driver's license
3 or permit of the person so convicted.

4 The reporting requirements of this subsection shall
5 apply to all violations stated in paragraphs (1) and (2) of
6 this subsection when the individual has been adjudicated
7 under the Juvenile Court Act or the Juvenile Court Act of
8 1987. Such reporting requirements shall also apply to
9 individuals adjudicated under the Juvenile Court Act or the
10 Juvenile Court Act of 1987 who have committed a violation
11 of Section 11-501 of this Code, or similar provision of a
12 local ordinance, or Section 9-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012, relating to the offense
14 of reckless homicide, or Section 5-7 of the Snowmobile
15 Registration and Safety Act or Section 5-16 of the Boat
16 Registration and Safety Act, relating to the offense of
17 operating a snowmobile or a watercraft while under the
18 influence of alcohol, other drug or drugs, intoxicating
19 compound or compounds, or combination thereof. These
20 reporting requirements also apply to individuals
21 adjudicated under the Juvenile Court Act of 1987 based on
22 any offense determined to have been committed in
23 furtherance of the criminal activities of an organized
24 gang, as provided in Section 5-710 of that Act, and that
25 involved the operation or use of a motor vehicle or the use
26 of a driver's license or permit. The reporting requirements

1 of this subsection shall also apply to a truant minor in
2 need of supervision, an addicted minor, or a delinquent
3 minor and whose driver's license and privilege to drive a
4 motor vehicle has been ordered suspended for such times as
5 determined by the court, but only until he or she attains
6 18 years of age. It shall be the duty of the clerk of the
7 court in which adjudication is had within 5 days thereafter
8 to forward to the Secretary of State a report of the
9 adjudication and the court order requiring the Secretary of
10 State to suspend the minor's driver's license and driving
11 privilege for such time as determined by the court, but
12 only until he or she attains the age of 18 years. All
13 juvenile court dispositions reported to the Secretary of
14 State under this provision shall be processed by the
15 Secretary of State as if the cases had been adjudicated in
16 traffic or criminal court. However, information reported
17 relative to the offense of reckless homicide, or Section
18 11-501 of this Code, or a similar provision of a local
19 ordinance, shall be privileged and available only to the
20 Secretary of State, courts, and police officers.

21 The reporting requirements of this subsection (a)
22 apply to all violations listed in paragraphs (1) and (2) of
23 this subsection (a), excluding parking violations, when
24 the driver holds a CLP or CDL, regardless of the type of
25 vehicle in which the violation occurred, or when any driver
26 committed the violation in a commercial motor vehicle as

1 defined in Section 6-500 of this Code.

2 (3) Whenever an order is entered vacating the
3 forfeiture of any bail, security or bond given to secure
4 appearance for any offense under this Code or similar
5 offenses under municipal ordinance, it shall be the duty of
6 the clerk of the court in which such vacation was had or
7 the judge of such court if such court has no clerk, within
8 5 days thereafter to forward to the Secretary of State a
9 report of the vacation.

10 (4) A report of any disposition of court supervision
11 for a violation of Sections 6-303, 11-401, 11-501 or a
12 similar provision of a local ordinance, 11-503, 11-504, and
13 11-506 of this Code, Section 5-7 of the Snowmobile
14 Registration and Safety Act, and Section 5-16 of the Boat
15 Registration and Safety Act shall be forwarded to the
16 Secretary of State. A report of any disposition of court
17 supervision for a violation of an offense defined as a
18 serious traffic violation in this Code or a similar
19 provision of a local ordinance committed by a person under
20 the age of 21 years shall be forwarded to the Secretary of
21 State.

22 (5) Reports of conviction under this Code and
23 sentencing hearings under the Juvenile Court Act of 1987 in
24 an electronic format or a computer processible medium shall
25 be forwarded to the Secretary of State via the Supreme
26 Court in the form and format required by the Illinois

1 Supreme Court and established by a written agreement
2 between the Supreme Court and the Secretary of State. In
3 counties with a population over 300,000, instead of
4 forwarding reports to the Supreme Court, reports of
5 conviction under this Code and sentencing hearings under
6 the Juvenile Court Act of 1987 in an electronic format or a
7 computer processible medium may be forwarded to the
8 Secretary of State by the Circuit Court Clerk in a form and
9 format required by the Secretary of State and established
10 by written agreement between the Circuit Court Clerk and
11 the Secretary of State. Failure to forward the reports of
12 conviction or sentencing hearing under the Juvenile Court
13 Act of 1987 as required by this Section shall be deemed an
14 omission of duty and it shall be the duty of the several
15 State's Attorneys to enforce the requirements of this
16 Section.

17 (b) Whenever a restricted driving permit is forwarded to a
18 court, as a result of confiscation by a police officer pursuant
19 to the authority in Section 6-113(f), it shall be the duty of
20 the clerk, or judge, if the court has no clerk, to forward such
21 restricted driving permit and a facsimile of the officer's
22 citation to the Secretary of State as expeditiously as
23 practicable.

24 (c) For the purposes of this Code, a forfeiture of bail or
25 collateral deposited to secure a defendant's appearance in
26 court when forfeiture has not been vacated, or the failure of a

1 defendant to appear for trial after depositing his driver's
2 license in lieu of other bail, shall be equivalent to a
3 conviction.

