

1 AN ACT in relation to vehicles.

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
5 changing Sections 6-206, 11-1201, and 16-105 as follows:

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without
11 preliminary hearing upon a showing of the person's records or
12 other sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required
15 upon conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in
22 motor vehicle collisions or has been repeatedly convicted
23 of offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the
26 safe operation of a motor vehicle or disrespect for the
27 traffic laws and the safety of other persons upon the
28 highway;

29 4. Has by the unlawful operation of a motor vehicle
30 caused or contributed to an accident resulting in death
31 or injury requiring immediate professional treatment in a

1 medical facility or doctor's office to any person, except
2 that any suspension or revocation imposed by the
3 Secretary of State under the provisions of this
4 subsection shall start no later than 6 months after being
5 convicted of violating a law or ordinance regulating the
6 movement of traffic, which violation is related to the
7 accident, or shall start not more than one year after the
8 date of the accident, whichever date occurs later;

9 5. Has permitted an unlawful or fraudulent use of a
10 driver's license, identification card, or permit;

11 6. Has been lawfully convicted of an offense or
12 offenses in another state, including the authorization
13 contained in Section 6-203.1, which if committed within
14 this State would be grounds for suspension or revocation;

15 7. Has refused or failed to submit to an
16 examination provided for by Section 6-207 or has failed
17 to pass the examination;

18 8. Is ineligible for a driver's license or permit
19 under the provisions of Section 6-103;

20 9. Has made a false statement or knowingly
21 concealed a material fact or has used false information
22 or identification in any application for a license,
23 identification card, or permit;

24 10. Has possessed, displayed, or attempted to
25 fraudulently use any license, identification card, or
26 permit not issued to the person;

27 11. Has operated a motor vehicle upon a highway of
28 this State when the person's driving privilege or
29 privilege to obtain a driver's license or permit was
30 revoked or suspended unless the operation was authorized
31 by a judicial driving permit, probationary license to
32 drive, or a restricted driving permit issued under this
33 Code;

34 12. Has submitted to any portion of the application

1 process for another person or has obtained the services
2 of another person to submit to any portion of the
3 application process for the purpose of obtaining a
4 license, identification card, or permit for some other
5 person;

6 13. Has operated a motor vehicle upon a highway of
7 this State when the person's driver's license or permit
8 was invalid under the provisions of Sections 6-107.1 and
9 6-110;

10 14. Has committed a violation of Section 6-301,
11 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
12 14B of the Illinois Identification Card Act;

13 15. Has been convicted of violating Section 21-2 of
14 the Criminal Code of 1961 relating to criminal trespass
15 to vehicles in which case, the suspension shall be for
16 one year;

17 16. Has been convicted of violating Section 11-204
18 of this Code relating to fleeing from a police officer;

19 17. Has refused to submit to a test, or tests, as
20 required under Section 11-501.1 of this Code and the
21 person has not sought a hearing as provided for in
22 Section 11-501.1;

23 18. Has, since issuance of a driver's license or
24 permit, been adjudged to be afflicted with or suffering
25 from any mental disability or disease;

26 19. Has committed a violation of paragraph (a) or
27 (b) of Section 6-101 relating to driving without a
28 driver's license;

29 20. Has been convicted of violating Section 6-104
30 relating to classification of driver's license;

31 21. Has been convicted of violating Section 11-402
32 of this Code relating to leaving the scene of an accident
33 resulting in damage to a vehicle in excess of \$1,000, in
34 which case the suspension shall be for one year;

1 22. Has used a motor vehicle in violating paragraph
2 (3), (4), (7), or (9) of subsection (a) of Section 24-1
3 of the Criminal Code of 1961 relating to unlawful use of
4 weapons, in which case the suspension shall be for one
5 year;

6 23. Has, as a driver, been convicted of committing
7 a violation of paragraph (a) of Section 11-502 of this
8 Code for a second or subsequent time within one year of a
9 similar violation;

10 24. Has been convicted by a court-martial or
11 punished by non-judicial punishment by military
12 authorities of the United States at a military
13 installation in Illinois of or for a traffic related
14 offense that is the same as or similar to an offense
15 specified under Section 6-205 or 6-206 of this Code;

