



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB1871

Introduced 2/15/2013, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-201	
625 ILCS 5/6-306.6	from Ch. 95 1/2, par. 6-306.6
625 ILCS 5/7-214	from Ch. 95 1/2, par. 7-214
625 ILCS 5/7-303	from Ch. 95 1/2, par. 7-303
625 ILCS 5/7-316.1	

Amends the Illinois Vehicle Code. Allows the Secretary of State to cancel the driver's license of a nonresident or former Illinois resident who has submitted satisfactory documentation to the Secretary of State to be released from the requirement of showing proof of financial responsibility. Limits the Secretary of State's authority to deny renewal upon notification that a driver has an unpaid fine in another state to only those states that are members of the Nonresident Violator Compact of 1977. Allows the Secretary of State to suspend the registration, plates, and registration sticker of a judgment debtor's motor vehicle if that vehicle was involved in the crash leading to the judgment as indicated by the authenticated crash report. Allows the Secretary of State to transfer the balance of a security posted with the Secretary to the State Treasury if, after releasing security to a judgment debtor or claimant, the balanced is \$5 or less. Requires the Secretary to compile a list of all security amounts \$5 or less annually and file this list with the State Treasurer.

LRB098 10252 MLW 40416 b

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 6-201, 6-306.6, 7-214, 7-303, and 7-316.1 as follows:

6 (625 ILCS 5/6-201)

7 Sec. 6-201. Authority to cancel licenses and permits.

8 (a) The Secretary of State is authorized to cancel any  
9 license or permit upon determining that the holder thereof:

10 1. was not entitled to the issuance thereof hereunder;

11 or

12 2. failed to give the required or correct information  
13 in his application; or

14 3. failed to pay any fees, civil penalties owed to the  
15 Illinois Commerce Commission, or taxes due under this Act  
16 and upon reasonable notice and demand; or

17 4. committed any fraud in the making of such  
18 application; or

19 5. is ineligible therefor under the provisions of  
20 Section 6-103 of this Act, as amended; or

21 6. has refused or neglected to submit an alcohol, drug,  
22 and intoxicating compound evaluation or to submit to  
23 examination or re-examination as required under this Act;

1 or

2 7. has been convicted of violating the Cannabis Control  
3 Act, the Illinois Controlled Substances Act, the  
4 Methamphetamine Control and Community Protection Act, or  
5 the Use of Intoxicating Compounds Act while that individual  
6 was in actual physical control of a motor vehicle. For  
7 purposes of this Section, any person placed on probation  
8 under Section 10 of the Cannabis Control Act, Section 410  
9 of the Illinois Controlled Substances Act, or Section 70 of  
10 the Methamphetamine Control and Community Protection Act  
11 shall not be considered convicted. Any person found guilty  
12 of this offense, while in actual physical control of a  
13 motor vehicle, shall have an entry made in the court record  
14 by the judge that this offense did occur while the person  
15 was in actual physical control of a motor vehicle and order  
16 the clerk of the court to report the violation to the  
17 Secretary of State as such. After the cancellation, the  
18 Secretary of State shall not issue a new license or permit  
19 for a period of one year after the date of cancellation.  
20 However, upon application, the Secretary of State may, if  
21 satisfied that the person applying will not endanger the  
22 public safety, or welfare, issue a restricted driving  
23 permit granting the privilege of driving a motor vehicle  
24 between the petitioner's residence and petitioner's place  
25 of employment or within the scope of the petitioner's  
26 employment related duties, or to allow transportation for

1 the petitioner or a household member of the petitioner's  
2 family for the receipt of necessary medical care, or  
3 provide transportation for the petitioner to and from  
4 alcohol or drug remedial or rehabilitative activity  
5 recommended by a licensed service provider, or for the  
6 petitioner to attend classes, as a student, in an  
7 accredited educational institution. The petitioner must  
8 demonstrate that no alternative means of transportation is  
9 reasonably available; provided that the Secretary's  
10 discretion shall be limited to cases where undue hardship,  
11 as defined by the rules of the Secretary of State, would  
12 result from a failure to issue such restricted driving  
13 permit. In each case the Secretary of State may issue such  
14 restricted driving permit for such period as he deems  
15 appropriate, except that such permit shall expire within  
16 one year from the date of issuance. A restricted driving  
17 permit issued hereunder shall be subject to cancellation,  
18 revocation and suspension by the Secretary of State in like  
19 manner and for like cause as a driver's license issued  
20 hereunder may be cancelled, revoked or suspended; except  
21 that a conviction upon one or more offenses against laws or  
22 ordinances regulating the movement of traffic shall be  
23 deemed sufficient cause for the revocation, suspension or  
24 cancellation of a restricted driving permit. The Secretary  
25 of State may, as a condition to the issuance of a  
26 restricted driving permit, require the applicant to

