

HB3923



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3923

Introduced 2/22/2021, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-308

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall not restore the driving privileges of a person who has failed to appear until notified by the ordering court that the person has appeared and the court has entered a final order regarding the person's guilt or innocence (instead of "until notified by the ordering court that the person has appeared and resolved the violation").

LRB102 15181 RAM 20536 b

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
5 changing Section 6-308 as follows:

6 (625 ILCS 5/6-308)

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

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

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

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

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

26 (Source: P.A. 100-674, eff. 1-1-19.)