



Rep. Cynthia Soto

**Filed: 4/17/2007**

09500HB1747ham001

LRB095 07292 DRJ 34961 a

1 AMENDMENT TO HOUSE BILL 1747

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1747 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by  
5 adding Section 238.2 as follows:

6 (215 ILCS 5/238.2 new)

7 Sec. 238.2. Cooperation in identification of persons owing  
8 past-due child support who may be entitled to payments under  
9 insurance policies; compliance with liens and levies.

10 (a) Before making a payment to any claimant of \$500 or more  
11 under a policy of insurance of any kind, an insurance company  
12 doing business in this State and governed by this Code shall  
13 report the claim to the Insurance Service Office's CLAIMSEARCH  
14 database for purposes of cooperation with the Child Support  
15 Lien Network.

16 (b) Upon receipt of a notice of lien or levy from the

1 Illinois Department of Healthcare and Family Services, an  
2 insurance company shall hold or encumber or surrender to the  
3 Illinois Department the proceeds of a claim up to the amount of  
4 past-due support stated in the notice.

5 (c) An insurance company that in good faith cooperates with  
6 the Child Support Lien Network or that holds, encumbers, or  
7 surrenders claim proceeds in response to a notice of lien or  
8 levy as provided for under this Section shall not be liable to  
9 any insurance claimant or any other person in any civil,  
10 criminal, or administrative action.

11 Section 10. The Illinois Public Aid Code is amended by  
12 changing Section 10-17.6 and by adding Sections 10-17.13,  
13 10-17.14, and 10-25.6 as follows:

14 (305 ILCS 5/10-17.6) (from Ch. 23, par. 10-17.6)

15 Sec. 10-17.6. Certification of Past—Due—Support  
16 Information to Licensing Agencies. The Illinois Department may  
17 provide by rule for certification to any State licensing agency  
18 of (i) the failure of responsible relatives to comply with  
19 subpoenas or warrants relating to paternity or child support  
20 proceedings and (ii) past due support owed by responsible  
21 relatives under a support order entered by a court or  
22 administrative body of this or any other State on behalf of  
23 resident or non-resident persons receiving child support  
24 enforcement services under Title IV, Part D of the Social

1 Security Act. The rule shall provide for notice to and an  
2 opportunity to be heard by each responsible relative affected  
3 and any final administrative decision rendered by the  
4 Department shall be reviewed only under and in accordance with  
5 the Administrative Review Law.

6 (Source: P.A. 87-412.)

7 (305 ILCS 5/10-17.13 new)

8 Sec. 10-17.13. Vehicle immobilization and impoundment. The  
9 Illinois Department may provide by rule for certification to  
10 municipalities of past due support owed by responsible  
11 relatives under a support order entered by a court or  
12 administrative body of this or any other State on behalf of  
13 resident or non-resident persons. The purpose of certification  
14 shall be to effect collection of past due support by  
15 immobilization and impoundment of vehicles registered to  
16 responsible relatives pursuant to ordinances established by  
17 such municipalities under Section 11-1430 of the Illinois  
18 Vehicle Code.

19 The rule shall provide for notice to and an opportunity to  
20 be heard by each responsible relative affected, and any final  
21 administrative decision rendered by the Department shall be  
22 reviewed only under and in accordance with the Administrative  
23 Review Law. A responsible relative may avoid certification to a  
24 municipality for vehicle immobilization or arrange for  
25 discontinuance of vehicle immobilization and impoundment

1 already engaged by payment of past due support or by entering  
2 into a plan for payment of past and current child support  
3 obligations in a manner satisfactory to the Illinois  
4 Department.

5 (305 ILCS 5/10-17.14 new)

6 Sec. 10-17.14. Past due support information to the Illinois  
7 Department of State Police. The Illinois Department may provide  
8 by rule for certification to the Illinois Department of State  
9 Police of past due support owed by responsible relatives under  
10 a support order entered by a court or administrative body of  
11 this or any other State on behalf of resident or non-resident  
12 persons. The purpose of certification shall be to effect denial  
13 of issuance or renewal of Firearm Owner's Identification Cards  
14 for failure to pay support.

15 The rule shall provide for notice to and an opportunity to  
16 be heard by each responsible relative affected, and any final  
17 administrative decision rendered by the Department shall be  
18 reviewed only under and in accordance with the Administrative  
19 Review Law.

20 (305 ILCS 5/10-25.6 new)

21 Sec. 10-25.6. Administrative liens and levies on proceeds  
22 of insurance claims for past-due child support.

23 (a) Notwithstanding any other provision of law to the  
24 contrary, the State shall have a lien on all legal and

1 equitable interests of responsible relatives in the proceeds of  
2 any claim under a policy of insurance, including but not  
3 limited to proceeds on claims under the Workers' Compensation  
4 Act and the Workers' Occupational Diseases Act, in the amount  
5 of past-due child support owing pursuant to an order for  
6 support entered under Section 10-10 or 10-11 of this Code, or  
7 under the Illinois Marriage and Dissolution of Marriage Act,  
8 the Non-Support Punishment Act, the Uniform Interstate Family  
9 Support Act, the Illinois Parentage Act of 1984, or under any  
10 other law, State or federal, providing for support of a  
11 dependent child.