1 participate in a driver remedial or rehabilitative  
2 program. In accordance with 49 C.F.R. 384, the Secretary of  
3 State may not issue a restricted driving permit for the  
4 operation of a commercial motor vehicle to a person holding  
5 a CDL whose driving privileges have been revoked,  
6 suspended, cancelled, or disqualified under this Code; or

7 8. failed to submit a report as required by Section  
8 6-116.5 of this Code; or

9 9. has been convicted of a sex offense as defined in  
10 the Sex Offender Registration Act. The driver's license  
11 shall remain cancelled until the driver registers as a sex  
12 offender as required by the Sex Offender Registration Act,  
13 proof of the registration is furnished to the Secretary of  
14 State and the sex offender provides proof of current  
15 address to the Secretary; or

16 10. is ineligible for a license or permit under Section  
17 6-107, 6-107.1, or 6-108 of this Code; or

18 11. refused or neglected to appear at a Driver Services  
19 facility to have the license or permit corrected and a new  
20 license or permit issued or to present documentation for  
21 verification of identity; or

22 12. failed to submit a medical examiner's certificate  
23 or medical variance as required by 49 C.F.R. 383.71 or  
24 submitted a fraudulent medical examiner's certificate or  
25 medical variance; or

26 13. has had his or her medical examiner's certificate,

1 medical variance, or both removed or rescinded by the  
2 Federal Motor Carrier Safety Administration; or

3 14. failed to self-certify as to the type of driving in  
4 which the CDL driver engages or expects to engage; ~~or~~

5 15. has submitted acceptable documentation indicating  
6 out-of-state residency to the Secretary of State to be  
7 released from the requirement of showing proof of financial  
8 responsibility in this State.

9 (b) Upon such cancellation the licensee or permittee must  
10 surrender the license or permit so cancelled to the Secretary  
11 of State.

12 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
13 Secretary of State shall have exclusive authority to grant,  
14 issue, deny, cancel, suspend and revoke driving privileges,  
15 drivers' licenses and restricted driving permits.

16 (d) The Secretary of State may adopt rules to implement  
17 this Section.

18 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;  
19 97-813, eff. 7-13-12; 97-835, eff. 7-20-12.)

20 (625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

21 Sec. 6-306.6. Failure to pay traffic fines, penalties, or  
22 court costs.

23 (a) Whenever any resident of this State fails to pay any  
24 traffic fine, penalty, or cost imposed for a violation of this  
25 Code, or similar provision of local ordinance, the clerk may

1 notify the Secretary of State, on a report prescribed by the  
2 Secretary, and the Secretary shall prohibit the renewal,  
3 reissue or reinstatement of such resident's driving privileges  
4 until such fine, penalty, or cost has been paid in full. The  
5 clerk shall provide notice to the driver, at the driver's last  
6 known address as shown on the court's records, stating that  
7 such action will be effective on the 46th day following the  
8 date of the above notice if payment is not received in full by  
9 the court of venue.

10 (a-1) Whenever any resident of this State who has made a  
11 partial payment on any traffic fine, penalty, or cost that was  
12 imposed under a conviction entered on or after the effective  
13 date of this amendatory Act of the 93rd General Assembly, for a  
14 violation of this Code or a similar provision of a local  
15 ordinance, fails to pay the remainder of the outstanding fine,  
16 penalty, or cost within the time limit set by the court, the  
17 clerk may notify the Secretary of State, on a report prescribed  
18 by the Secretary, and the Secretary shall prohibit the renewal,  
19 reissue, or reinstatement of the resident's driving privileges  
20 until the fine, penalty, or cost has been paid in full. The  
21 clerk shall provide notice to the driver, at the driver's last  
22 known address as shown on the court's records, stating that the  
23 action will be effective on the 46th day following the date of  
24 the notice if payment is not received in full by the court of  
25 venue.

26 (b) Except as provided in subsection (b-1), following

1 receipt of the report from the clerk, the Secretary of State  
2 shall make the proper notation to the driver's file to prohibit  
3 the renewal, reissue or reinstatement of such driver's driving  
4 privileges. Except as provided in paragraph (2) of subsection  
5 (d) of this Section, such notation shall not be removed from  
6 the driver's record until the driver satisfies the outstanding  
7 fine, penalty, or cost and an appropriate notice on a form  
8 prescribed by the Secretary is received by the Secretary from  
9 the court of venue, stating that such fine, penalty, or cost  
10 has been paid in full. Upon payment in full of a traffic fine,  
11 penalty, or court cost which has previously been reported under  
12 this Section as unpaid, the clerk of the court shall present  
13 the driver with a signed receipt containing the seal of the  
14 court indicating that such fine, penalty, or cost has been paid  
15 in full, and shall forward forthwith to the Secretary of State  
16 a notice stating that the fine, penalty, or cost has been paid  
17 in full.

