

# HB0221



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB0221**

by Rep. Jehan Gordon-Booth

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204

from Ch. 95 1/2, par. 6-204

Amends the Illinois Vehicle Code. Provides that a report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation under the Code or a similar provision of a local ordinance shall be forwarded to the Secretary of State (previously, report restricted to a serious traffic violation committed by a person under 21 years of age). Provides that a clerk of court shall immediately forward (rather than forward within 5 days after disposition) to the Secretary a disposition of court supervision for any traffic violation, except for certain violations under the Code.

LRB100 03784 AXK 13789 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 6-204 as follows:

6 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

7 Sec. 6-204. When Court to forward license and reports.

8 (a) For the purpose of providing to the Secretary of State  
9 the records essential to the performance of the Secretary's  
10 duties under this Code to cancel, revoke or suspend the  
11 driver's license and privilege to drive motor vehicles of  
12 certain minors adjudicated truant minors in need of  
13 supervision, addicted, or delinquent and of persons found  
14 guilty of the criminal offenses or traffic violations which  
15 this Code recognizes as evidence relating to unfitness to  
16 safely operate motor vehicles, the following duties are imposed  
17 upon public officials:

18 (1) Whenever any person is convicted of any offense for  
19 which this Code makes mandatory the cancellation or  
20 revocation of the driver's license or permit of such person  
21 by the Secretary of State, the judge of the court in which  
22 such conviction is had shall require the surrender to the  
23 clerk of the court of all driver's licenses or permits then

1 held by the person so convicted, and the clerk of the court  
2 shall, within 5 days thereafter, forward the same, together  
3 with a report of such conviction, to the Secretary.

4 (2) Whenever any person is convicted of any offense  
5 under this Code or similar offenses under a municipal  
6 ordinance, other than regulations governing standing,  
7 parking or weights of vehicles, and excepting the following  
8 enumerated Sections of this Code: Sections 11-1406  
9 (obstruction to driver's view or control), 11-1407  
10 (improper opening of door into traffic), 11-1410 (coasting  
11 on downgrade), 11-1411 (following fire apparatus),  
12 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
13 vehicle which is in unsafe condition or improperly  
14 equipped), 12-201(a) (daytime lights on motorcycles),  
15 12-202 (clearance, identification and side marker lamps),  
16 12-204 (lamp or flag on projecting load), 12-205 (failure  
17 to display the safety lights required), 12-401  
18 (restrictions as to tire equipment), 12-502 (mirrors),  
19 12-503 (windshields must be unobstructed and equipped with  
20 wipers), 12-601 (horns and warning devices), 12-602  
21 (mufflers, prevention of noise or smoke), 12-603 (seat  
22 safety belts), 12-702 (certain vehicles to carry flares or  
23 other warning devices), 12-703 (vehicles for oiling roads  
24 operated on highways), 12-710 (splash guards and  
25 replacements), 13-101 (safety tests), 15-101 (size, weight  
26 and load), 15-102 (width), 15-103 (height), 15-104 (name

1 and address on second division vehicles), 15-107 (length of  
2 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
3 15-112 (weights), 15-301 (weights), 15-316 (weights),  
4 15-318 (weights), and also excepting the following  
5 enumerated Sections of the Chicago Municipal Code:  
6 Sections 27-245 (following fire apparatus), 27-254  
7 (obstruction of traffic), 27-258 (driving vehicle which is  
8 in unsafe condition), 27-259 (coasting on downgrade),  
9 27-264 (use of horns and signal devices), 27-265  
10 (obstruction to driver's view or driver mechanism), 27-267  
11 (dimming of headlights), 27-268 (unattended motor  
12 vehicle), 27-272 (illegal funeral procession), 27-273  
13 (funeral procession on boulevard), 27-275 (driving freight  
14 hauling vehicles on boulevard), 27-276 (stopping and  
15 standing of buses or taxicabs), 27-277 (cruising of public  
16 passenger vehicles), 27-305 (parallel parking), 27-306  
17 (diagonal parking), 27-307 (parking not to obstruct  
18 traffic), 27-308 (stopping, standing or parking  
19 regulated), 27-311 (parking regulations), 27-312 (parking  
20 regulations), 27-313 (parking regulations), 27-314  
21 (parking regulations), 27-315 (parking regulations),  
22 27-316 (parking regulations), 27-317 (parking  
23 regulations), 27-318 (parking regulations), 27-319  
24 (parking regulations), 27-320 (parking regulations),  
25 27-321 (parking regulations), 27-322 (parking  
26 regulations), 27-324 (loading and unloading at an angle),

