

# SB2717



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2717

Introduced 1/28/2014, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-104d

705 ILCS 105/27.5

730 ILCS 5/5-6-1

from Ch. 25, par. 27.5

from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code. Provides that the \$35 additional fee for serious traffic violations shall not become inoperative until January 1, 2020 (rather than October 13, 2014). Makes corresponding changes to the Clerks of Courts Act and the Unified Code of Corrections. Effective immediately.

LRB098 17756 MLW 52876 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 16-104d as follows:

6 (625 ILCS 5/16-104d)

7 Sec. 16-104d. Additional fee; serious traffic violation.  
8 Any person who is convicted of, pleads guilty to, or is placed  
9 on supervision for a serious traffic violation, as defined in  
10 Section 1-187.001 of this Code, a violation of Section 11-501  
11 of this Code, or a violation of a similar provision of a local  
12 ordinance shall pay an additional fee of \$35. Of that fee, \$15  
13 shall be deposited into the Fire Prevention Fund in the State  
14 treasury, \$15 shall be deposited into the Fire Truck Revolving  
15 Loan Fund in the State treasury, and \$5 shall be deposited into  
16 the Circuit Court Clerk Operation and Administrative Fund  
17 created by the Clerk of the Circuit Court.

18 This Section becomes inoperative on January 1, 2020 ~~7 years~~  
19 ~~after the effective date of this amendatory Act of the 95th~~  
20 ~~General Assembly.~~

21 (Source: P.A. 95-154, eff. 10-13-07; 96-286, eff. 8-11-09;  
22 96-1175, eff. 9-20-10.)

1 Section 10. The Clerks of Courts Act is amended by changing  
2 Section 27.5 as follows:

3 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

4 Sec. 27.5. (a) All fees, fines, costs, additional  
5 penalties, bail balances assessed or forfeited, and any other  
6 amount paid by a person to the circuit clerk that equals an  
7 amount less than \$55, except restitution under Section 5-5-6 of  
8 the Unified Code of Corrections, reimbursement for the costs of  
9 an emergency response as provided under Section 11-501 of the  
10 Illinois Vehicle Code, any fees collected for attending a  
11 traffic safety program under paragraph (c) of Supreme Court  
12 Rule 529, any fee collected on behalf of a State's Attorney  
13 under Section 4-2002 of the Counties Code or a sheriff under  
14 Section 4-5001 of the Counties Code, or any cost imposed under  
15 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
16 convictions, orders of supervision, or any other disposition  
17 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
18 Vehicle Code, or a similar provision of a local ordinance, and  
19 any violation of the Child Passenger Protection Act, or a  
20 similar provision of a local ordinance, and except as otherwise  
21 provided in this Section, shall be disbursed within 60 days  
22 after receipt by the circuit clerk as follows: 47% shall be  
23 disbursed to the entity authorized by law to receive the fine  
24 imposed in the case; 12% shall be disbursed to the State  
25 Treasurer; and 41% shall be disbursed to the county's general

1 corporate fund. Of the 12% disbursed to the State Treasurer,  
2 1/6 shall be deposited by the State Treasurer into the Violent  
3 Crime Victims Assistance Fund, 1/2 shall be deposited into the  
4 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
5 be deposited into the Drivers Education Fund. For fiscal years  
6 1992 and 1993, amounts deposited into the Violent Crime Victims  
7 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
8 Fund, or the Drivers Education Fund shall not exceed 110% of  
9 the amounts deposited into those funds in fiscal year 1991. Any  
10 amount that exceeds the 110% limit shall be distributed as  
11 follows: 50% shall be disbursed to the county's general  
12 corporate fund and 50% shall be disbursed to the entity  
13 authorized by law to receive the fine imposed in the case. Not  
14 later than March 1 of each year the circuit clerk shall submit  
15 a report of the amount of funds remitted to the State Treasurer  
16 under this Section during the preceding year based upon  
17 independent verification of fines and fees. All counties shall  
18 be subject to this Section, except that counties with a  
19 population under 2,000,000 may, by ordinance, elect not to be  
20 subject to this Section. For offenses subject to this Section,  
21 judges shall impose one total sum of money payable for  
22 violations. The circuit clerk may add on no additional amounts  
23 except for amounts that are required by Sections 27.3a and  
24 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
25 Code, and subsection (a) of Section 5-1101 of the Counties  
26 Code, unless those amounts are specifically waived by the