12 (b) The Illinois Department shall provide by rule for  
13 issuance of notices of lien and levy to insurance companies for  
14 the purpose of encumbering and levying upon the proceeds of  
15 insurance claims for collection of past-due support. The rule  
16 shall provide for notice to and an opportunity to be heard by  
17 each responsible relative affected, and any final  
18 administrative decision rendered by the Illinois Department  
19 shall be reviewed only under and in accordance with the  
20 Administrative Review Law.

21 Section 15. The Firearm Owners Identification Card Act is  
22 amended by changing Section 10 and by adding Section 8.2 as  
23 follows:

24 (430 ILCS 65/8.2 new)

1       Sec. 8.2. Denial of issuance or renewal of Firearm Owner's  
2 Identification Card upon certification of Illinois Department  
3 of Healthcare and Family Services. Notwithstanding any other  
4 provision of this Act, the Department of State Police shall  
5 deny issuance or renewal of a Firearm Owner's Identification  
6 Card solely upon the certification of the Illinois Department  
7 of Healthcare and Family Services that the applicant owes past  
8 due support under Section 10-17.14 of the Illinois Public Aid  
9 Code. Further process, hearings, or redetermination of past due  
10 support by the Department of State Police shall not be  
11 required. The Department of State Police may issue or renew a  
12 Firearm Owner's Identification Card if the applicant has  
13 arranged for payment of past and current support obligations in  
14 a manner satisfactory to the Department of Healthcare and  
15 Family Services.

16       (430 ILCS 65/10) (from Ch. 38, par. 83-10)

17       Sec. 10. (a) Whenever an application for a Firearm Owner's  
18 Identification Card is denied, whenever the Department fails to  
19 act on an application within 30 days of its receipt, or  
20 whenever such a Card is revoked or seized as provided for in  
21 Section 8 of this Act, the aggrieved party may appeal to the  
22 Director of the Department of State Police for a hearing upon  
23 such denial, revocation or seizure, unless the denial,  
24 revocation, or seizure was based upon a forcible felony,  
25 stalking, aggravated stalking, domestic battery, any violation

1 of the Illinois Controlled Substances Act, the Methamphetamine  
2 Control and Community Protection Act, or the Cannabis Control  
3 Act that is classified as a Class 2 or greater felony, any  
4 felony violation of Article 24 of the Criminal Code of 1961, or  
5 any adjudication as a delinquent minor for the commission of an  
6 offense that if committed by an adult would be a felony, in  
7 which case the aggrieved party may petition the circuit court  
8 in writing in the county of his or her residence for a hearing  
9 upon such denial, revocation, or seizure.

10 (b) At least 30 days before any hearing in the circuit  
11 court, the petitioner shall serve the relevant State's Attorney  
12 with a copy of the petition. The State's Attorney may object to  
13 the petition and present evidence. At the hearing the court  
14 shall determine whether substantial justice has been done.  
15 Should the court determine that substantial justice has not  
16 been done, the court shall issue an order directing the  
17 Department of State Police to issue a Card.

18 (c) Any person prohibited from possessing a firearm under  
19 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or  
20 acquiring a Firearm Owner's Identification Card under Section 8  
21 of this Act may apply to the Director of the Department of  
22 State Police or petition the circuit court in the county where  
23 the petitioner resides, whichever is applicable in accordance  
24 with subsection (a) of this Section, requesting relief from  
25 such prohibition and the Director or court may grant such  
26 relief if it is established by the applicant to the court's or

1 Director's satisfaction that:

2 (0.05) when in the circuit court, the State's Attorney  
3 has been served with a written copy of the petition at  
4 least 30 days before any such hearing in the circuit court  
5 and at the hearing the State's Attorney was afforded an  
6 opportunity to present evidence and object to the petition;

7 (1) the applicant has not been convicted of a forcible  
8 felony under the laws of this State or any other  
9 jurisdiction within 20 years of the applicant's  
10 application for a Firearm Owner's Identification Card, or  
11 at least 20 years have passed since the end of any period  
12 of imprisonment imposed in relation to that conviction;

13 (2) the circumstances regarding a criminal conviction,  
14 where applicable, the applicant's criminal history and his  
15 reputation are such that the applicant will not be likely  
16 to act in a manner dangerous to public safety; and

17 (3) granting relief would not be contrary to the public  
18 interest.

19 (d) When a minor is adjudicated delinquent for an offense  
20 which if committed by an adult would be a felony, the court  
21 shall notify the Department of State Police.

22 (e) The court shall review the denial of an application or  
23 the revocation of a Firearm Owner's Identification Card of a  
24 person who has been adjudicated delinquent for an offense that  
25 if committed by an adult would be a felony if an application  
26 for relief has been filed at least 10 years after the



1 adjudication of delinquency and the court determines that the  
2 applicant should be granted relief from disability to obtain a  
3 Firearm Owner's Identification Card. If the court grants  
4 relief, the court shall notify the Department of State Police  
5 that the disability has been removed and that the applicant is  
6 eligible to obtain a Firearm Owner's Identification Card.