1 27-333 (wheel and axle loads), 27-334 (load restrictions in  
2 the downtown district), 27-335 (load restrictions in  
3 residential areas), 27-338 (width of vehicles), 27-339  
4 (height of vehicles), 27-340 (length of vehicles), 27-352  
5 (reflectors on trailers), 27-353 (mufflers), 27-354  
6 (display of plates), 27-355 (display of city vehicle tax  
7 sticker), 27-357 (identification of vehicles), 27-358  
8 (projecting of loads), and also excepting the following  
9 enumerated paragraphs of Section 2-201 of the Rules and  
10 Regulations of the Illinois State Toll Highway Authority:  
11 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
12 transporting dangerous cargo not properly indicated), it  
13 shall be the duty of the clerk of the court in which such  
14 conviction is had within 5 days thereafter to forward to  
15 the Secretary of State a report of the conviction and the  
16 court may recommend the suspension of the driver's license  
17 or permit of the person so convicted.

18 The reporting requirements of this subsection shall  
19 apply to all violations stated in paragraphs (1) and (2) of  
20 this subsection when the individual has been adjudicated  
21 under the Juvenile Court Act or the Juvenile Court Act of  
22 1987. Such reporting requirements shall also apply to  
23 individuals adjudicated under the Juvenile Court Act or the  
24 Juvenile Court Act of 1987 who have committed a violation  
25 of Section 11-501 of this Code, or similar provision of a  
26 local ordinance, or Section 9-3 of the Criminal Code of

1 1961 or the Criminal Code of 2012, relating to the offense  
2 of reckless homicide. These reporting requirements also  
3 apply to individuals adjudicated under the Juvenile Court  
4 Act of 1987 based on any offense determined to have been  
5 committed in furtherance of the criminal activities of an  
6 organized gang, as provided in Section 5-710 of that Act,  
7 and that involved the operation or use of a motor vehicle  
8 or the use of a driver's license or permit. The reporting  
9 requirements of this subsection shall also apply to a  
10 truant minor in need of supervision, an addicted minor, or  
11 a delinquent minor and whose driver's license and privilege  
12 to drive a motor vehicle has been ordered suspended for  
13 such times as determined by the Court, but only until he or  
14 she attains 18 years of age. It shall be the duty of the  
15 clerk of the court in which adjudication is had within 5  
16 days thereafter to forward to the Secretary of State a  
17 report of the adjudication and the court order requiring  
18 the Secretary of State to suspend the minor's driver's  
19 license and driving privilege for such time as determined  
20 by the Court, but only until he or she attains the age of  
21 18 years. All juvenile court dispositions reported to the  
22 Secretary of State under this provision shall be processed  
23 by the Secretary of State as if the cases had been  
24 adjudicated in traffic or criminal court. However,  
25 information reported relative to the offense of reckless  
26 homicide, or Section 11-501 of this Code, or a similar

1 provision of a local ordinance, shall be privileged and  
2 available only to the Secretary of State, courts, and  
3 police officers.

4 The reporting requirements of this subsection (a)  
5 apply to all violations listed in paragraphs (1) and (2) of  
6 this subsection (a), excluding parking violations, when  
7 the driver holds a CLP or CDL, regardless of the type of  
8 vehicle in which the violation occurred, or when any driver  
9 committed the violation in a commercial motor vehicle as  
10 defined in Section 6-500 of this Code.

11 (3) Whenever an order is entered vacating the  
12 forfeiture of any bail, security or bond given to secure  
13 appearance for any offense under this Code or similar  
14 offenses under municipal ordinance, it shall be the duty of  
15 the clerk of the court in which such vacation was had or  
16 the judge of such court if such court has no clerk, within  
17 5 days thereafter to forward to the Secretary of State a  
18 report of the vacation.