16 25. Has permitted any form of identification to be
17 used by another in the application process in order to
18 obtain or attempt to obtain a license, identification
19 card, or permit;

20 26. Has altered or attempted to alter a license or
21 has possessed an altered license, identification card, or
22 permit;

23 27. Has violated Section 6-16 of the Liquor Control
24 Act of 1934;

25 28. Has been convicted of the illegal possession,
26 while operating or in actual physical control, as a
27 driver, of a motor vehicle, of any controlled substance
28 prohibited under the Illinois Controlled Substances Act
29 or any cannabis prohibited under the provisions of the
30 Cannabis Control Act, in which case the person's driving
31 privileges shall be suspended for one year, and any
32 driver who is convicted of a second or subsequent
33 offense, within 5 years of a previous conviction, for the
34 illegal possession, while operating or in actual physical

1 control, as a driver, of a motor vehicle, of any
2 controlled substance prohibited under the provisions of
3 the Illinois Controlled Substances Act or any cannabis
4 prohibited under the Cannabis Control Act shall be
5 suspended for 5 years. Any defendant found guilty of this
6 offense while operating a motor vehicle, shall have an
7 entry made in the court record by the presiding judge
8 that this offense did occur while the defendant was
9 operating a motor vehicle and order the clerk of the
10 court to report the violation to the Secretary of State;

11 29. Has been convicted of the following offenses
12 that were committed while the person was operating or in
13 actual physical control, as a driver, of a motor vehicle:
14 criminal sexual assault, predatory criminal sexual
15 assault of a child, aggravated criminal sexual assault,
16 criminal sexual abuse, aggravated criminal sexual abuse,
17 juvenile pimping, soliciting for a juvenile prostitute
18 and the manufacture, sale or delivery of controlled
19 substances or instruments used for illegal drug use or
20 abuse in which case the driver's driving privileges shall
21 be suspended for one year;

22 30. Has been convicted a second or subsequent time
23 for any combination of the offenses named in paragraph 29
24 of this subsection, in which case the person's driving
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by
27 Section 11-501.6 or has submitted to a test resulting in
28 an alcohol concentration of 0.08 or more or any amount of
29 a drug, substance, or compound resulting from the
30 unlawful use or consumption of cannabis as listed in the
31 Cannabis Control Act, a controlled substance as listed in
32 the Illinois Controlled Substances Act, or an
33 intoxicating compound as listed in the Use of
34 Intoxicating Compounds Act, in which case the penalty

1 shall be as prescribed in Section 6-208.1;

2 32. Has been convicted of Section 24-1.2 of the
3 Criminal Code of 1961 relating to the aggravated
4 discharge of a firearm if the offender was located in a
5 motor vehicle at the time the firearm was discharged, in
6 which case the suspension shall be for 3 years;

7 33. Has as a driver, who was less than 21 years of
8 age on the date of the offense, been convicted a first
9 time of a violation of paragraph (a) of Section 11-502 of
10 this Code or a similar provision of a local ordinance;

11 34. Has committed a violation of Section 11-1301.5
12 of this Code;

13 35. Has committed a violation of Section 11-1301.6
14 of this Code;

15 36. Is under the age of 21 years at the time of
16 arrest and has been convicted of not less than 2 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 24 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 37. Has committed a violation of subsection (c) of
22 Section 11-907 of this Code; ~~or~~

23 38. Has been convicted of a violation of Section
24 6-20 of the Liquor Control Act of 1934 or a similar
25 provision of a local ordinance; ~~or~~

26 39. Has committed a second or subsequent violation
27 of Section 11-1201 of this Code; ~~or~~

28 40. Has committed a violation of subsection (b) of
29 Section 11-1201 of this Code, in which case the
30 suspension shall be 3 months for a first violation, 6
31 months for a second violation, or one year for a third or
32 subsequent violation.

33 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
34 and 27 of this subsection, license means any driver's

1 license, any traffic ticket issued when the person's driver's
2 license is deposited in lieu of bail, a suspension notice
3 issued by the Secretary of State, a duplicate or corrected
4 driver's license, a probationary driver's license or a
5 temporary driver's license.