18 (b-1) In a county with a population of 3,000,000 or more,  
19 following receipt of the report from the clerk, the Secretary  
20 of State shall make the proper notation to the driver's file to  
21 prohibit the renewal, reissue or reinstatement of such driver's  
22 driving privileges. Such notation shall not be removed from the  
23 driver's record until the driver satisfies the outstanding  
24 fine, penalty, or cost and an appropriate notice on a form  
25 prescribed by the Secretary is received by the Secretary  
26 directly from the court of venue, stating that such fine,



1 penalty, or cost has been paid in full. Upon payment in full of  
2 a traffic fine, penalty, or court cost which has previously  
3 been reported under this Section as unpaid, the clerk of the  
4 court shall forward forthwith directly to the Secretary of  
5 State a notice stating that the fine, penalty, or cost has been  
6 paid in full and shall provide the driver with a signed receipt  
7 containing the seal of the court, indicating that the fine,  
8 penalty, and cost have been paid in full. The receipt may not  
9 be used by the driver to clear the driver's record.

10 (c) The provisions of this Section shall be limited to a  
11 single action per arrest and as a post conviction measure only.  
12 Fines, penalty, or costs to be collected subsequent to orders  
13 of court supervision, or other available court diversions are  
14 not applicable to this Section.

15 (d) (1) Notwithstanding the receipt of a report from  
16 the clerk as prescribed in subsections (a) and (e), nothing  
17 in this Section is intended to place any responsibility  
18 upon the Secretary of State to provide independent notice  
19 to the driver of any potential action to disallow the  
20 renewal, reissue or reinstatement of such driver's driving  
21 privileges.

22 (2) Except as provided in subsection (b-1), the  
23 Secretary of State shall renew, reissue or reinstate a  
24 driver's driving privileges which were previously refused  
25 pursuant to this Section upon presentation of an original  
26 receipt which is signed by the clerk of the court and

1 contains the seal of the court indicating that the fine,  
2 penalty, or cost has been paid in full. The Secretary of  
3 State shall retain such receipt for his records.

4 (e) Upon receipt of notification from another state that is  
5 a member of the Nonresident Violator Compact of 1977, stating a  
6 resident of this State failed to pay a traffic fine, penalty,  
7 or cost imposed for a violation that occurs in another state,  
8 the Secretary shall make the proper notation to the driver's  
9 license file to prohibit the renewal, reissue, or reinstatement  
10 of the resident's driving privileges until the fine, penalty,  
11 or cost has been paid in full. The Secretary of State shall  
12 renew, reissue, or reinstate the driver's driving privileges  
13 that were previously refused under this Section upon receipt of  
14 notification from the other state that indicates that the fine,  
15 penalty, or cost has been paid in full. The Secretary of State  
16 shall retain the out-of-state receipt for his or her records.  
17 (Source: P.A. 94-618, eff. 1-1-06; 95-382, eff. 8-23-07.)

18 (625 ILCS 5/7-214) (from Ch. 95 1/2, par. 7-214)

19 Sec. 7-214. Disposition of Security. Such security shall be  
20 applicable only to the payment of a judgment or judgments,  
21 rendered against the person or persons on whose behalf the  
22 deposit was made, for damages arising out of the accident in  
23 question, in an action at law, begun not later than two years  
24 after the later of (i) the date the driver's license and  
25 registration were suspended following the accident or (ii) the

1 date of any default in any payment under an installment  
2 agreement for payment of damages, and such deposit or any  
3 balance thereof shall be returned to the depositor or his  
4 personal representative when evidence satisfactory to the  
5 Secretary of State has been filed with him:

6 1. that there has been a release from liability, or a final  
7 adjudication of non-liability; or

8 2. a duly acknowledged written agreement in accordance with  
9 Section 7-208 of this Act; or

10 3. whenever after the expiration of two years after the  
11 later of (i) the date the driver's license and registration  
12 were suspended following the accident or (ii) the date of any  
13 default in any payment under an installment agreement for  
14 payment of damages, the Secretary of State shall be given  
15 reasonable evidence that there is no such action pending and no  
16 judgment rendered in such action left unpaid.

17 If, after releasing security to a judgment debtor or  
18 claimant, the balance of the security posted with the Secretary  
19 is \$5 or less, the balance shall escheat to the State. The  
20 Secretary shall compile a list of all security amounts of \$5 or  
21 less annually in July and file with the State Treasurer an  
22 order directing the transfer of these securities to the General  
23 Revenue Fund.

24 (Source: P.A. 90-774, eff. 8-14-98.)

