

# HB2151



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2151

by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-707

from Ch. 95 1/2, par. 3-707

Amends the Illinois Vehicle Code. Creates the offense of operation of an uninsured motor vehicle causing death, a Class 4 felony. Provides that if a person convicted of the offense of uninsured operation of a motor vehicle causing death has previously been convicted 2 or more times of uninsured operation of a motor vehicle, operation of an uninsured motor vehicle causing bodily harm, or operation of an uninsured motor vehicle causing death, a fine of \$5,000 in addition to any sentence of incarceration shall be imposed. Effective immediately.

LRB101 06628 TAE 51655 b

CORRECTIONAL  
BUDGET AND  
IMPACT 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. The Illinois Vehicle Code is amended by changing  
5 Section 3-707 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle in this State  
9 unless the motor vehicle is covered by a liability insurance  
10 policy in accordance with Section 7-601 of this Code.

11 (a-5) A person commits the offense of operation of  
12 uninsured motor vehicle causing bodily harm when the person:

13 (1) operates a motor vehicle in violation of Section  
14 7-601 of this Code; and

15 (2) causes, as a proximate result of the person's  
16 operation of the motor vehicle, bodily harm to another  
17 person.

18 (a-6) Uninsured operation of a motor vehicle under  
19 subsection (a-5) is a Class A misdemeanor. If a person  
20 convicted of the offense of operation of a motor vehicle under  
21 subsection (a-5) has previously been convicted of 2 or more  
22 violations of subsection (a-5) of this Section or of Section  
23 7-601 of this Code, a fine of \$2,500, in addition to any

1 sentence of incarceration, must be imposed.

2 (a-7) A person commits the offense of operation of an  
3 uninsured motor vehicle causing death when the person:

4 (1) operates a motor vehicle in violation of Section  
5 7-601 of this Code; and

6 (2) causes, as a proximate result of the person's  
7 operation of the motor vehicle, the death of one or more  
8 persons.

9 (a-8) uninsured operation of a motor vehicle under  
10 subsection (a-7) is a Class 4 felony. If a person convicted of  
11 the offense of operation of a motor vehicle under subsection  
12 (a-7) has previously been convicted of 2 or more violations of  
13 subsection (a-5) or (a-7) of this Section or of Section 7-601  
14 of this Code, a fine of \$5,000, in addition to any sentence of  
15 incarceration, shall be imposed.

16 (b) Any person who fails to comply with a request by a law  
17 enforcement officer for display of evidence of insurance, as  
18 required under Section 7-602 of this Code, shall be deemed to  
19 be operating an uninsured motor vehicle.

20 (c) Except as provided in subsections (a-6), (a-8), and  
21 (c-5), any operator of a motor vehicle subject to registration  
22 under this Code who is convicted of violating this Section is  
23 guilty of a petty offense and shall be required to pay a fine  
24 in excess of \$500, but not more than \$1,000, except a person  
25 convicted of a third or subsequent violation of this Section  
26 shall be guilty of a business offense and shall be required to

1 pay a fine of \$1,000. However, no person charged with violating  
2 this Section shall be convicted if such person produces in  
3 court satisfactory evidence that at the time of the arrest the  
4 motor vehicle was covered by a liability insurance policy in  
5 accordance with Section 7-601 of this Code. The chief judge of  
6 each circuit may designate an officer of the court to review  
7 the documentation demonstrating that at the time of arrest the  
8 motor vehicle was covered by a liability insurance policy in  
9 accordance with Section 7-601 of this Code.

10 (c-1) A person convicted of violating this Section shall  
11 also have his or her driver's license, permit, or privileges  
12 suspended for 3 months. After the expiration of the 3 months,  
13 the person's driver's license, permit, or privileges shall not  
14 be reinstated until he or she has paid a reinstatement fee of  
15 \$100. If a person violates this Section while his or her  
16 driver's license, permit, or privileges are suspended under  
17 this subsection (c-1), his or her driver's license, permit, or  
18 privileges shall be suspended for an additional 6 months and  
19 until he or she pays the reinstatement fee.

20 (c-5) A person who (i) has not previously been convicted of  
21 or received a disposition of court supervision for violating  
22 this Section and (ii) produces at his or her court appearance  
23 satisfactory evidence that the motor vehicle is covered, as of  
24 the date of the court appearance, by a liability insurance  
25 policy in accordance with Section 7-601 of this Code shall, for  
26 a violation of this Section, other than a violation of

1 subsection (a-5), pay a fine of \$100 and receive a disposition  
2 of court supervision. The person must, on the date that the  
3 period of court supervision is scheduled to terminate, produce  
4 satisfactory evidence that the vehicle was covered by the  
5 required liability insurance policy during the entire period of  
6 court supervision.

7 An officer of the court designated under subsection (c) may  
8 also review liability insurance documentation under this  
9 subsection (c-5) to determine if the motor vehicle is, as of  
10 the date of the court appearance, covered by a liability  
11 insurance policy in accordance with Section 7-601 of this Code.  
12 The officer of the court shall also determine, on the date the  
13 period of court supervision is scheduled to terminate, whether  
14 the vehicle was covered by the required policy during the  
15 entire period of court supervision.

16 (d) A person convicted a third or subsequent time of  
17 violating this Section or a similar provision of a local  
18 ordinance must give proof to the Secretary of State of the  
19 person's financial responsibility as defined in Section 7-315.  
20 The person must maintain the proof in a manner satisfactory to  
21 the Secretary for a minimum period of 3 years after the date  
22 the proof is first filed. The Secretary must suspend the  
23 driver's license of any person determined by the Secretary not  
24 to have provided adequate proof of financial responsibility as  
25 required by this subsection.

26 (Source: P.A. 99-613, eff. 1-1-17; 100-202, eff. 1-1-18.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.