7 (f) The provisions of this Section shall not apply to  
8 instances in which an application for issuance or renewal of a  
9 Firearm Owner's Identification Card is denied pursuant to  
10 Section 8.2 of this Act.

11 (Source: P.A. 93-367, eff. 1-1-04; 94-556, eff. 9-11-05.)

12 Section 20. The Illinois Vehicle Code is amended by  
13 changing Sections 6-103, 7-100, 7-701, 7-702, 7-702.1, 7-704,  
14 7-705, 7-706, 7-707, and 7-708 and by adding Sections 7-704.1  
15 and 11-1430 as follows:

16 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

17 Sec. 6-103. What persons shall not be licensed as drivers  
18 or granted permits. The Secretary of State shall not issue,  
19 renew, or allow the retention of any driver's license nor issue  
20 any permit under this Code:

21 1. To any person, as a driver, who is under the age of  
22 18 years except as provided in Section 6-107, and except  
23 that an instruction permit may be issued under Section  
24 6-107.1 to a child who is not less than 15 years of age if

1 the child is enrolled in an approved driver education  
2 course as defined in Section 1-103 of this Code and  
3 requires an instruction permit to participate therein,  
4 except that an instruction permit may be issued under the  
5 provisions of Section 6-107.1 to a child who is 17 years  
6 and 9 months of age without the child having enrolled in an  
7 approved driver education course and except that an  
8 instruction permit may be issued to a child who is at least  
9 15 years and 6 months of age, is enrolled in school, meets  
10 the educational requirements of the Driver Education Act,  
11 and has passed examinations the Secretary of State in his  
12 or her discretion may prescribe;

13 2. To any person who is under the age of 18 as an  
14 operator of a motorcycle other than a motor driven cycle  
15 unless the person has, in addition to meeting the  
16 provisions of Section 6-107 of this Code, successfully  
17 completed a motorcycle training course approved by the  
18 Illinois Department of Transportation and successfully  
19 completes the required Secretary of State's motorcycle  
20 driver's examination;

21 3. To any person, as a driver, whose driver's license  
22 or permit has been suspended, during the suspension, nor to  
23 any person whose driver's license or permit has been  
24 revoked, except as provided in Sections 6-205, 6-206, and  
25 6-208;

26 4. To any person, as a driver, who is a user of alcohol

1 or any other drug to a degree that renders the person  
2 incapable of safely driving a motor vehicle;

3 5. To any person, as a driver, who has previously been  
4 adjudged to be afflicted with or suffering from any mental  
5 or physical disability or disease and who has not at the  
6 time of application been restored to competency by the  
7 methods provided by law;

8 6. To any person, as a driver, who is required by the  
9 Secretary of State to submit an alcohol and drug evaluation  
10 or take an examination provided for in this Code unless the  
11 person has successfully passed the examination and  
12 submitted any required evaluation;

13 7. To any person who is required under the provisions  
14 of the laws of this State to deposit security or proof of  
15 financial responsibility and who has not deposited the  
16 security or proof;

17 8. To any person when the Secretary of State has good  
18 cause to believe that the person by reason of physical or  
19 mental disability would not be able to safely operate a  
20 motor vehicle upon the highways, unless the person shall  
21 furnish to the Secretary of State a verified written  
22 statement, acceptable to the Secretary of State, from a  
23 competent medical specialist to the effect that the  
24 operation of a motor vehicle by the person would not be  
25 inimical to the public safety;

26 9. To any person, as a driver, who is 69 years of age

1 or older, unless the person has successfully complied with  
2 the provisions of Section 6-109;

3 10. To any person convicted, within 12 months of  
4 application for a license, of any of the sexual offenses  
5 enumerated in paragraph 2 of subsection (b) of Section  
6 6-205;

7 11. To any person who is under the age of 21 years with  
8 a classification prohibited in paragraph (b) of Section  
9 6-104 and to any person who is under the age of 18 years  
10 with a classification prohibited in paragraph (c) of  
11 Section 6-104;

12 12. To any person who has been either convicted of or  
13 adjudicated under the Juvenile Court Act of 1987 based upon  
14 a violation of the Cannabis Control Act, the Illinois  
15 Controlled Substances Act, or the Methamphetamine Control  
16 and Community Protection Act while that person was in  
17 actual physical control of a motor vehicle. For purposes of  
18 this Section, any person placed on probation under Section  
19 10 of the Cannabis Control Act, Section 410 of the Illinois  
20 Controlled Substances Act, or Section 70 of the  
21 Methamphetamine Control and Community Protection Act shall  
22 not be considered convicted. Any person found guilty of  
23 this offense, while in actual physical control of a motor  
24 vehicle, shall have an entry made in the court record by  
25 the judge that this offense did occur while the person was  
26 in actual physical control of a motor vehicle and order the

1 clerk of the court to report the violation to the Secretary  
2 of State as such. The Secretary of State shall not issue a  
3 new license or permit for a period of one year;

