



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2026

Introduced 2/26/2007, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-310

from Ch. 95 1/2, par. 7-310

Amends the Illinois Vehicle Code. Provides that, if the driver's license of a person who has petitioned for a discharge in bankruptcy remains suspended because of a debt to a governmental agency in an amount of \$2,400 or more, the Secretary of State may issue the person a restricted driving permit if (i) the person is engaged in a payment plan determined by the Secretary and (ii) the terms of the payment plan call for repayment of the entire debt within a period not longer than 36 months. Provides that the Secretary shall cancel the restricted driving permit if the person fails to follow the terms of the payment plan.

LRB095 09511 DRH 29710 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 6-118, 7-205, and 7-310 as follows:

6 (625 ILCS 5/7-310) (from Ch. 95 1/2, par. 7-310)

7 Sec. 7-310. Petition for discharge filed in bankruptcy.

8 (a) A petition for discharge filed in bankruptcy following
9 the rendering of any judgment shall relieve the judgment debtor
10 from the requirements of this Chapter 7, except that the
11 judgment debtor's drivers license shall remain suspended and
12 may not be renewed, and the judgment debtor may not be issued a
13 license or registration, until the judgment debtor gives proof
14 of his or her financial responsibility in the future, as
15 provided in Section 1-164.5. The proof is to be maintained by
16 the judgment debtor, in a manner satisfactory to the Secretary
17 of State, for a period of 3 years after the date on which the
18 proof is first filed.

19 (b) A petition for discharge filed in bankruptcy of the
20 owner or lessee of a commercial vehicle by whom the judgment
21 debtor is employed at the time of the motor vehicle accident
22 that gives rise to the judgment also shall relieve the judgment
23 debtor so employed from any of the requirements of this Chapter

1 7 if the discharge of the owner or lessee follows the rendering
2 of the judgment and if the judgment debtor so employed was
3 operating the commercial vehicle in connection with his regular
4 employment or occupation at the time of the accident. This
5 amendatory act of 1985 applies to all cases irrespective of
6 whether the accident giving rise to the suspension of license
7 or registration occurred before, on, or after its effective
8 date.

9 (c) If a person's driver's license remains suspended as
10 provided in subsection (a) because of a debt to a governmental
11 agency in an amount of \$2,400 or more, the Secretary of State
12 may issue the person a restricted driving permit if (i) the
13 person is engaged in a payment plan determined by the Secretary
14 and (ii) the terms of the payment plan call for repayment of
15 the entire debt within a period not longer than 36 months. The
16 Secretary shall cancel the restricted driving permit if the
17 person fails to follow the terms of the payment plan.

18 (Source: P.A. 93-982, eff. 1-1-05.)