1 judge. With respect to money collected by the circuit clerk as  
2 a result of forfeiture of bail, ex parte judgment or guilty  
3 plea pursuant to Supreme Court Rule 529, the circuit clerk  
4 shall first deduct and pay amounts required by Sections 27.3a  
5 and 27.3c of this Act. Unless a court ordered payment schedule  
6 is implemented or fee requirements are waived pursuant to a  
7 court order, the circuit clerk may add to any unpaid fees and  
8 costs a delinquency amount equal to 5% of the unpaid fees that  
9 remain unpaid after 30 days, 10% of the unpaid fees that remain  
10 unpaid after 60 days, and 15% of the unpaid fees that remain  
11 unpaid after 90 days. Notice to those parties may be made by  
12 signage posting or publication. The additional delinquency  
13 amounts collected under this Section shall be deposited in the  
14 Circuit Court Clerk Operation and Administrative Fund to be  
15 used to defray administrative costs incurred by the circuit  
16 clerk in performing the duties required to collect and disburse  
17 funds. This Section is a denial and limitation of home rule  
18 powers and functions under subsection (h) of Section 6 of  
19 Article VII of the Illinois Constitution.

20 (b) The following amounts must be remitted to the State  
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses  
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
25 Animals Act and Section 26-5 or 48-1 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012;

1           (2) 20% of the amounts collected for Class A and Class  
2           B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
3           5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
4           for Animals Act and Section 26-5 or 48-1 of the Criminal  
5           Code of 1961 or the Criminal Code of 2012; and

6           (3) 50% of the amounts collected for Class C  
7           misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
8           for Animals Act and Section 26-5 or 48-1 of the Criminal  
9           Code of 1961 or the Criminal Code of 2012.

10          (c) Any person who receives a disposition of court  
11          supervision for a violation of the Illinois Vehicle Code or a  
12          similar provision of a local ordinance shall, in addition to  
13          any other fines, fees, and court costs, pay an additional fee  
14          of \$29, to be disbursed as provided in Section 16-104c of the  
15          Illinois Vehicle Code. In addition to the fee of \$29, the  
16          person shall also pay a fee of \$6, if not waived by the court.  
17          If this \$6 fee is collected, \$5.50 of the fee shall be  
18          deposited into the Circuit Court Clerk Operation and  
19          Administrative Fund created by the Clerk of the Circuit Court  
20          and 50 cents of the fee shall be deposited into the Prisoner  
21          Review Board Vehicle and Equipment Fund in the State treasury.

22          (d) Any person convicted of, pleading guilty to, or placed  
23          on supervision for a serious traffic violation, as defined in  
24          Section 1-187.001 of the Illinois Vehicle Code, a violation of  
25          Section 11-501 of the Illinois Vehicle Code, or a violation of  
26          a similar provision of a local ordinance shall pay an

1 additional fee of \$35, to be disbursed as provided in Section  
2 16-104d of that Code.

3 This subsection (d) becomes inoperative on January 1, 2020  
4 ~~7 years after the effective date of Public Act 95-154.~~

5 (e) In all counties having a population of 3,000,000 or  
6 more inhabitants:

7 (1) A person who is found guilty of or pleads guilty to  
8 violating subsection (a) of Section 11-501 of the Illinois  
9 Vehicle Code, including any person placed on court  
10 supervision for violating subsection (a), shall be fined  
11 \$750 as provided for by subsection (f) of Section 11-501.01  
12 of the Illinois Vehicle Code, payable to the circuit clerk,  
13 who shall distribute the money pursuant to subsection (f)  
14 of Section 11-501.01 of the Illinois Vehicle Code.