4 13. To any person who is under the age of 18 years and  
5 who has committed the offense of operating a motor vehicle  
6 without a valid license or permit in violation of Section  
7 6-101;

8 14. To any person who is 90 days or more delinquent in  
9 court ordered child support payments or has been  
10 adjudicated in arrears in an amount equal to 90 days'  
11 obligation or more and who has been found in contempt of  
12 court for failure to pay the support, subject to the  
13 requirements and procedures of Article VII of Chapter 7 of  
14 the Illinois Vehicle Code;

15 14.5. To any person certified by the Illinois  
16 Department of Healthcare and Family Services as being 90  
17 days or more delinquent in payment of support under an  
18 order of support entered by a court or administrative body  
19 of this or any other State, or as having failed to comply  
20 with a subpoena or warrant relating to a paternity or child  
21 support proceeding, subject to the requirements and  
22 procedures of Article VII of Chapter 7 of this Code  
23 regarding those certifications.

24 15. To any person released from a term of imprisonment  
25 for violating Section 9-3 of the Criminal Code of 1961 or a  
26 similar provision of a law of another state relating to

1 reckless homicide or for violating subparagraph (F) of  
2 paragraph (1) of subsection (d) of Section 11-501 of this  
3 Code relating to aggravated driving under the influence of  
4 alcohol, other drug or drugs, intoxicating compound or  
5 compounds, or any combination thereof, if the violation was  
6 the proximate cause of a death, within 24 months of release  
7 from a term of imprisonment;

8 16. To any person who, with intent to influence any act  
9 related to the issuance of any driver's license or permit,  
10 by an employee of the Secretary of State's Office, or the  
11 owner or employee of any commercial driver training school  
12 licensed by the Secretary of State, or any other individual  
13 authorized by the laws of this State to give driving  
14 instructions or administer all or part of a driver's  
15 license examination, promises or tenders to that person any  
16 property or personal advantage which that person is not  
17 authorized by law to accept. Any persons promising or  
18 tendering such property or personal advantage shall be  
19 disqualified from holding any class of driver's license or  
20 permit for 120 consecutive days. The Secretary of State  
21 shall establish by rule the procedures for implementing  
22 this period of disqualification and the procedures by which  
23 persons so disqualified may obtain administrative review  
24 of the decision to disqualify; or

25 17. To any person for whom the Secretary of State  
26 cannot verify the accuracy of any information or

1 documentation submitted in application for a driver's  
2 license.

3 The Secretary of State shall retain all conviction  
4 information, if the information is required to be held  
5 confidential under the Juvenile Court Act of 1987.

6 (Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783,  
7 eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556,  
8 eff. 9-11-05.)

9 (625 ILCS 5/7-100) (from Ch. 95 1/2, par. 7-100)

10 Sec. 7-100. Definition of words and phrases.  
11 Notwithstanding the definitions set forth in Chapter 1, for the  
12 purposes of this Chapter, the following words shall have the  
13 following meanings ascribed to them:

14 Administrative order of support. An order for the support  
15 of dependent children issued by an administrative body of this  
16 or any other State.

17 Administrator. The Department of Transportation.

18 Arrearage. The total amount of unpaid support obligations.

19 Authenticated document. A document from a court which  
20 contains a court stamp, showing it is filed with the court, or  
21 notarized, or is certified by the custodian of the original.

22 Compliance with a court order of support. The support  
23 obligor is no more than an amount equal to 90 days obligation  
24 in arrears in making payments in full for current support, or  
25 in making periodic payments on a support arrearage as

1 determined by a court.

2 Court order of support. A judgment order for the support of  
3 dependent children issued by a court of this State, including a  
4 judgment of dissolution of marriage. With regard to a  
5 certification by the Department of Healthcare and Family  
6 Services under subsection (c) of Section 7-702, the term "court  
7 order of support" shall include an order of support entered by  
8 a court of this or any other State.

9 Driver's license. A license or permit to operate a motor  
10 vehicle in the State, including the privilege of a person to  
11 drive a motor vehicle whether or not the person holds a valid  
12 license or permit.

13 Family financial responsibility driving permit. A permit  
14 granting limited driving privileges for employment or medical  
15 purposes following a suspension of driving privileges under the  
16 Family Financial Responsibility Law. This permit is valid only  
17 after the entry of a court order granting the permit and  
18 issuance of the permit by the Secretary of State's Office. An  
19 individual's driving privileges must be valid except for the  
20 family financial responsibility suspension in order for this  
21 permit to be issued. In order to be valid, the permit must be  
22 in the immediate possession of the driver to whom it is issued.

23 Judgment. A final judgment of any court of competent  
24 jurisdiction of any State, against a person as defendant for  
25 damages on account of bodily injury to or death of any person  
26 or damages to property resulting from the operation of any



1 motor vehicle.

2 Obligor. The individual who owes a duty to make payments  
3 under a court order of support.

4 Obligee. The individual or other legal entity to whom a  
5 duty of support is owed through a court order of support or the  
6 individual's legal representatives.

