

SB2878



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2878

Introduced 1/20/2006, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/13B-55

Amends the Illinois Vehicle Code. Deletes language providing that the Secretary of State shall suspend the driving privileges of any vehicle owner who has not complied with the Vehicle Emissions Inspection Law of 1995. Effective immediately.

LRB094 18028 DRH 53333 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 changing
5 Section 13B-55 as follows:

6 (625 ILCS 5/13B-55)

7 (Section scheduled to be repealed on July 1, 2007)

8 (Text of Section before amendment by P.A. 94-218)

9 Sec. 13B-55. Enforcement.

10 (a) The Agency shall cooperate in the enforcement of this
11 Chapter by (i) identifying probable violations through
12 computer matching of vehicle registration records and
13 inspection records; (ii) sending one notice to each suspected
14 violator identified through such matching, stating that
15 registration and inspection records indicate that the vehicle
16 owner has not complied with this Chapter; (iii) directing the
17 vehicle owner to notify the Agency or the Secretary of State if
18 he or she has ceased to own the vehicle or has changed
19 residence; and (iv) advising the vehicle owner of the
20 consequences of violating this Chapter.

21 The Agency shall cooperate with the Secretary of State in
22 the administration of this Chapter and the related provisions
23 of Chapter 3, and shall provide the Secretary of State with
24 such information as the Secretary of State may deem necessary
25 for these purposes, including regular and timely access to
26 vehicle inspection records. The Agency shall be reimbursed for
27 the cost of providing this information.

28 The Secretary of State shall cooperate with the Agency in
29 the administration of this Chapter and shall provide the Agency
30 with such information as the Agency may deem necessary for the
31 purposes of this Chapter, including regular and timely access
32 to vehicle registration records. Section 2-123 of this Code

1 shall not apply to the provision of this information, but the
2 Secretary of State shall be reimbursed for the cost of
3 providing the information.

4 (b) The Secretary of State shall suspend ~~either the driving~~
5 ~~privileges or~~ the vehicle registration, ~~or both,~~ of any vehicle
6 owner who has not complied with this Chapter, if (i) the
7 vehicle owner failed to satisfactorily respond to the one
8 notice sent by the Agency under subsection (a), and (ii) the
9 Secretary of State has mailed the vehicle owner a notice that
10 the suspension will be imposed if the owner does not comply
11 within a stated period, and the Secretary of State has not
12 received satisfactory evidence of compliance within that
13 period. The Secretary of State shall send this notice only
14 after receiving a statement from the Agency that the vehicle
15 owner has failed to comply with this Section. Notice shall be
16 effective as specified in subsection (c) of Section 6-211 of
17 this Code.

18 A suspension under this subsection shall not be terminated
19 until satisfactory proof of compliance has been submitted to
20 the Secretary of State. ~~No driver's license or permit, or~~
21 ~~renewal of a license or permit, may be issued to a person whose~~
22 ~~driving privileges have been suspended under this Section until~~
23 ~~the suspension has been terminated.~~ No vehicle registration or
24 registration plate that has been suspended under this Section
25 may be reinstated or renewed, or transferred by the owner to
26 any other vehicle, until the suspension has been terminated.

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

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

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

34 (Text of Section after amendment by P.A. 94-218)

35 Sec. 13B-55. Enforcement.

1 (a) The Agency shall cooperate in the enforcement of this
2 Chapter by (i) identifying probable violations through
3 computer matching of vehicle registration records and
4 inspection records; (ii) sending one notice to each suspected
5 violator identified through such matching, stating that
6 registration and inspection records indicate that the vehicle
7 owner has not complied with this Chapter; (iii) directing the
8 vehicle owner to notify the Agency or the Secretary of State if
9 he or she has ceased to own the vehicle or has changed
10 residence; and (iv) advising the vehicle owner of the
11 consequences of violating this Chapter.

12 The Agency shall cooperate with the Secretary of State in
13 the administration of this Chapter and the related provisions
14 of Chapter 3, and shall provide the Secretary of State with
15 such information as the Secretary of State may deem necessary
16 for these purposes, including regular and timely access to
17 vehicle inspection records. The Agency shall be reimbursed for
18 the cost of providing this information.

19 The Secretary of State shall cooperate with the Agency in
20 the administration of this Chapter and shall provide the Agency
21 with such information as the Agency may deem necessary for the
22 purposes of this Chapter, including regular and timely access
23 to vehicle registration records. Section 2-123 of this Code
24 shall not apply to the provision of this information, but the
25 Secretary of State shall be reimbursed for the cost of
26 providing the information.

27 (b) The Secretary of State shall suspend ~~either the driving~~
28 ~~privileges or~~ the vehicle registration, ~~or both,~~ of any vehicle
29 owner who has not complied with this Chapter, if (i) the
30 vehicle owner failed to satisfactorily respond to the one
31 notice sent by the Agency under subsection (a), and (ii) the
32 Secretary of State has mailed the vehicle owner a notice that
33 the suspension will be imposed if the owner does not comply
34 within a stated period, and the Secretary of State has not
35 received satisfactory evidence of compliance within that
36 period. The Secretary of State shall send this notice only

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

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

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

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

31 (Source: P.A. 94-218, eff. 7-1-06.)

32 Section 95. No acceleration or delay. Where this Act makes
33 changes in a statute that is represented in this Act by text
34 that is not yet or no longer in effect (for example, a Section
35 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.