15 (2) When a crime laboratory DUI analysis fee of \$150,  
16 provided for by Section 5-9-1.9 of the Unified Code of  
17 Corrections is assessed, it shall be disbursed by the  
18 circuit clerk as provided by subsection (f) of Section  
19 5-9-1.9 of the Unified Code of Corrections.

20 (3) When a fine for a violation of subsection (a) of  
21 Section 11-605 of the Illinois Vehicle Code is \$150 or  
22 greater, the additional \$50 which is charged as provided  
23 for by subsection (f) of Section 11-605 of the Illinois  
24 Vehicle Code shall be disbursed by the circuit clerk to a  
25 school district or districts for school safety purposes as  
26 provided by subsection (f) of Section 11-605.

1           (4) When a fine for a violation of subsection (a) of  
2           Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
3           greater, the additional \$50 which is charged as provided  
4           for by subsection (c) of Section 11-1002.5 of the Illinois  
5           Vehicle Code shall be disbursed by the circuit clerk to a  
6           school district or districts for school safety purposes as  
7           provided by subsection (c) of Section 11-1002.5 of the  
8           Illinois Vehicle Code.

9           (5) When a mandatory drug court fee of up to \$5 is  
10          assessed as provided in subsection (f) of Section 5-1101 of  
11          the Counties Code, it shall be disbursed by the circuit  
12          clerk as provided in subsection (f) of Section 5-1101 of  
13          the Counties Code.

14          (6) When a mandatory teen court, peer jury, youth  
15          court, or other youth diversion program fee is assessed as  
16          provided in subsection (e) of Section 5-1101 of the  
17          Counties Code, it shall be disbursed by the circuit clerk  
18          as provided in subsection (e) of Section 5-1101 of the  
19          Counties Code.

20          (7) When a Children's Advocacy Center fee is assessed  
21          pursuant to subsection (f-5) of Section 5-1101 of the  
22          Counties Code, it shall be disbursed by the circuit clerk  
23          as provided in subsection (f-5) of Section 5-1101 of the  
24          Counties Code.

25          (8) When a victim impact panel fee is assessed pursuant  
26          to subsection (b) of Section 11-501.01 of the Illinois



1           Vehicle Code, it shall be disbursed by the circuit clerk to  
2           the victim impact panel to be attended by the defendant.

3           (9) When a new fee collected in traffic cases is  
4           enacted after January 1, 2010 (the effective date of Public  
5           Act 96-735), it shall be excluded from the percentage  
6           disbursement provisions of this Section unless otherwise  
7           indicated by law.

8           (f) Any person who receives a disposition of court  
9           supervision for a violation of Section 11-501 of the Illinois  
10          Vehicle Code shall, in addition to any other fines, fees, and  
11          court costs, pay an additional fee of \$50, which shall be  
12          collected by the circuit clerk and then remitted to the State  
13          Treasurer for deposit into the Roadside Memorial Fund, a  
14          special fund in the State treasury. However, the court may  
15          waive the fee if full restitution is complied with. Subject to  
16          appropriation, all moneys in the Roadside Memorial Fund shall  
17          be used by the Department of Transportation to pay fees imposed  
18          under subsection (f) of Section 20 of the Roadside Memorial  
19          Act. The fee shall be remitted by the circuit clerk within one  
20          month after receipt to the State Treasurer for deposit into the  
21          Roadside Memorial Fund.

22          (g) For any conviction or disposition of court supervision  
23          for a violation of Section 11-1429 of the Illinois Vehicle  
24          Code, the circuit clerk shall distribute the fines paid by the  
25          person as specified by subsection (h) of Section 11-1429 of the  
26          Illinois Vehicle Code.

1 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;  
2 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;  
3 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.  
4 1-1-11; 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13; 97-1150,  
5 eff. 1-25-13.)