4 (d) For the purpose of providing the Secretary of State
5 with records necessary to properly monitor and assess driver
6 performance and assist the courts in the proper disposition of
7 repeat traffic law offenders, the clerk of the court shall
8 forward to the Secretary of State, on a form prescribed by the
9 Secretary, records of a driver's participation in a driver
10 remedial or rehabilitative program which was required, through
11 a court order or court supervision, in relation to the driver's
12 arrest for a violation of Section 11-501 of this Code or a
13 similar provision of a local ordinance. The clerk of the court
14 shall also forward to the Secretary, either on paper or in an
15 electronic format or a computer processible medium as required
16 under paragraph (5) of subsection (a) of this Section, any
17 disposition of court supervision for any traffic violation,
18 excluding those offenses listed in paragraph (2) of subsection
19 (a) of this Section. These reports shall be sent within 5 days
20 after disposition, or, if the driver is referred to a driver
21 remedial or rehabilitative program, within 5 days of the
22 driver's referral to that program. These reports received by
23 the Secretary of State, including those required to be
24 forwarded under paragraph (a)(4), shall be privileged
25 information, available only (i) to the affected driver, (ii) to
26 the parent or guardian of a person under the age of 18 years

1 holding an instruction permit or a graduated driver's license,
2 and (iii) for use by the courts, police officers, prosecuting
3 authorities, the Secretary of State, and the driver licensing
4 administrator of any other state. In accordance with 49 C.F.R.
5 Part 384, all reports of court supervision, except violations
6 related to parking, shall be forwarded to the Secretary of
7 State for all holders of a CLP or CDL or any driver who commits
8 an offense while driving a commercial motor vehicle. These
9 reports shall be recorded to the driver's record as a
10 conviction for use in the disqualification of the driver's
11 commercial motor vehicle privileges and shall not be privileged
12 information.

13 (e) For purposes of reinstating a suspended or revoked
14 driver's license, the clerk of court shall immediately notify
15 the Secretary of a driver's participation in a traffic ticket
16 fine waiver program under Section 16-109 of this Code.

17 (Source: P.A. 100-74, eff. 8-11-17.)

18 (625 ILCS 5/16-104e)

19 Sec. 16-104e. Minimum penalty for traffic offenses. Except
20 as provided under Section 16-109 of this Code or unless ~~Unless~~
21 otherwise disposed of prior to a court appearance in the same
22 matter under Supreme Court Rule 529, a person who, after a
23 court appearance in the same matter, is found guilty of or
24 pleads guilty to, including any person receiving a disposition
25 of court supervision, a violation of this Code or a similar

1 provision of a local ordinance shall pay a fine that may not be
2 waived. Nothing in this Section shall prevent the court from
3 ordering that the fine be paid within a specified period of
4 time or in installments under Section 5-9-1 of the Unified Code
5 of Corrections.

6 (Source: P.A. 96-1462, eff. 1-1-11.)

7 (625 ILCS 5/16-109 new)

8 Sec. 16-109. Traffic ticket fine waiver program.

9 (a) For purposes of this Section, "minor traffic offense"
10 means a petty offense or a business offense committed under
11 this Code or a similar provision of a local ordinance.

12 (b) A defendant who is in default or is unable to pay
13 required fines, fees, costs, or court assessments, or who has a
14 suspended driver's license, resulting from a minor traffic
15 offense under this Code or a similar provision of a local
16 ordinance, may petition the court having jurisdiction over the
17 defendant's case to enter into a traffic ticket fine waiver
18 program.

19 (c) This Section shall apply only to a defendant who
20 pleaded guilty to or is convicted of a minor traffic offense
21 committed no earlier than 2 years before the effective date of
22 this amendatory Act of the 100th General Assembly.

23 (d) An application under this Section shall be in writing,
24 signed by the defendant, or if the defendant is a minor or
25 incompetent adult, by another person having knowledge of the

1 facts. The contents of the application, and the procedure for
2 deciding applications, may be established by Supreme Court
3 Rule.

4 (e) The court shall immediately notify the Secretary of
5 State of the defendant's participation in the program and the
6 Secretary shall, if applicable, reinstate the defendant's
7 suspended or revoked driver's license.

8 (f) Upon submission of the application to enter into the
9 program, the court shall grant the defendant:

10 (1) the ability to convert all of the amount due into
11 court-approved public or community service, for which one
12 hour of public or community service shall be equivalent to
13 \$10 of the amount due; or

14 (2) a partial obligation waiver in the following
15 amounts:

16 (A) fifty percent of the total amount due shall be
17 waived for any defendant who submits the application;
18 or

19 (B) eighty percent of the total amount due shall be
20 waived for any defendant who:

21 (i) has an available income that is 125% or
22 less of the current poverty level as established by
23 the United States Department of Health and Human
24 Services; or

25 (ii) is receiving assistance under one or more
26 of the following means based governmental public

1 benefits programs: Supplemental Security Income;
2 the Aged, Blind and Disabled; Temporary Assistance
3 for Needy Families; Supplemental Nutrition
4 Assistance Program; General Assistance;
5 Transitional Assistance; or State Children and
6 Family Assistance.

7 (g) The Secretary of State shall provide information on the
8 traffic ticket fine waiver program on its website and shall
9 provide an insert with each vehicle registration that contains
10 information on the program. The clerk of court shall provide
11 the application to a defendant upon request.