25 (625 ILCS 5/7-303) (from Ch. 95 1/2, par. 7-303)

1           Sec. 7-303. Suspension of driver's licenses, registration  
2 certificates, license plates and registration stickers for  
3 failure to satisfy judgment. (a) The Secretary of State shall,  
4 except as provided in paragraph (d), suspend the driver's  
5 license issued to any person upon receiving an authenticated  
6 report as hereinafter provided for in Section 7-307 that the  
7 ~~such~~ person has failed for a period of 30 days to satisfy any  
8 final judgment in amounts as hereinafter stated, and shall also  
9 suspend the all registration certificate ~~certificates~~, license  
10 plates and registration sticker ~~stickers~~ of the judgment  
11 debtor's motor vehicle involved in the crash as indicated  
12 ~~issued to the person named as the judgment debtor in the any~~  
13 ~~such~~ authenticated report.

14           (b) The term "judgment" shall mean: A final judgment of any  
15 court of competent jurisdiction of any State, against a person  
16 as defendant for damages on account of bodily injury to or  
17 death of any person or damages to property resulting from the  
18 operation, on and after July 12, 1938, of any motor vehicle.

19           (c) The term "State" shall mean: Any State, Territory, or  
20 possession of the United States, the District of Columbia, or  
21 any province of the Dominion of Canada.

22           (d) The Secretary of State shall not suspend the driver's  
23 license, registration certificates, registration stickers or  
24 license plates of the judgment debtor, nor shall such judgment  
25 debtor be subject to the suspension provisions of Sections  
26 7-308 and 7-309 if all the following conditions are met:

1           1. At the time of the motor vehicle accident which gave  
2 rise to the unsatisfied judgment the judgment debtor was  
3 covered by a motor vehicle liability policy or bond meeting the  
4 requirements of this Chapter;

5           2. The insurance company which issued the policy or bond  
6 has failed and has suspended operations by order of a court;

7           3. The judgment debtor had no knowledge of the insurance  
8 company's failure prior to the motor vehicle accident;

9           4. Within 30 days after learning of the insurance company's  
10 failure the judgment debtor secured another liability policy or  
11 bond meeting the requirements of this Article relating to  
12 future occurrences or accidents;

13           5. The insurance company which issued the motor vehicle  
14 liability policy or bond that covered the judgment debtor at  
15 the time of the motor vehicle accident is unable to satisfy the  
16 judgment in the amounts specified in Section 7-311;

17           6. The judgment debtor presents to the Secretary of State  
18 such certified documents or other proofs as the Secretary of  
19 State may require that all of the conditions set forth in this  
20 Section have been met.

21       (Source: P.A. 85-321.)

22           (625 ILCS 5/7-316.1)

23           Sec. 7-316.1. Nonresidents and former residents; when  
24 proof not required.

25           (a) Any nonresident or former Illinois resident who (i) has

1 met all requirements for reinstatement of his or her driving or  
2 registration privileges under this Chapter except for filing  
3 proof of financial responsibility, (ii) resides outside of  
4 Illinois, and (iii) has applied for a driver's license in  
5 another state, shall be released from the requirement of  
6 showing proof of financial responsibility in this State if he  
7 or she presents to the Secretary of State, in a manner  
8 satisfactory to the Secretary, notice of his or her  
9 out-of-state residency.

10 (b) Any nonresident or former Illinois resident whose  
11 driver's license was revoked and who (i) has met all  
12 requirements for applying for driving privileges except for  
13 filing proof of financial responsibility under this Chapter,  
14 (ii) resides outside of Illinois, and (iii) has applied for a  
15 driver's license in another state, shall be released from the  
16 requirement of showing proof of financial responsibility in  
17 this State if he or she presents to the Secretary of State, in  
18 a manner satisfactory to the Secretary, notice of his or her  
19 out-of-state residency.

20 (b-5) Any nonresident or former Illinois resident who has  
21 submitted satisfactory documentation to the Secretary of State  
22 to be released of showing proof of financial responsibility in  
23 this State shall have his or her Illinois license cancelled 60  
24 days after acceptance of notice of cancellation, as provided in  
25 Section 6-201 of this Code.

26 (c) If a nonresident or former Illinois resident released

1 from the requirement of showing proof of financial  
2 responsibility in this State under subsection (a) or subsection  
3 (b) of this Section moves or returns to this State within 3  
4 years of the date of release, that person must present to the  
5 Secretary of State, in a manner satisfactory to the Secretary,  
6 proof of insurance coverage during the period in which the  
7 person lived outside of Illinois. A person who fails to present  
8 the required proof may not be issued a driver's license until  
9 he or she presents proof of financial responsibility that is  
10 satisfactory under this Chapter. The proof of financial  
11 responsibility required under this subsection (c) must be shown  
12 or maintained for the period of time required under this  
13 Chapter.

14 (d) The Secretary shall adopt rules for implementing this  
15 Section.

16 (Source: P.A. 94-224, eff. 1-1-06.)