7 (Source: P.A. 89-92, eff. 7-1-96; 90-89, eff. 1-1-98.)

8 (625 ILCS 5/7-701)

9 Sec. 7-701. Findings and purpose. The General Assembly  
10 finds that the timely receipt of adequate financial support has  
11 the effect of reducing poverty and State expenditures for  
12 welfare dependency among children, and that the timely payment  
13 of adequate child support demonstrates financial  
14 responsibility. Further, the General Assembly finds that the  
15 State has a compelling interest in ensuring that drivers within  
16 the State demonstrate financial responsibility, including  
17 family financial responsibility, in order to safely own and  
18 operate a motor vehicle. To this end, the Secretary of State is  
19 authorized to establish systems to suspend driver's licenses  
20 for failure to comply with court and administrative orders of  
21 support and with subpoenas or warrants relating to paternity or  
22 child support proceedings.

23 (Source: P.A. 91-613, eff. 7-1-00.)

24 (625 ILCS 5/7-702)

1           Sec. 7-702. Suspension of driver's license for failure to  
2 comply with order, subpoena, or warrant relating to paternity  
3 or ~~pay child~~ support.

4           (a) The Secretary of State shall suspend the driver's  
5 license issued to an obligor upon receiving an authenticated  
6 report provided for in subsection (a) of Section 7-703, that  
7 the person is 90 days or more delinquent in court ordered child  
8 support payments or has been adjudicated in arrears in an  
9 amount equal to 90 days obligation or more, and has been found  
10 in contempt by the court for failure to pay the support.

11           (b) The Secretary of State shall suspend the driver's  
12 license issued to an obligor upon receiving an authenticated  
13 document provided for in subsection (b) of Section 7-703, that  
14 the person has been adjudicated in arrears in court ordered  
15 child support payments in an amount equal to 90 days obligation  
16 or more, but has not been held in contempt of court, and that  
17 the court has ordered that the person's driving privileges be  
18 suspended. The obligor's driver's license shall be suspended  
19 until such time as the Secretary of State receives  
20 authenticated documentation that the obligor is in compliance  
21 with the court order of support. When the obligor complies with  
22 the court ordered child support payments, the circuit court  
23 shall report the obligor's compliance with the court order of  
24 support to the Secretary of State, on a form prescribed by the  
25 Secretary of State, and shall order that the obligor's driver's  
26 license be reinstated.

1       (c) The Secretary of State shall suspend a driver's license  
2 upon certification by the Illinois Department of Healthcare and  
3 Family Services that the person licensed is 90 days or more  
4 delinquent in payment of support under an order of support  
5 issued by a court or administrative body of this or any other  
6 State, or that the person has failed to comply with a subpoena  
7 or warrant relating to a paternity or child support proceeding.  
8 The Secretary of State may reinstate the person's driver's  
9 license if notified by the Department of Healthcare and Family  
10 Services that the person has paid the support delinquency in  
11 full, arranged for payment of the delinquency and current  
12 support obligation in a manner satisfactory to the Department  
13 of Healthcare and Family Services, or complied with the  
14 subpoena or warrant relating to a paternity or child support  
15 proceeding.

16       (Source: P.A. 91-613, eff. 7-1-00.)

17       (625 ILCS 5/7-702.1)

18       Sec. 7-702.1. Family financial responsibility driving  
19 permits.

20       (a) Following the entry of an order that an obligor has  
21 been found in contempt by the court for failure to pay court  
22 ordered child support payments or upon a motion by the obligor  
23 who is subject to having his or her driver's license suspended  
24 pursuant to subsection (b) of Section 7-703, the court may  
25 enter an order directing the Secretary of State to issue a

1 family financial responsibility driving permit for the purpose  
2 of providing the obligor the privilege of operating a motor  
3 vehicle between the obligor's residence and place of  
4 employment, or within the scope of employment related duties;  
5 or for the purpose of providing transportation for the obligor  
6 or a household member to receive alcohol treatment, other drug  
7 treatment, or medical care. The court may enter an order  
8 directing the issuance of a permit only if the obligor has  
9 proven to the satisfaction of the court that no alternative  
10 means of transportation are reasonably available for the above  
11 stated purposes. No permit shall be issued to a person under  
12 the age of 16 years who possesses an instruction permit. In  
13 accordance with 49 C.F.R. Part 384, the Secretary of State may  
14 not issue a family financial responsibility driving permit to  
15 any person for the operation of a commercial motor vehicle if  
16 the person's driving privileges have been suspended under any  
17 provisions of this Code.

18 Upon entry of an order granting the issuance of a permit to  
19 an obligor, the court shall report this finding to the  
20 Secretary of State on a form prescribed by the Secretary. This  
21 form shall state whether the permit has been granted for  
22 employment or medical purposes and the specific days and hours  
23 for which limited driving privileges have been granted.

24 The family financial responsibility driving permit shall  
25 be subject to cancellation, invalidation, suspension, and  
26 revocation by the Secretary of State in the same manner and for

1 the same reasons as a driver's license may be cancelled,  
2 invalidated, suspended, or revoked.