6 (b) If any conviction forming the basis of a suspension
7 or revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be,
10 provided that a certified copy of a stay order of a court is
11 filed with the Secretary of State. If the conviction is
12 affirmed on appeal, the date of the conviction shall relate
13 back to the time the original judgment of conviction was
14 entered and the 6 month limitation prescribed shall not
15 apply.

16 (c) 1. Upon suspending or revoking the driver's license
17 or permit of any person as authorized in this Section,
18 the Secretary of State shall immediately notify the
19 person in writing of the revocation or suspension. The
20 notice to be deposited in the United States mail, postage
21 prepaid, to the last known address of the person.

22 2. If the Secretary of State suspends the driver's
23 license of a person under subsection 2 of paragraph (a)
24 of this Section, a person's privilege to operate a
25 vehicle as an occupation shall not be suspended, provided
26 an affidavit is properly completed, the appropriate fee
27 received, and a permit issued prior to the effective date
28 of the suspension, unless 5 offenses were committed, at
29 least 2 of which occurred while operating a commercial
30 vehicle in connection with the driver's regular
31 occupation. All other driving privileges shall be
32 suspended by the Secretary of State. Any driver prior to
33 operating a vehicle for occupational purposes only must
34 submit the affidavit on forms to be provided by the

1 Secretary of State setting forth the facts of the
2 person's occupation. The affidavit shall also state the
3 number of offenses committed while operating a vehicle in
4 connection with the driver's regular occupation. The
5 affidavit shall be accompanied by the driver's license.
6 Upon receipt of a properly completed affidavit, the
7 Secretary of State shall issue the driver a permit to
8 operate a vehicle in connection with the driver's regular
9 occupation only. Unless the permit is issued by the
10 Secretary of State prior to the date of suspension, the
11 privilege to drive any motor vehicle shall be suspended
12 as set forth in the notice that was mailed under this
13 Section. If an affidavit is received subsequent to the
14 effective date of this suspension, a permit may be issued
15 for the remainder of the suspension period.

16 The provisions of this subparagraph shall not apply
17 to any driver required to obtain a commercial driver's
18 license under Section 6-507 during the period of a
19 disqualification of commercial driving privileges under
20 Section 6-514.

21 Any person who falsely states any fact in the
22 affidavit required herein shall be guilty of perjury
23 under Section 6-302 and upon conviction thereof shall
24 have all driving privileges revoked without further
25 rights.

26 3. At the conclusion of a hearing under Section
27 2-118 of this Code, the Secretary of State shall either
28 rescind or continue an order of revocation or shall
29 substitute an order of suspension; or, good cause
30 appearing therefor, rescind, continue, change, or extend
31 the order of suspension. If the Secretary of State does
32 not rescind the order, the Secretary may upon
33 application, to relieve undue hardship, issue a
34 restricted driving permit granting the privilege of

1 driving a motor vehicle between the petitioner's
2 residence and petitioner's place of employment or within
3 the scope of his employment related duties, or to allow
4 transportation for the petitioner, or a household member
5 of the petitioner's family, to receive necessary medical
6 care and if the professional evaluation indicates,
7 provide transportation for alcohol remedial or
8 rehabilitative activity, or for the petitioner to attend
9 classes, as a student, in an accredited educational
10 institution; if the petitioner is able to demonstrate
11 that no alternative means of transportation is reasonably
12 available and the petitioner will not endanger the public
13 safety or welfare.

14 If a person's license or permit has been revoked or
15 suspended due to 2 or more convictions of violating
16 Section 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense,
18 arising out of separate occurrences, that person, if
19 issued a restricted driving permit, may not operate a
20 vehicle unless it has been equipped with an ignition
21 interlock device as defined in Section 1-129.1.

