

SB3523



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3523

Introduced 2/10/2010, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-306.5

from Ch. 95 1/2, par. 6-306.5

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall terminate the driving privileges suspension of a person who failed to pay fines or penalties for standing, parking, compliance, or automated traffic law violations whenever the person has entered into a payment plan pursuant to which the municipality has agreed to terminate the suspension. Provides that Secretary of State shall suspend the driving privileges of a person who is more than 14 days in default of such a payment plan. Makes other changes. Effective immediately.

LRB096 18521 AJT 33903 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 Section 6-306.5 as follows:

6 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

7 Sec. 6-306.5. Failure to pay fine or penalty for standing,
8 parking, compliance, or automated traffic law violations;
9 suspension of driving privileges.

10 (a) Upon receipt of a certified report, as prescribed by
11 subsection (c) of this Section, from any municipality stating
12 that the owner of a registered vehicle has: (1) failed to pay
13 any fine or penalty due and owing as a result of 10 or more
14 violations of a municipality's vehicular standing, parking, or
15 compliance regulations established by ordinance pursuant to
16 Section 11-208.3 of this Code, ~~or~~ (2) failed to pay any fine or
17 penalty due and owing as a result of 5 offenses for automated
18 traffic violations as defined in Section 11-208.6 or 11-1201.1, or
19 or (3) is more than 14 days in default of a payment plan
20 pursuant to which a suspension had been terminated under
21 subsection (c) of this Section, the Secretary of State shall
22 suspend the driving privileges of such person in accordance
23 with the procedures set forth in this Section. The Secretary

1 shall also suspend the driving privileges of an owner of a
2 registered vehicle upon receipt of a certified report, as
3 prescribed by subsection (f) of this Section, from any
4 municipality stating that such person has failed to satisfy any
5 fines or penalties imposed by final judgments for 5 or more
6 automated traffic law violations or 10 or more violations of
7 local standing, parking, or compliance regulations after
8 exhaustion of judicial review procedures.

9 (b) Following receipt of the certified report of the
10 municipality as specified in this Section, the Secretary of
11 State shall notify the person whose name appears on the
12 certified report that the person's drivers license will be
13 suspended at the end of a specified period of time unless the
14 Secretary of State is presented with a notice from the
15 municipality certifying that the fine or penalty due and owing
16 the municipality has been paid or that inclusion of that
17 person's name on the certified report was in error. The
18 Secretary's notice shall state in substance the information
19 contained in the municipality's certified report to the
20 Secretary, and shall be effective as specified by subsection
21 (c) of Section 6-211 of this Code.

22 (c) The report of the appropriate municipal official
23 notifying the Secretary of State of unpaid fines or penalties
24 pursuant to this Section shall be certified and shall contain
25 the following:

26 (1) The name, last known address as recorded with the

1 Secretary of State, as provided by the lessor of the cited
2 vehicle at the time of lease, or as recorded in a United
3 States Post Office approved database if any notice sent
4 under Section 11-208.3 of this Code is returned as
5 undeliverable, and drivers license number of the person who
6 failed to pay the fine or penalty or who has defaulted in a
7 payment plan and the registration number of any vehicle
8 known to be registered to such person in this State.

9 (2) The name of the municipality making the report
10 pursuant to this Section.

11 (3) A statement that the municipality sent a notice of
12 impending drivers license suspension as prescribed by
13 ordinance enacted pursuant to Section 11-208.3 of this Code
14 or a notice of default in a payment plan, to the person
15 named in the report at the address recorded with the
16 Secretary of State or at the last address known to the
17 lessor of the cited vehicle at the time of lease or, if any
18 notice sent under Section 11-208.3 of this Code is returned
19 as undeliverable, at the last known address recorded in a
20 United States Post Office approved database; the date on
21 which such notice was sent; and the address to which such
22 notice was sent. In a municipality with a population of
23 1,000,000 or more, the report shall also include a
24 statement that the alleged violator's State vehicle
25 registration number and vehicle make, if specified on the
26 automated traffic law violation notice, are correct as they

1 appear on the citations.

2 (4) A unique identifying reference number for each
3 request of suspension sent whenever a person has failed to
4 pay the fine or penalty or has defaulted on a payment plan.