19 (4) A report of any disposition of court supervision  
20 for a violation of Sections 6-303, 11-401, 11-501 or a  
21 similar provision of a local ordinance, 11-503, 11-504, and  
22 11-506 shall be forwarded to the Secretary of State. A  
23 report of any disposition of court supervision for a  
24 violation of an offense defined as a serious traffic  
25 violation in this Code or a similar provision of a local  
26 ordinance ~~committed by a person under the age of 21 years~~

1 shall be forwarded to the Secretary of State.

2 (5) Reports of conviction under this Code and  
3 sentencing hearings under the Juvenile Court Act of 1987 in  
4 an electronic format or a computer processible medium shall  
5 be forwarded to the Secretary of State via the Supreme  
6 Court in the form and format required by the Illinois  
7 Supreme Court and established by a written agreement  
8 between the Supreme Court and the Secretary of State. In  
9 counties with a population over 300,000, instead of  
10 forwarding reports to the Supreme Court, reports of  
11 conviction under this Code and sentencing hearings under  
12 the Juvenile Court Act of 1987 in an electronic format or a  
13 computer processible medium may be forwarded to the  
14 Secretary of State by the Circuit Court Clerk in a form and  
15 format required by the Secretary of State and established  
16 by written agreement between the Circuit Court Clerk and  
17 the Secretary of State. Failure to forward the reports of  
18 conviction or sentencing hearing under the Juvenile Court  
19 Act of 1987 as required by this Section shall be deemed an  
20 omission of duty and it shall be the duty of the several  
21 State's Attorneys to enforce the requirements of this  
22 Section.

23 (b) Whenever a restricted driving permit is forwarded to a  
24 court, as a result of confiscation by a police officer pursuant  
25 to the authority in Section 6-113(f), it shall be the duty of  
26 the clerk, or judge, if the court has no clerk, to forward such



1 restricted driving permit and a facsimile of the officer's  
2 citation to the Secretary of State as expeditiously as  
3 practicable.

4 (c) For the purposes of this Code, a forfeiture of bail or  
5 collateral deposited to secure a defendant's appearance in  
6 court when forfeiture has not been vacated, or the failure of a  
7 defendant to appear for trial after depositing his driver's  
8 license in lieu of other bail, shall be equivalent to a  
9 conviction.

10 (d) For the purpose of providing the Secretary of State  
11 with records necessary to properly monitor and assess driver  
12 performance and assist the courts in the proper disposition of  
13 repeat traffic law offenders, the clerk of the court shall  
14 forward to the Secretary of State, on a form prescribed by the  
15 Secretary, records of a driver's participation in a driver  
16 remedial or rehabilitative program which was required, through  
17 a court order or court supervision, in relation to the driver's  
18 arrest for a violation of Section 11-501 of this Code or a  
19 similar provision of a local ordinance. The clerk of the court  
20 shall also forward to the Secretary, either on paper or in an  
21 electronic format or a computer processible medium as required  
22 under paragraph (5) of subsection (a) of this Section, any  
23 disposition of court supervision for any traffic violation,  
24 excluding those offenses listed in paragraph (2) of subsection  
25 (a) of this Section. These reports shall be sent immediately  
26 ~~within 5 days~~ after disposition, or, if the driver is referred

1 to a driver remedial or rehabilitative program, within 5 days  
2 of the driver's referral to that program. These reports  
3 received by the Secretary of State, including those required to  
4 be forwarded under paragraph (a)(4), shall be privileged  
5 information, available only (i) to the affected driver, (ii) to  
6 the parent or guardian of a person under the age of 18 years  
7 holding an instruction permit or a graduated driver's license,  
8 and (iii) for use by the courts, police officers, prosecuting  
9 authorities, the Secretary of State, and the driver licensing  
10 administrator of any other state. In accordance with 49 C.F.R.  
11 Part 384, all reports of court supervision, except violations  
12 related to parking, shall be forwarded to the Secretary of  
13 State for all holders of a CLP or CDL or any driver who commits  
14 an offense while driving a commercial motor vehicle. These  
15 reports shall be recorded to the driver's record as a  
16 conviction for use in the disqualification of the driver's  
17 commercial motor vehicle privileges and shall not be privileged  
18 information.

19 (Source: P.A. 97-1150, eff. 1-25-13; 98-176 (see Section 10 of  
20 P.A. 98-722 and Section 10 of P.A. 99-414 for the effective  
21 date of changes made by P.A. 98-176).)