22 If a person's license or permit has been revoked or
23 suspended 2 or more times within a 10 year period due to
24 a single conviction of violating Section 11-501 of this
25 Code or a similar provision of a local ordinance or a
26 similar out-of-state offense, and a statutory summary
27 suspension under Section 11-501.1, or 2 or more statutory
28 summary suspensions, or combination of 2 offenses, or of
29 an offense and a statutory summary suspension, arising
30 out of separate occurrences, that person, if issued a
31 restricted driving permit, may not operate a vehicle
32 unless it has been equipped with an ignition interlock
33 device as defined in Section 1-129.1. The person must
34 pay to the Secretary of State DUI Administration Fund an

1 amount not to exceed \$20 per month. The Secretary shall
2 establish by rule the amount and the procedures, terms,
3 and conditions relating to these fees. If the restricted
4 driving permit was issued for employment purposes, then
5 this provision does not apply to the operation of an
6 occupational vehicle owned or leased by that person's
7 employer. In each case the Secretary may issue a
8 restricted driving permit for a period deemed
9 appropriate, except that all permits shall expire within
10 one year from the date of issuance. The Secretary may
11 not, however, issue a restricted driving permit to any
12 person whose current revocation is the result of a second
13 or subsequent conviction for a violation of Section
14 11-501 of this Code or a similar provision of a local
15 ordinance relating to the offense of operating or being
16 in physical control of a motor vehicle while under the
17 influence of alcohol, other drug or drugs, intoxicating
18 compound or compounds, or any similar out-of-state
19 offense, or any combination of those offenses, until the
20 expiration of at least one year from the date of the
21 revocation. A restricted driving permit issued under
22 this Section shall be subject to cancellation,
23 revocation, and suspension by the Secretary of State in
24 like manner and for like cause as a driver's license
25 issued under this Code may be cancelled, revoked, or
26 suspended; except that a conviction upon one or more
27 offenses against laws or ordinances regulating the
28 movement of traffic shall be deemed sufficient cause for
29 the revocation, suspension, or cancellation of a
30 restricted driving permit. The Secretary of State may,
31 as a condition to the issuance of a restricted driving
32 permit, require the applicant to participate in a
33 designated driver remedial or rehabilitative program.
34 The Secretary of State is authorized to cancel a

1 restricted driving permit if the permit holder does not
2 successfully complete the program.

3 (c-5) The Secretary of State may, as a condition of the
4 reissuance of a driver's license or permit to an applicant
5 whose driver's license or permit has been suspended before he
6 or she reached the age of 18 years pursuant to any of the
7 provisions of this Section, require the applicant to
8 participate in a driver remedial education course and be
9 retested under Section 6-109 of this Code.

10 (d) This Section is subject to the provisions of the
11 Drivers License Compact.

12 (e) The Secretary of State shall not issue a restricted
13 driving permit to a person under the age of 16 years whose
14 driving privileges have been suspended or revoked under any
15 provisions of this Code.

16 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
17 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
18 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

19 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

20 Sec. 11-1201. Obedience to signal indicating approach of
21 train.

22 (a) Whenever any person driving a vehicle approaches a
23 railroad grade crossing where the driver is not always
24 required to stop, the person must exercise due care and
25 caution as the existence of a railroad track across a highway
26 is a warning of danger, and under any of the circumstances
27 stated in this Section, the driver shall stop within 50 feet
28 but not less than 15 feet from the nearest rail of the
29 railroad and shall not proceed until the tracks are clear and
30 he or she can do so safely. The foregoing requirements shall
31 apply when:

32 1. A clearly visible electric or mechanical signal
33 device gives warning of the immediate approach of a

1 railroad train;

2 2. A crossing gate is lowered or a human flagman
3 gives or continues to give a signal of the approach or
4 passage of a railroad train;

5 3. A railroad train approaching a highway crossing
6 emits a warning signal and such railroad train, by reason
7 of its speed or nearness to such crossing, is an
8 immediate hazard;

9 4. An approaching railroad train is plainly visible
10 and is in hazardous proximity to such crossing;

11 5. A railroad train is approaching so closely that
12 an immediate hazard is created.

13 (a-5) Whenever a person driving a vehicle approaches a
14 railroad grade crossing where the driver is not always
15 required to stop but must slow down, the person must exercise
16 due care and caution as the existence of a railroad track
17 across a highway is a warning of danger, and under any of the
18 circumstances stated in this Section, the driver shall slow
19 down within 50 feet but not less than 15 feet from the
20 nearest rail of the railroad and shall not proceed until he
21 or she checks that the tracks are clear of an approaching
22 train.