6 Section 15. The Unified Code of Corrections is amended by  
7 changing Section 5-6-1 as follows:

8 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

9 Sec. 5-6-1. Sentences of Probation and of Conditional  
10 Discharge and Disposition of Supervision. The General Assembly  
11 finds that in order to protect the public, the criminal justice  
12 system must compel compliance with the conditions of probation  
13 by responding to violations with swift, certain and fair  
14 punishments and intermediate sanctions. The Chief Judge of each  
15 circuit shall adopt a system of structured, intermediate  
16 sanctions for violations of the terms and conditions of a  
17 sentence of probation, conditional discharge or disposition of  
18 supervision.

19 (a) Except where specifically prohibited by other  
20 provisions of this Code, the court shall impose a sentence of  
21 probation or conditional discharge upon an offender unless,  
22 having regard to the nature and circumstance of the offense,  
23 and to the history, character and condition of the offender,  
24 the court is of the opinion that:

1           (1) his imprisonment or periodic imprisonment is  
2 necessary for the protection of the public; or

3           (2) probation or conditional discharge would deprecate  
4 the seriousness of the offender's conduct and would be  
5 inconsistent with the ends of justice; or

6           (3) a combination of imprisonment with concurrent or  
7 consecutive probation when an offender has been admitted  
8 into a drug court program under Section 20 of the Drug  
9 Court Treatment Act is necessary for the protection of the  
10 public and for the rehabilitation of the offender.

11           The court shall impose as a condition of a sentence of  
12 probation, conditional discharge, or supervision, that the  
13 probation agency may invoke any sanction from the list of  
14 intermediate sanctions adopted by the chief judge of the  
15 circuit court for violations of the terms and conditions of the  
16 sentence of probation, conditional discharge, or supervision,  
17 subject to the provisions of Section 5-6-4 of this Act.

18           (b) The court may impose a sentence of conditional  
19 discharge for an offense if the court is of the opinion that  
20 neither a sentence of imprisonment nor of periodic imprisonment  
21 nor of probation supervision is appropriate.

22           (b-1) Subsections (a) and (b) of this Section do not apply  
23 to a defendant charged with a misdemeanor or felony under the  
24 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
26 defendant within the past 12 months has been convicted of or

1 pleaded guilty to a misdemeanor or felony under the Illinois  
2 Vehicle Code or reckless homicide under Section 9-3 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (c) The court may, upon a plea of guilty or a stipulation  
5 by the defendant of the facts supporting the charge or a  
6 finding of guilt, defer further proceedings and the imposition  
7 of a sentence, and enter an order for supervision of the  
8 defendant, if the defendant is not charged with: (i) a Class A  
9 misdemeanor, as defined by the following provisions of the  
10 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
11 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
12 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
13 paragraph (1) through (5), (8), (10), and (11) of subsection  
14 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
15 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
16 Act; or (iii) a felony. If the defendant is not barred from  
17 receiving an order for supervision as provided in this  
18 subsection, the court may enter an order for supervision after  
19 considering the circumstances of the offense, and the history,  
20 character and condition of the offender, if the court is of the  
21 opinion that:

22 (1) the offender is not likely to commit further  
23 crimes;

24 (2) the defendant and the public would be best served  
25 if the defendant were not to receive a criminal record; and

26 (3) in the best interests of justice an order of

1 supervision is more appropriate than a sentence otherwise  
2 permitted under this Code.

3 (c-5) Subsections (a), (b), and (c) of this Section do not  
4 apply to a defendant charged with a second or subsequent  
5 violation of Section 6-303 of the Illinois Vehicle Code  
6 committed while his or her driver's license, permit or  
7 privileges were revoked because of a violation of Section 9-3  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 relating to the offense of reckless homicide, or a similar  
10 provision of a law of another state.

11 (d) The provisions of paragraph (c) shall not apply to a  
12 defendant charged with violating Section 11-501 of the Illinois  
13 Vehicle Code or a similar provision of a local ordinance when  
14 the defendant has previously been:

15 (1) convicted for a violation of Section 11-501 of the  
16 Illinois Vehicle Code or a similar provision of a local  
17 ordinance or any similar law or ordinance of another state;  
18 or

19 (2) assigned supervision for a violation of Section  
20 11-501 of the Illinois Vehicle Code or a similar provision  
21 of a local ordinance or any similar law or ordinance of  
22 another state; or

23 (3) pleaded guilty to or stipulated to the facts  
24 supporting a charge or a finding of guilty to a violation  
25 of Section 11-503 of the Illinois Vehicle Code or a similar  
26 provision of a local ordinance or any similar law or

1 ordinance of another state, and the plea or stipulation was  
2 the result of a plea agreement.

