



Rep. Renee Kosel

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09400HB2348ham001

LRB094 10121 DRH 44025 a

1 AMENDMENT TO HOUSE BILL 2348

2 AMENDMENT NO. _____. Amend House Bill 2348 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-306.7 and 13B-55 as follows:

6 (625 ILCS 5/6-306.7)

7 Sec. 6-306.7. Failure to satisfy fines or penalties for
8 toll violations or evasions; suspension of driving privileges.

9 (a) Upon receipt of a certified report, as prescribed by
10 subsection (c) of this Section, from the Authority stating that
11 the owner of a registered vehicle has failed to satisfy any
12 fine or penalty resulting from a final order issued by the
13 Authority relating directly or indirectly to 5 or more toll
14 violations, toll evasions, or both, the Secretary of State
15 shall suspend the driving privileges of the person in
16 accordance with the procedures set forth in this Section.

17 (b) Following receipt of the certified report of the
18 Authority as specified in the Section, the Secretary of State
19 shall notify the person whose name appears on the certified
20 report that the person's driver's license will be suspended at
21 the end of a specified period unless the Secretary of State is
22 presented with a notice from the Authority certifying that the
23 fines or penalties owing the Authority have been satisfied or
24 that inclusion of that person's name on the certified report

1 was in error. The Secretary's notice shall state in substance
2 the information contained in the Authority's certified report
3 to the Secretary, and shall be effective as specified by
4 subsection (c) of Section 6-211 of this Code, except as to
5 those drivers who also have been issued a CDL. If a person also
6 has been issued a CDL, notice of suspension of that person's
7 driver's license must be given in writing by certified mail and
8 is effective on the date listed in the notice of suspension,
9 except that the notice is not effective until 4 days after the
10 date on which the notice was deposited into the United States
11 mail. The notice becomes effective 4 days after its deposit
12 into the United States mail regardless of whether the Secretary
13 of State receives the return receipt and regardless of whether
14 the written notification is returned for any reason to the
15 Secretary of State as undeliverable.

16 (c) The report from the Authority notifying the Secretary
17 of unsatisfied fines or penalties pursuant to this Section
18 shall be certified and shall contain the following:

19 (1) The name, last known address, and driver's license
20 number of the person who failed to satisfy the fines or
21 penalties and the registration number of any vehicle known
22 to be registered in this State to that person.

23 (2) A statement that the Authority sent a notice of
24 impending suspension of the person's driver's license,
25 vehicle registration, or both, as prescribed by rules
26 enacted pursuant to subsection (a-5) of Section 10 of the
27 Toll Highway Act, to the person named in the report at the
28 address recorded with the Secretary of State; the date on
29 which the notice was sent; and the address to which the
30 notice was sent.

31 (d) The Authority, after making a certified report to the
32 Secretary pursuant to this Section, shall notify the Secretary,
33 on a form prescribed by the Secretary, whenever a person named
34 in the certified report has satisfied the previously reported

1 fines or penalties or whenever the Authority determines that
2 the original report was in error. A certified copy of the
3 notification shall also be given upon request and at no
4 additional charge to the person named therein. Upon receipt of
5 the Authority's notification or presentation of a certified
6 copy of the notification, the Secretary shall terminate the
7 suspension.

8 (e) The Authority shall, by rule, establish procedures for
9 persons to challenge the accuracy of the certified report made
10 pursuant to this Section. The rule shall also provide the
11 grounds for a challenge, which may be limited to:

12 (1) the person not having been the owner or lessee of
13 the vehicle or vehicles receiving 5 or more toll violations
14 or toll evasion notices on the date or dates the notices
15 were issued; or

16 (2) the person having already satisfied the fines or
17 penalties for the 5 or more toll violations or toll
18 evasions indicated on the certified report.

19 (f) All notices sent by the Authority to persons involved
20 in administrative adjudications, hearings, and final orders
21 issued pursuant to rules implementing subsection (a-5) of
22 Section 10 of the Toll Highway Act shall state that failure to
23 satisfy any fine or penalty imposed by the Authority shall
24 result in the Secretary of State suspending the driving
25 privileges, vehicle registration, or both, of the person
26 failing to satisfy the fines or penalties imposed by the
27 Authority.

28 (g) A person may request an administrative hearing to
29 contest an impending suspension or a suspension made pursuant
30 to this Section upon filing a written request with the
31 Secretary. The filing fee for this hearing is \$20, to be paid
32 at the time of the request. The Authority shall reimburse the
33 Secretary for all reasonable costs incurred by the Secretary as
34 a result of the filing of a certified report pursuant to this

1 Section, including, but not limited to, the costs of providing
2 notice required pursuant to subsection (b) and the costs
3 incurred by the Secretary in any hearing conducted with respect
4 to the report pursuant to this subsection and any appeal from
5 that hearing.