23 (b) No person shall drive any vehicle through, around or
24 under any crossing gate or barrier at a railroad crossing
25 while such gate or barrier is closed or is being opened or
26 closed.

27 (c) The Department, and local authorities with the
28 approval of the Department, are hereby authorized to
29 designate particularly dangerous highway grade crossings of
30 railroads and to erect stop signs thereat. When such stop
31 signs are erected the driver of any vehicle shall stop within
32 50 feet but not less than 15 feet from the nearest rail of
33 such railroad and shall proceed only upon exercising due
34 care.

1 (d) At any railroad grade crossing provided with
2 railroad crossbuck signs, without automatic, electric, or
3 mechanical signal devices, crossing gates, or a human flagman
4 giving a signal of the approach or passage of a train, the
5 driver of a vehicle shall in obedience to the railroad
6 crossbuck sign, yield the right-of-way and slow down to a
7 speed reasonable for the existing conditions and shall stop,
8 if required for safety, at a clearly marked stopped line, or
9 if no stop line, within 50 feet but not less than 15 feet
10 from the nearest rail of the railroad and shall not proceed
11 until he or she can do so safely. If a driver is involved in
12 a collision at a railroad crossing or interferes with the
13 movement of a train after driving past the railroad crossbuck
14 sign, the collision or interference is prima facie evidence
15 of the driver's failure to yield right-of-way.

16 (d-1) No person shall, while driving a commercial motor
17 vehicle, fail to negotiate a railroad-highway grade railroad
18 crossing because of insufficient undercarriage clearance.

19 (d-5) (Blank).

20 (e) It is unlawful to violate ~~any part of~~ this Section.
21 Except as provided in subsection (e-5):

22 (1) A violation of this Section is a petty offense
23 for which a fine of \$250 shall be imposed for a first
24 violation, and a fine of \$500 shall be imposed for a
25 second or subsequent violation. The court may impose 25
26 hours of community service in place of the \$250 fine for
27 the first violation.

28 (2) For a second or subsequent violation, the
29 Secretary of State may suspend the driving privileges of
30 the offender for a minimum of 6 months.

31 (e-5) Any person who violates subsection (b) of this
32 Section shall be fined \$500 and his or her driving privileges
33 shall be suspended for 3 months. A second violation shall
34 result in a \$1,000 fine and a 6 month suspension. A third or

1 subsequent violation shall result in a \$1,000 fine and a one
 2 year suspension. Of the moneys collected from fines imposed
 3 under this subsection, 75% shall be deposited in the Grade
 4 Crossing Protection Fund and shall be used for signs at grade
 5 crossings to inform motorists of the penalties for going
 6 around crossing gates, and the remainder shall be paid and
 7 used in accordance with the terms of Section 16-105 of this
 8 Act.

9 (f) Corporate authorities of municipal corporations
 10 regulating operators of vehicles that fail to obey signals
 11 indicating the presence, approach, passage, or departure of a
 12 train shall impose fines as established in subsection (e) of
 13 this Section.

14 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02;
 15 92-651, eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff.
 16 8-22-02; revised 8-26-02.)

17 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)
 18 Sec. 16-105. Disposition of fines and forfeitures.

19 (a) Except as provided in subsection (e-5) of Section
 20 11-1201 of this Act and in Section 16-104a of this Act and
 21 except for those amounts required to be paid into the Traffic
 22 and Criminal Conviction Surcharge Fund in the State Treasury
 23 pursuant to Section 9.1 of the Illinois Police Training Act
 24 and Section 5-9-1 of the Unified Code of Corrections and
 25 except those amounts subject to disbursement by the circuit
 26 clerk under Section 27.5 of the Clerks of Courts Act, fines
 27 and penalties recovered under the provisions of Chapters 11
 28 through 16 inclusive of this Code shall be paid and used as
 29 follows:

- 30 1. For offenses committed upon a highway within the
- 31 limits of a city, village, or incorporated town or under
- 32 the jurisdiction of any park district, to the treasurer
- 33 of the particular city, village, incorporated town or