3 The Secretary of State shall, upon receipt of a certified  
4 court order from the court of jurisdiction, issue a family  
5 financial responsibility driving permit. In order for this  
6 permit to be issued, an individual's driving privileges must be  
7 valid except for the family financial responsibility  
8 suspension. This permit shall be valid only for employment and  
9 medical purposes as set forth above. The permit shall state the  
10 days and hours for which limited driving privileges have been  
11 granted.

12 Any submitted court order that contains insufficient data  
13 or fails to comply with any provision of this Code shall not be  
14 used for issuance of the permit or entered to the individual's  
15 driving record but shall be returned to the court of  
16 jurisdiction indicating why the permit cannot be issued at that  
17 time. The Secretary of State shall also send notice of the  
18 return of the court order to the individual requesting the  
19 permit.

20 (b) Following certification by the Illinois Department of  
21 Healthcare and Family Services that a person is 90 days or more  
22 delinquent in payment of support under an order of support  
23 issued by a court or administrative body of this or any other  
24 State, or that a person has failed to comply with a subpoena or  
25 warrant relating to a paternity or child support proceeding,  
26 the Secretary of State may, upon written request of the person,

1 issue a family financial responsibility driving permit for the  
2 purpose of providing the person the privilege of operating a  
3 motor vehicle between the person's residence and place of  
4 employment, or within the scope of employment-related duties,  
5 or for the purpose of providing transportation for the person  
6 or a household member to receive alcohol treatment, other drug  
7 treatment, or medical care.

8 The Secretary of State may issue a permit under this  
9 subsection (b) only if the person has proven to the  
10 satisfaction of the Secretary of State that no alternative  
11 means of transportation are reasonably available for the  
12 purpose stated in the preceding paragraph.

13 The permit issued by the Secretary of State shall state  
14 whether the permit has been granted for employment or medical  
15 purposes and the specific days and hours for which limited  
16 driving privileges are allowed.

17 The family financial responsibility driving permit is  
18 subject to cancellation, invalidation, suspension, and  
19 revocation by the Secretary of State in the same manner and for  
20 the same reasons as a driver's license may be cancelled,  
21 invalidated, suspended, or revoked.

22 The Secretary of State shall adopt rules necessary to  
23 implement this subsection (b). The rules shall provide the  
24 opportunity for a hearing on the matter of issuance of a family  
25 financial responsibility driving permit by the Secretary of  
26 State. A final administrative decision of the Secretary of

1 State under this subsection (b) is reviewable only under the  
2 provisions of the Administrative Review Law.

3 (Source: P.A. 94-307, eff. 9-30-05.)

4 (625 ILCS 5/7-704)

5 Sec. 7-704. Suspension to continue until compliance with  
6 court order of support.

7 (a) The suspension of a driver's license shall remain in  
8 effect unless and until the Secretary of State receives  
9 authenticated documentation that the obligor is in compliance  
10 with a court order of support or that the order has been stayed  
11 by a subsequent order of the court. Full driving privileges  
12 shall not be issued by the Secretary of State until  
13 notification of compliance has been received from the court.  
14 The circuit clerks shall report the obligor's compliance with a  
15 court order of support to the Secretary of State, on a form  
16 prescribed by the Secretary.

17 (b) Whenever, after one suspension of an individual's  
18 driver's license for failure to pay child support, another  
19 order of non-payment is entered against the obligor and the  
20 person fails to come into compliance with the court order of  
21 support, then the Secretary shall again suspend the driver's  
22 license of the individual and that suspension shall not be  
23 removed unless the obligor is in full compliance with the court  
24 order of support and has made full payment on all arrearages.

25 (c) Section 7-704.1, and not this Section, governs the

1 duration of a driver's license suspension if the suspension  
2 occurs as the result of a certification by the Illinois  
3 Department of Healthcare and Family Services under subsection  
4 (c) of Section 7-702.

5 (Source: P.A. 89-92, eff. 7-1-96.)

6 (625 ILCS 5/7-704.1 new)

7 Sec. 7-704.1. Duration of driver's license suspension upon  
8 certification of Department of Healthcare and Family Services.  
9 When a suspension of a driver's license occurs as the result of  
10 a certification by the Illinois Department of Healthcare and  
11 Family Services under subsection (c) of Section 7-702, the  
12 suspension shall remain in effect until the Secretary of State  
13 receives notification from the Department that the person whose  
14 license was suspended has paid the support delinquency in full,  
15 arranged for payment of the delinquency and current support  
16 obligation in a manner satisfactory to the Department, or  
17 complied with the subpoena or warrant relating to a paternity  
18 or child support proceeding.

19 (625 ILCS 5/7-705)

20 Sec. 7-705. Notice. The Secretary of State, prior to  
21 suspending a driver's license under this Chapter, shall serve  
22 written notice upon an obligor that the individual's driver's  
23 license will be suspended in 60 days from the date on the  
24 notice unless (i) the obligor satisfies the court order of



1 support and the circuit clerk notifies the Secretary of State  
2 of this compliance or (ii) if the Illinois Department of  
3 Healthcare and Family Services has made a certification to the  
4 Secretary of State under subsection (c) of Section 7-702, the  
5 Department notifies the Secretary of State that the person  
6 licensed has paid the support delinquency in full, arranged for  
7 payment of the delinquency and current support obligation in a  
8 manner satisfactory to the Department, or complied with the  
9 subpoena or warrant relating to a paternity or child support  
10 proceeding.

