



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1230

Introduced 02/08/11, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-601
625 ILCS 5/7-602

from Ch. 95 1/2, par. 6-601
from Ch. 95 1/2, par. 7-602

Amends the Illinois Vehicle Code. Provides that no unit of government, including a home rule unit of government, may tow a vehicle solely for the failure or refusal of a driver of a vehicle to display a valid insurance card or driver's license upon request. Limits home rule powers.

LRB097 06061 HEP 46134 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-601 and 7-602 as follows:

6 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)
7 Sec. 6-601. Penalties.

8 (a) It is a petty offense for any person to violate any of
9 the provisions of this Chapter unless such violation is by this
10 Code or other law of this State declared to be a misdemeanor or
11 a felony.

12 (b) General penalties. Unless another penalty is in this
13 Code or other laws of this State, every person convicted of a
14 petty offense for the violation of any provision of this
15 Chapter shall be punished by a fine of not more than \$500.

16 (c) Unlicensed driving. Except as hereinafter provided a
17 violation of Section 6-101 shall be:

18 1. A Class A misdemeanor if the person failed to obtain
19 a driver's license or permit after expiration of a period
20 of revocation.

21 2. A Class B misdemeanor if the person has been issued
22 a driver's license or permit, which has expired, and if the
23 period of expiration is greater than one year; or if the

1 person has never been issued a driver's license or permit,
2 or is not qualified to obtain a driver's license or permit
3 because of his age.

4 If a licensee under this Code is convicted of violating
5 Section 6-303 for operating a motor vehicle during a time when
6 such licensee's driver's license was suspended under the
7 provisions of Section 6-306.3, then such act shall be a petty
8 offense (provided the licensee has answered the charge which
9 was the basis of the suspension under Section 6-306.3), and
10 there shall be imposed no additional like period of suspension
11 as provided in paragraph (b) of Section 6-303.

12 (d) No unit of government, including a home rule unit of
13 government, may authorize the towing of a vehicle solely for
14 failure or refusal to display a driver's license upon request
15 of a law enforcement officer. This subsection is a denial and
16 limitation of home rule powers and functions under subsection
17 (h) of Section 6 of Article VII of the Illinois Constitution.

18 (Source: P.A. 96-607, eff. 8-24-09.)

19 (625 ILCS 5/7-602) (from Ch. 95 1/2, par. 7-602)

20 Sec. 7-602. Insurance card. Every operator of a motor
21 vehicle subject to Section 7-601 of this Code shall carry
22 within the vehicle evidence of insurance. The evidence shall be
23 legible and sufficient to demonstrate that the motor vehicle
24 currently is covered by a liability insurance policy as
25 required under Section 7-601 of this Code and may include, but

1 is not limited to, the following:

2 (a) an insurance card provided by the insurer under
3 this Section;

4 (b) the combination of proof of purchase of the motor
5 vehicle within the previous 60 days and a current insurance
6 card issued for the motor vehicle replaced by such
7 purchase;

8 (c) the current declarations page of a liability
9 insurance policy;

10 (d) a liability insurance binder, certificate of
11 liability insurance or receipt for payment to an insurer or
12 its authorized representative for a liability insurance
13 premium, provided such document contains all information
14 the Secretary of State by rule and regulation may require;

15 (e) a current rental agreement;

16 (f) registration plates, registration sticker or other
17 evidence of registration issued by the Secretary only upon
18 submission of proof of liability insurance pursuant to this
19 Code;

20 (g) a certificate, decal, or other document or device
21 issued by a governmental agency for a motor vehicle
22 indicating the vehicle is insured for liability pursuant to
23 law.

24 An insurance card shall be provided for each motor vehicle
25 insured by the insurer issuing the liability insurance policy.

26 The form, contents and manner of issuance of the insurance

1 card shall be prescribed by rules and regulations of the
2 Secretary of State. The Secretary shall adopt rules requiring
3 that reasonable measures be taken to prevent the fraudulent
4 production of insurance cards. The insurance card shall display
5 an effective date and an expiration date covering a period of
6 time not to exceed 12 months. The insurance card shall contain
7 the following disclaimer: "Examine policy exclusions
8 carefully. This form does not constitute any part of your
9 insurance policy." If the insurance policy represented by the
10 insurance card does not cover any driver operating the motor
11 vehicle with the owner's permission, or the owner when
12 operating a motor vehicle other than the vehicle for which the
13 policy is issued, the insurance card shall contain a warning of
14 such limitations in the coverage provided by the policy.

15 No insurer shall issue a card, similar in appearance, form
16 and content to the insurance card required under this Section,
17 in connection with an insurance policy that does not provide
18 the liability insurance coverage required under Section 7-601
19 of this Code.

20 The evidence of insurance shall be displayed upon request
21 made by any law enforcement officer wearing a uniform or
22 displaying a badge or other sign of authority. Any person who
23 fails or refuses to comply with such request is in violation of
24 Section 3-707 of this Code. Any person who displays evidence of
25 insurance, knowing there is no valid liability insurance in
26 effect on the motor vehicle as required under Section 7-601 of

1 this Code or knowing the evidence of insurance is illegally
2 altered, counterfeit or otherwise invalid, is in violation of
3 Section 3-710 of this Code.

4 "Display" means the manual surrender of the evidence of
5 insurance into the hands of the law enforcement officer, court,
6 or officer of the court making the request for the officer's,
7 court's, or officer of the court's inspection thereof.

8 No unit of government, including a home rule unit of
9 government, may authorize the towing of a vehicle solely for
10 failure to display evidence of insurance upon request. This is
11 a denial and limitation of home rule powers and functions under
12 subsection (h) of Section 6 of Article VII of the Illinois
13 Constitution.

14 (Source: P.A. 93-719, eff. 1-1-05.)