1 park district, if the violator was arrested by the
2 authorities of the city, village, incorporated town or
3 park district, provided the police officers and officials
4 of cities, villages, incorporated towns and park
5 districts shall seasonably prosecute for all fines and
6 penalties under this Code. If the violation is prosecuted
7 by the authorities of the county, any fines or penalties
8 recovered shall be paid to the county treasurer. Provided
9 further that if the violator was arrested by the State
10 Police, fines and penalties recovered under the
11 provisions of paragraph (a) of Section 15-113 of this
12 Code or paragraph (e) of Section 15-316 of this Code
13 shall be paid over to the Department of State Police
14 which shall thereupon remit the amount of the fines and
15 penalties so received to the State Treasurer who shall
16 deposit the amount so remitted in the special fund in the
17 State treasury known as the Road Fund except that if the
18 violation is prosecuted by the State's Attorney, 10% of
19 the fine or penalty recovered shall be paid to the
20 State's Attorney as a fee of his office and the balance
21 shall be paid over to the Department of State Police for
22 remittance to and deposit by the State Treasurer as
23 hereinabove provided.

24 2. Except as provided in paragraph 4, for offenses
25 committed upon any highway outside the limits of a city,
26 village, incorporated town or park district, to the
27 county treasurer of the county where the offense was
28 committed except if such offense was committed on a
29 highway maintained by or under the supervision of a
30 township, township district, or a road district to the
31 Treasurer thereof for deposit in the road and bridge fund
32 of such township or other district; Provided, that fines
33 and penalties recovered under the provisions of paragraph
34 (a) of Section 15-113, paragraph (d) of Section 3-401, or

1 paragraph (e) of Section 15-316 of this Code shall be
2 paid over to the Department of State Police which shall
3 thereupon remit the amount of the fines and penalties so
4 received to the State Treasurer who shall deposit the
5 amount so remitted in the special fund in the State
6 treasury known as the Road Fund except that if the
7 violation is prosecuted by the State's Attorney, 10% of
8 the fine or penalty recovered shall be paid to the
9 State's Attorney as a fee of his office and the balance
10 shall be paid over to the Department of State Police for
11 remittance to and deposit by the State Treasurer as
12 hereinabove provided.

13 3. Notwithstanding subsections 1 and 2 of this
14 paragraph, for violations of overweight and overload
15 limits found in Sections 15-101 through 15-203 of this
16 Code, which are committed upon the highways belonging to
17 the Illinois State Toll Highway Authority, fines and
18 penalties shall be paid over to the Illinois State Toll
19 Highway Authority for deposit with the State Treasurer
20 into that special fund known as the Illinois State Toll
21 Highway Authority Fund, except that if the violation is
22 prosecuted by the State's Attorney, 10% of the fine or
23 penalty recovered shall be paid to the State's Attorney
24 as a fee of his office and the balance shall be paid over
25 to the Illinois State Toll Highway Authority for
26 remittance to and deposit by the State Treasurer as
27 hereinabove provided.

28 4. With regard to violations of overweight and
29 overload limits found in Sections 15-101 through 15-203
30 of this Code committed by operators of vehicles
31 registered as Special Hauling Vehicles, for offenses
32 committed upon a highway within the limits of a city,
33 village, or incorporated town or under the jurisdiction
34 of any park district, all fines and penalties shall be

1 paid over or retained as required in paragraph 1.
2 However, with regard to the above offenses committed by
3 operators of vehicles registered as Special Hauling
4 Vehicles upon any highway outside the limits of a city,
5 village, incorporated town or park district, fines and
6 penalties shall be paid over or retained by the entity
7 having jurisdiction over the road or highway upon which
8 the offense occurred, except that if the violation is
9 prosecuted by the State's Attorney, 10% of the fine or
10 penalty recovered shall be paid to the State's Attorney
11 as a fee of his office.

12 (b) Failure, refusal or neglect on the part of any
13 judicial or other officer or employee receiving or having
14 custody of any such fine or forfeiture either before or after
15 a deposit with the proper official as defined in paragraph
16 (a) of this Section, shall constitute misconduct in office
17 and shall be grounds for removal therefrom.

18 (Source: P.A. 88-403; 88-476; 88-535; 89-117, eff. 7-7-95.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.