5 (d) Any municipality making a certified report to the
6 Secretary of State pursuant to this Section shall notify the
7 Secretary of State, in a form prescribed by the Secretary,
8 whenever a person named in the certified report has paid the
9 previously reported fine or penalty, whenever a person named in
10 the certified report has entered into a payment plan pursuant
11 to which the municipality has agreed to terminate the
12 suspension, or whenever the municipality determines that the
13 original report was in error. A certified copy of such
14 notification shall also be given upon request and at no
15 additional charge to the person named therein. Upon receipt of
16 the municipality's notification or presentation of a certified
17 copy of such notification, the Secretary of State shall
18 terminate the suspension.

19 (e) Any municipality making a certified report to the
20 Secretary of State pursuant to this Section shall also by
21 ordinance establish procedures for persons to challenge the
22 accuracy of the certified report. The ordinance shall also
23 state the grounds for such a challenge, which may be limited to
24 (1) the person not having been the owner or lessee of the
25 vehicle or vehicles receiving 10 or more standing, parking, or
26 compliance violation notices or 5 or more automated traffic law

1 violations on the date or dates such notices were issued; and
2 (2) the person having already paid the fine or penalty for the
3 10 or more standing, parking, or compliance violations or 5 or
4 more automated traffic law violations indicated on the
5 certified report.

6 (f) Any municipality, other than a municipality
7 establishing vehicular standing, parking, and compliance
8 regulations pursuant to Section 11-208.3 or automated traffic
9 law regulations under Section 11-208.6 or 11-1201.1, may also
10 cause a suspension of a person's drivers license pursuant to
11 this Section. Such municipality may invoke this sanction by
12 making a certified report to the Secretary of State upon a
13 person's failure to satisfy any fine or penalty imposed by
14 final judgment for 10 or more violations of local standing,
15 parking, or compliance regulations or 5 or more automated
16 traffic law violations after exhaustion of judicial review
17 procedures, but only if:

18 (1) the municipality complies with the provisions of
19 this Section in all respects except in regard to enacting
20 an ordinance pursuant to Section 11-208.3;

21 (2) the municipality has sent a notice of impending
22 drivers license suspension as prescribed by an ordinance
23 enacted pursuant to subsection (g) of this Section; and

24 (3) in municipalities with a population of 1,000,000 or
25 more, the municipality has verified that the alleged
26 violator's State vehicle registration number and vehicle

1 make are correct as they appear on the citations.

2 (g) Any municipality, other than a municipality
3 establishing standing, parking, and compliance regulations
4 pursuant to Section 11-208.3 or automated traffic law
5 regulations under Section 11-208.6 or 11-1201.1, may provide by
6 ordinance for the sending of a notice of impending drivers
7 license suspension to the person who has failed to satisfy any
8 fine or penalty imposed by final judgment for 10 or more
9 violations of local standing, parking, or compliance
10 regulations or 5 or more automated traffic law violations after
11 exhaustion of judicial review procedures. An ordinance so
12 providing shall specify that the notice sent to the person
13 liable for any fine or penalty shall state that failure to pay
14 the fine or penalty owing within 45 days of the notice's date
15 will result in the municipality notifying the Secretary of
16 State that the person's drivers license is eligible for
17 suspension pursuant to this Section. The notice of impending
18 drivers license suspension shall be sent by first class United
19 States mail, postage prepaid, to the address recorded with the
20 Secretary of State or at the last address known to the lessor
21 of the cited vehicle at the time of lease or, if any notice
22 sent under Section 11-208.3 of this Code is returned as
23 undeliverable, to the last known address recorded in a United
24 States Post Office approved database.

25 (h) An administrative hearing to contest an impending
26 suspension or a suspension made pursuant to this Section may be

1 had upon filing a written request with the Secretary of State.
2 The filing fee for this hearing shall be \$20, to be paid at the
3 time the request is made. A municipality which files a
4 certified report with the Secretary of State pursuant to this
5 Section shall reimburse the Secretary for all reasonable costs
6 incurred by the Secretary as a result of the filing of the
7 report, including but not limited to the costs of providing the
8 notice required pursuant to subsection (b) and the costs
9 incurred by the Secretary in any hearing conducted with respect
10 to the report pursuant to this subsection and any appeal from
11 such a hearing.

12 (i) The provisions of this Section shall apply on and after
13 January 1, 1988.

14 (j) For purposes of this Section, the term "compliance
15 violation" is defined as in Section 11-208.3.

16 (Source: P.A. 96-478, eff. 1-1-10.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.