3 The court shall consider the statement of the prosecuting  
4 authority with regard to the standards set forth in this  
5 Section.

6 (e) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 16-25 or 16A-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 if said  
9 defendant has within the last 5 years been:

10 (1) convicted for a violation of Section 16-25 or 16A-3  
11 of the Criminal Code of 1961 or the Criminal Code of 2012;  
12 or

13 (2) assigned supervision for a violation of Section  
14 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (f) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Sections 15-111, 15-112,  
21 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
22 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance.

24 (g) Except as otherwise provided in paragraph (i) of this  
25 Section, the provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707, 3-708, 3-710,

1 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
2 of a local ordinance if the defendant has within the last 5  
3 years been:

4 (1) convicted for a violation of Section 3-707, 3-708,  
5 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance; or

7 (2) assigned supervision for a violation of Section  
8 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
9 Code or a similar provision of a local ordinance.

10 The court shall consider the statement of the prosecuting  
11 authority with regard to the standards set forth in this  
12 Section.

13 (h) The provisions of paragraph (c) shall not apply to a  
14 defendant under the age of 21 years charged with violating a  
15 serious traffic offense as defined in Section 1-187.001 of the  
16 Illinois Vehicle Code:

17 (1) unless the defendant, upon payment of the fines,  
18 penalties, and costs provided by law, agrees to attend and  
19 successfully complete a traffic safety program approved by  
20 the court under standards set by the Conference of Chief  
21 Circuit Judges. The accused shall be responsible for  
22 payment of any traffic safety program fees. If the accused  
23 fails to file a certificate of successful completion on or  
24 before the termination date of the supervision order, the  
25 supervision shall be summarily revoked and conviction  
26 entered. The provisions of Supreme Court Rule 402 relating

1 to pleas of guilty do not apply in cases when a defendant  
2 enters a guilty plea under this provision; or

3 (2) if the defendant has previously been sentenced  
4 under the provisions of paragraph (c) on or after January  
5 1, 1998 for any serious traffic offense as defined in  
6 Section 1-187.001 of the Illinois Vehicle Code.

7 (h-1) The provisions of paragraph (c) shall not apply to a  
8 defendant under the age of 21 years charged with an offense  
9 against traffic regulations governing the movement of vehicles  
10 or any violation of Section 6-107 or Section 12-603.1 of the  
11 Illinois Vehicle Code, unless the defendant, upon payment of  
12 the fines, penalties, and costs provided by law, agrees to  
13 attend and successfully complete a traffic safety program  
14 approved by the court under standards set by the Conference of  
15 Chief Circuit Judges. The accused shall be responsible for  
16 payment of any traffic safety program fees. If the accused  
17 fails to file a certificate of successful completion on or  
18 before the termination date of the supervision order, the  
19 supervision shall be summarily revoked and conviction entered.  
20 The provisions of Supreme Court Rule 402 relating to pleas of  
21 guilty do not apply in cases when a defendant enters a guilty  
22 plea under this provision.

23 (i) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 3-707 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance if the  
26 defendant has been assigned supervision for a violation of



1 Section 3-707 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance.

3 (j) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating Section 6-303 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance when  
6 the revocation or suspension was for a violation of Section  
7 11-501 or a similar provision of a local ordinance or a  
8 violation of Section 11-501.1 or paragraph (b) of Section  
9 11-401 of the Illinois Vehicle Code if the defendant has within  
10 the last 10 years been:

11 (1) convicted for a violation of Section 6-303 of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance; or

14 (2) assigned supervision for a violation of Section  
15 6-303 of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance.