11 (Source: P.A. 89-92, eff. 7-1-96.)

12 (625 ILCS 5/7-706)

13 Sec. 7-706. Administrative hearing. A driver may contest  
14 this driver's license sanction by requesting an administrative  
15 hearing in accordance with Section 2-118 of this Code. If a  
16 written request for this hearing is received prior to the  
17 effective date of the suspension, the suspension shall be  
18 stayed. If a stay of the suspension is granted, it shall remain  
19 in effect until a hearing decision is entered. At the  
20 conclusion of this hearing, the Secretary of State may rescind  
21 or impose the driver's license suspension. If the suspension is  
22 upheld, it shall become effective 10 days from the date the  
23 hearing decision is entered. If the decision is to rescind the  
24 suspension, no suspension of driving privileges shall be  
25 entered. The scope of this hearing shall be limited to the

1 following issues:

2 (a) Whether the driver is (i) the person who owes a duty to  
3 make payments under obligor covered by the court or  
4 administrative order of support or (ii) the person required to  
5 comply with the subpoena or warrant relating to a paternity or  
6 child support proceeding.

7 (b) Whether (i) the authenticated document of a court order  
8 of support indicates that the obligor is 90 days or more  
9 delinquent or has been adjudicated in arrears in an amount  
10 equal to 90 days obligation or more and has been found in  
11 contempt of court for failure to pay child support or (ii) the  
12 certification of the Illinois Department of Healthcare and  
13 Family Services under subsection (c) or Section 7-702 indicates  
14 that the person is 90 days or more delinquent in payment of  
15 support under an order of support issued by a court or  
16 administrative body of this or any other State or that the  
17 person has failed to comply with a subpoena or warrant relating  
18 to a paternity or child support proceeding.

19 (c) Whether (i) a superseding authenticated document of any  
20 court order of support has been entered or (ii) the Illinois  
21 Department of Healthcare and Family Services, in a superseding  
22 notification, has informed the Secretary of State that the  
23 person certified under subsection (c) of Section 7-702 has paid  
24 the support delinquency in full, arranged for payment of the  
25 delinquency and current support obligation in a manner  
26 satisfactory to the Department, or complied with the subpoena

1 or warrant relating to a paternity or child support proceeding.

2 (Source: P.A. 89-92, eff. 7-1-96.)

3 (625 ILCS 5/7-707)

4 Sec. 7-707. Payment of reinstatement fee. When a person ~~an~~  
5 ~~obligor~~ receives notice from the Secretary of State that the  
6 suspension of driving privileges has been terminated based upon  
7 (i) receipt of notification from the circuit clerk of the  
8 person's ~~obligor's~~ compliance as obligor with a court order of  
9 support or (ii) receipt of notification from the Illinois  
10 Department of Healthcare and Family Services that the person  
11 whose driving privileges were terminated has paid the  
12 delinquency in full, arranged for payment of the delinquency  
13 and the current support obligation in a manner satisfactory to  
14 the Department, or complied with a subpoena or warrant relating  
15 to a paternity or a child support proceeding (in a case in  
16 which the person's driving privileges were suspended upon a  
17 certification by the Department under subsection (c) of Section  
18 7-702), the obligor shall pay a \$70 reinstatement fee to the  
19 Secretary of State as set forth in Section 6-118 of this Code.  
20 \$30 of the \$70 fee shall be deposited into the Family  
21 Responsibility Fund. In accordance with subsection (e) of  
22 Section 6-115 of this Code, the Secretary of State may decline  
23 to process a renewal of a driver's license of a person who has  
24 not paid this fee.

25 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

1 (625 ILCS 5/7-708)

2 Sec. 7-708. Rules. The Secretary of State, using the  
3 authority to license motor vehicle operators, may adopt such  
4 rules as may be necessary to establish standards, policies, and  
5 procedures for the suspension of driver's licenses for  
6 non-compliance with a court or administrative order of support  
7 or a subpoena or warrant relating to a paternity or child  
8 support proceeding.

9 (Source: P.A. 89-92, eff. 7-1-96.)

10 (625 ILCS 5/11-1430 new)

11 Sec. 11-1430. Vehicle immobilization and impoundment upon  
12 certification of the Department of Healthcare and Family  
13 Services. Any municipality may provide by ordinance for a  
14 program of vehicle immobilization and impoundment in cases in  
15 which the Department of Healthcare and Family Services has  
16 certified to the municipality under Section 10-17.13 of the  
17 Illinois Public Aid Code that the registered owner of a vehicle  
18 owes past due support. The program shall provide for  
19 immobilization of any eligible vehicle upon the public way by  
20 presence of a restraint in a manner to prevent operation of the  
21 vehicle and for subsequent towing and impoundment of such  
22 vehicle solely upon the certification of past due support by  
23 the Department of Healthcare and Family Services. Further  
24 process, hearings, or redetermination of the past due support

1 by the municipality shall not be required under the ordinance.  
2 The ordinance shall provide that the municipality may terminate  
3 immobilization and impoundment of the vehicle if the registered  
4 owner has arranged for payment of past and current support  
5 obligations in a manner satisfactory to the Department of  
6 Healthcare and Family Services.

