



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0769

Introduced 2/1/2005, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-306.6

from Ch. 95 1/2, par. 6-306.6

Amends the Illinois Vehicle Code. Amends the provision regarding failure to pay fines, penalties, and court costs to provide that the Secretary of State may not remove the notation indicating a driver's failure to pay until the Secretary has received, directly from the court of venue (rather than from the driver), written notice of payment. Provides that, if full payment has been received, the court shall provide the driver with a receipt indicating payment in full. Provides that the receipt provided to the driver may not be used by the driver to clear the driver's record. Effective immediately.

LRB094 07021 DRH 37160 b

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 6-306.6 as follows:

6 (625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

7 Sec. 6-306.6. Failure to pay traffic fines, penalties, or
8 court costs.

9 (a) Whenever any resident of this State fails to pay any
10 traffic fine, penalty, or cost imposed for a violation of this
11 Code, or similar provision of local ordinance, the clerk may
12 notify the Secretary of State, on a report prescribed by the
13 Secretary, and the Secretary shall prohibit the renewal,
14 reissue or reinstatement of such resident's driving privileges
15 until such fine, penalty, or cost has been paid in full. The
16 clerk shall provide notice to the driver, at the driver's last
17 known address as shown on the court's records, stating that
18 such action will be effective on the 46th day following the
19 date of the above notice if payment is not received in full by
20 the court of venue.

21 (a-1) Whenever any resident of this State who has made a
22 partial payment on any traffic fine, penalty, or cost that was
23 imposed under a conviction entered on or after the effective
24 date of this amendatory Act of the 93rd General Assembly, for a
25 violation of this Code or a similar provision of a local
26 ordinance, fails to pay the remainder of the outstanding fine,
27 penalty, or cost within the time limit set by the court, the
28 clerk may notify the Secretary of State, on a report prescribed
29 by the Secretary, and the Secretary shall prohibit the renewal,
30 reissue, or reinstatement of the resident's driving privileges
31 until the fine, penalty, or cost has been paid in full. The
32 clerk shall provide notice to the driver, at the driver's last

1 known address as shown on the court's records, stating that the
2 action will be effective on the 46th day following the date of
3 the notice if payment is not received in full by the court of
4 venue.

5 (b) Following receipt of the report from the clerk, the
6 Secretary of State shall make the proper notation to the
7 driver's file to prohibit the renewal, reissue or reinstatement
8 of such driver's driving privileges. Except as provided in
9 paragraph (2) of subsection (d) of this Section, such notation
10 shall not be removed from the driver's record until the driver
11 satisfies the outstanding fine, penalty, or cost and an
12 appropriate notice on a form prescribed by the Secretary is
13 received by the Secretary directly from the court of venue,
14 stating that such fine, penalty, or cost has been paid in full.
15 Upon payment in full of a traffic fine, penalty, or court cost
16 which has previously been reported under this Section as
17 unpaid, the clerk of the court ~~shall present the driver with a~~
18 ~~signed receipt containing the seal of the court indicating that~~
19 ~~such fine, penalty, or cost has been paid in full, and shall~~
20 forward forthwith directly to the Secretary of State a notice
21 stating that the fine, penalty, or cost has been paid in full
22 and shall provide the driver with a signed receipt containing
23 the seal of the court, indicating that the fine, penalty, and
24 cost have been paid in full. The receipt may not be used by the
25 driver to clear the driver's record.

26 (c) The provisions of this Section shall be limited to a
27 single action per arrest and as a post conviction measure only.
28 Fines, penalty, or costs to be collected subsequent to orders
29 of court supervision, or other available court diversions are
30 not applicable to this Section.

31 (d) (1) Notwithstanding the receipt of a report from the
32 clerk as prescribed in subsection (a), nothing in this Section
33 is intended to place any responsibility upon the Secretary of
34 State to provide independent notice to the driver of any
35 potential action to disallow the renewal, reissue or
36 reinstatement of such driver's driving privileges.

1 (2) The Secretary of State shall renew, reissue or
2 reinstate a driver's driving privileges which were previously
3 refused pursuant to this Section upon presentation of an
4 original receipt which is signed by the clerk of the court and
5 contains the seal of the court indicating that the fine,
6 penalty, or cost has been paid in full. The Secretary of State
7 shall retain such receipt for his records.

8 (Source: P.A. 93-788, eff. 1-1-05.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.