6 (h) The Secretary and the Authority may promulgate rules to
7 enable them to carry out their duties under this Section.

8 (i) The Authority shall cooperate with the Secretary in the
9 administration of this Section and shall provide the Secretary
10 with any information the Secretary may deem necessary for these
11 purposes, including regular and timely access to toll violation
12 enforcement records.

13 The Secretary shall cooperate with the Authority in the
14 administration of this Section and shall provide the Authority
15 with any information the Authority may deem necessary for the
16 purposes of this Section, including regular and timely access
17 to vehicle registration records. Section 2-123 of this Code
18 shall not apply to the provision of this information, but the
19 Secretary shall be reimbursed for the cost of providing this
20 information.

21 (j) For purposes of this Section, the term "Authority"
22 means the Illinois State Toll Highway Authority.

23 (Source: P.A. 91-277, eff. 1-1-00.)

24 (625 ILCS 5/13B-55)

25 Sec. 13B-55. Enforcement.

26 (a) The Agency shall cooperate in the enforcement of this
27 Chapter by (i) identifying probable violations through
28 computer matching of vehicle registration records and
29 inspection records; (ii) sending one notice to each suspected
30 violator identified through such matching, stating that
31 registration and inspection records indicate that the vehicle
32 owner has not complied with this Chapter; (iii) directing the
33 vehicle owner to notify the Agency or the Secretary of State if

1 he or she has ceased to own the vehicle or has changed
2 residence; and (iv) advising the vehicle owner of the
3 consequences of violating this Chapter.

4 The Agency shall cooperate with the Secretary of State in
5 the administration of this Chapter and the related provisions
6 of Chapter 3, and shall provide the Secretary of State with
7 such information as the Secretary of State may deem necessary
8 for these purposes, including regular and timely access to
9 vehicle inspection records. The Agency shall be reimbursed for
10 the cost of providing this information.

11 The Secretary of State shall cooperate with the Agency in
12 the administration of this Chapter and shall provide the Agency
13 with such information as the Agency may deem necessary for the
14 purposes of this Chapter, including regular and timely access
15 to vehicle registration records. Section 2-123 of this Code
16 shall not apply to the provision of this information, but the
17 Secretary of State shall be reimbursed for the cost of
18 providing the information.

19 (b) The Secretary of State shall suspend either the driving
20 privileges or the vehicle registration, or both, of any vehicle
21 owner who has not complied with this Chapter, if (i) the
22 vehicle owner failed to satisfactorily respond to the one
23 notice sent by the Agency under subsection (a), and (ii) the
24 Secretary of State has mailed the vehicle owner a notice that
25 the suspension will be imposed if the owner does not comply
26 within a stated period, and the Secretary of State has not
27 received satisfactory evidence of compliance within that
28 period. The Secretary of State shall send this notice only
29 after receiving a statement from the Agency that the vehicle
30 owner has failed to comply with this Section. Notice shall be
31 effective as specified in subsection (c) of Section 6-211 of
32 this Code, except as to those drivers who also have been issued
33 a CDL. If a person also has been issued a CDL, notice of
34 suspension of that person's driver's license must be given in

1 writing by certified mail and is effective on the date listed
2 in the notice of suspension, except that the notice is not
3 effective until 4 days after the date on which the notice was
4 deposited into the United States mail. The notice becomes
5 effective 4 days after its deposit into the United States mail
6 regardless of whether the Secretary of State receives the
7 return receipt and regardless of whether the written
8 notification is returned for any reason to the Secretary of
9 State as undeliverable.

10 A suspension under this subsection shall not be terminated
11 until satisfactory proof of compliance has been submitted to
12 the Secretary of State. No driver's license or permit, or
13 renewal of a license or permit, may be issued to a person whose
14 driving privileges have been suspended under this Section until
15 the suspension has been terminated. No vehicle registration or
16 registration plate that has been suspended under this Section
17 may be reinstated or renewed, or transferred by the owner to
18 any other vehicle, until the suspension has been terminated.

19 The filing fee for an administrative hearing to contest a
20 suspension made under this Section shall be \$20, to be paid by
21 the vehicle owner at the time written request for the hearing
22 is made to the Secretary of State.

23 The Secretary of State may promulgate rules to enable him
24 or her to carry out his or her duties under this Chapter.

25 (Source: P.A. 88-533.)

26 Section 99. Effective date. This Act takes effect July 1,
27 2006."