17 (k) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating any provision of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance that  
20 governs the movement of vehicles if, within the 12 months  
21 preceding the date of the defendant's arrest, the defendant has  
22 been assigned court supervision on 2 occasions for a violation  
23 that governs the movement of vehicles under the Illinois  
24 Vehicle Code or a similar provision of a local ordinance. The  
25 provisions of this paragraph (k) do not apply to a defendant  
26 charged with violating Section 11-501 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 (l) A defendant charged with violating any provision of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance who receives a disposition of supervision under  
5 subsection (c) shall pay an additional fee of \$29, to be  
6 collected as provided in Sections 27.5 and 27.6 of the Clerks  
7 of Courts Act. In addition to the \$29 fee, the person shall  
8 also pay a fee of \$6, which, if not waived by the court, shall  
9 be collected as provided in Sections 27.5 and 27.6 of the  
10 Clerks of Courts Act. The \$29 fee shall be disbursed as  
11 provided in Section 16-104c of the Illinois Vehicle Code. If  
12 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
13 into the Circuit Court Clerk Operation and Administrative Fund  
14 created by the Clerk of the Circuit Court and 50 cents of the  
15 fee shall be deposited into the Prisoner Review Board Vehicle  
16 and Equipment Fund in the State treasury.

17 (m) Any person convicted of, pleading guilty to, or placed  
18 on supervision for a serious traffic violation, as defined in  
19 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
20 Section 11-501 of the Illinois Vehicle Code, or a violation of  
21 a similar provision of a local ordinance shall pay an  
22 additional fee of \$35, to be disbursed as provided in Section  
23 16-104d of that Code.

24 This subsection (m) becomes inoperative on January 1, 2020  
25 ~~7 years after October 13, 2007 (the effective date of Public~~  
26 ~~Act 95-154).~~

1           (n) The provisions of paragraph (c) shall not apply to any  
2 person under the age of 18 who commits an offense against  
3 traffic regulations governing the movement of vehicles or any  
4 violation of Section 6-107 or Section 12-603.1 of the Illinois  
5 Vehicle Code, except upon personal appearance of the defendant  
6 in court and upon the written consent of the defendant's parent  
7 or legal guardian, executed before the presiding judge. The  
8 presiding judge shall have the authority to waive this  
9 requirement upon the showing of good cause by the defendant.

10           (o) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating Section 6-303 of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance when  
13 the suspension was for a violation of Section 11-501.1 of the  
14 Illinois Vehicle Code and when:

15                 (1) at the time of the violation of Section 11-501.1 of  
16 the Illinois Vehicle Code, the defendant was a first  
17 offender pursuant to Section 11-500 of the Illinois Vehicle  
18 Code and the defendant failed to obtain a monitoring device  
19 driving permit; or

20                 (2) at the time of the violation of Section 11-501.1 of  
21 the Illinois Vehicle Code, the defendant was a first  
22 offender pursuant to Section 11-500 of the Illinois Vehicle  
23 Code, had subsequently obtained a monitoring device  
24 driving permit, but was driving a vehicle not equipped with  
25 a breath alcohol ignition interlock device as defined in  
26 Section 1-129.1 of the Illinois Vehicle Code.

1           (p) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Section 11-601.5 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance.

5           (q) The provisions of paragraph (c) shall not apply to a  
6 defendant charged with violating subsection (b) of Section  
7 11-601 of the Illinois Vehicle Code when the defendant was  
8 operating a vehicle, in an urban district, at a speed in excess  
9 of 25 miles per hour over the posted speed limit.

10           (r) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating any provision of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance if the  
13 violation was the proximate cause of the death of another and  
14 the defendant's driving abstract contains a prior conviction or  
15 disposition of court supervision for any violation of the  
16 Illinois Vehicle Code, other than an equipment violation, or a  
17 suspension, revocation, or cancellation of the driver's  
18 license.

19           (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;  
20 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.  
21 1-25-13; 98-169, eff. 1-1-14.)

22           Section 99. Effective date. This Act takes effect upon  
23 becoming law.