7 Section 25. The Income Withholding for Support Act is  
8 amended by changing Section 15 as follows:

9 (750 ILCS 28/15)

10 Sec. 15. Definitions.

11 (a) "Order for support" means any order of the court which  
12 provides for periodic payment of funds for the support of a  
13 child or maintenance of a spouse, whether temporary or final,  
14 and includes any such order which provides for:

15 (1) modification or resumption of, or payment of  
16 arrearage, including interest, accrued under, a previously  
17 existing order;

18 (2) reimbursement of support;

19 (3) payment or reimbursement of the expenses of  
20 pregnancy and delivery (for orders for support entered  
21 under the Illinois Parentage Act of 1984 or its predecessor  
22 the Paternity Act); or

23 (4) enrollment in a health insurance plan that is  
24 available to the obligor through an employer or labor union

1 or trade union.

2 (b) "Arrearage" means the total amount of unpaid support  
3 obligations, including interest, as determined by the court and  
4 incorporated into an order for support.

5 (b-5) "Business day" means a day on which State offices are  
6 open for regular business.

7 (c) "Delinquency" means any payment, including a payment of  
8 interest, under an order for support which becomes due and  
9 remains unpaid after entry of the order for support.

10 (d) "Income" means any form of periodic payment to an  
11 individual, regardless of source, including, but not limited  
12 to: wages, salary, commission, compensation as an independent  
13 contractor, workers' compensation, disability, annuity,  
14 pension, and retirement benefits, lottery prize awards,  
15 insurance proceeds, vacation pay, bonuses, profit-sharing  
16 payments, severance pay, interest, and any other payments, made  
17 by any person, private entity, federal or state government, any  
18 unit of local government, school district or any entity created  
19 by Public Act; however, "income" excludes:

20 (1) any amounts required by law to be withheld, other  
21 than creditor claims, including, but not limited to,  
22 federal, State and local taxes, Social Security and other  
23 retirement and disability contributions;

24 (2) union dues;

25 (3) any amounts exempted by the federal Consumer Credit  
26 Protection Act;

1 (4) public assistance payments; and

2 (5) unemployment insurance benefits except as provided  
3 by law.

4 Any other State or local laws which limit or exempt income  
5 or the amount or percentage of income that can be withheld  
6 shall not apply.

7 (e) "Obligor" means the individual who owes a duty to make  
8 payments under an order for support.

9 (f) "Obligee" means the individual to whom a duty of  
10 support is owed or the individual's legal representative.

11 (g) "Payor" means any payor of income to an obligor.

12 (h) "Public office" means any elected official or any State  
13 or local agency which is or may become responsible by law for  
14 enforcement of, or which is or may become authorized to  
15 enforce, an order for support, including, but not limited to:  
16 the Attorney General, the Illinois Department of Healthcare and  
17 Family Services ~~Public Aid~~, the Illinois Department of Human  
18 Services, the Illinois Department of Children and Family  
19 Services, and the various State's Attorneys, Clerks of the  
20 Circuit Court and supervisors of general assistance.

21 (i) "Premium" means the dollar amount for which the obligor  
22 is liable to his employer or labor union or trade union and  
23 which must be paid to enroll or maintain a child in a health  
24 insurance plan that is available to the obligor through an  
25 employer or labor union or trade union.

26 (j) "State Disbursement Unit" means the unit established to

1 collect and disburse support payments in accordance with the  
2 provisions of Section 10-26 of the Illinois Public Aid Code.

3 (k) "Title IV-D Agency" means the agency of this State  
4 charged by law with the duty to administer the child support  
5 enforcement program established under Title IV, Part D of the  
6 Social Security Act and Article X of the Illinois Public Aid  
7 Code.

8 (l) "Title IV-D case" means a case in which an obligee or  
9 obligor is receiving child support enforcement services under  
10 Title IV, Part D of the Social Security Act and Article X of  
11 the Illinois Public Aid Code.

12 (m) "National Medical Support Notice" means the notice  
13 required for enforcement of orders for support providing for  
14 health insurance coverage of a child under Title IV, Part D of  
15 the Social Security Act, the Employee Retirement Income  
16 Security Act of 1974, and federal regulations promulgated under  
17 those Acts.

18 (n) "Employer" means a payor or labor union or trade union  
19 with an employee group health insurance plan and, for purposes  
20 of the National Medical Support Notice, also includes but is  
21 not limited to:

22 (1) any State or local governmental agency with a group  
23 health plan; and

24 (2) any payor with a group health plan or "church plan"  
25 covered under the Employee Retirement Income Security Act  
26 of 1974.



1 (Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

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