



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2611

by Rep. John C. D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204

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

Amends the Illinois Vehicle Code. Provides that public officials shall report to the Secretary of State when an individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 and has committed a violation of a provision in the Snowmobile Registration and Safety Act or the Boat Registration and Safety Act relating to the offense of operating a snowmobile or a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. Provides that public officials shall forward a report on any disposition of court supervision for an individual's violation of a provision in the Snowmobile Registration and Safety Act or the Boat Registration and Safety Act relating to the offense of operating a snowmobile or a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. Effective immediately.

LRB100 10112 AXK 20286 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 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, or Section 5-7 of the Snowmobile
3 Registration and Safety Act or Section 5-16 of the Boat
4 Registration and Safety Act, relating to the offense of
5 operating a snowmobile or a watercraft while under the
6 influence of alcohol, other drug or drugs, intoxicating
7 compound or compounds, or combination thereof. These
8 reporting requirements also apply to individuals
9 adjudicated under the Juvenile Court Act of 1987 based on
10 any offense determined to have been committed in
11 furtherance of the criminal activities of an organized
12 gang, as provided in Section 5-710 of that Act, and that
13 involved the operation or use of a motor vehicle or the use
14 of a driver's license or permit. The reporting requirements
15 of this subsection shall also apply to a truant minor in
16 need of supervision, an addicted minor, or a delinquent
17 minor and whose driver's license and privilege to drive a
18 motor vehicle has been ordered suspended for such times as
19 determined by the Court, but only until he or she attains
20 18 years of age. It shall be the duty of the clerk of the
21 court in which adjudication is had within 5 days thereafter
22 to forward to the Secretary of State a report of the
23 adjudication and the court order requiring the Secretary of
24 State to suspend the minor's driver's license and driving
25 privilege for such time as determined by the Court, but
26 only until he or she attains the age of 18 years. All

1 juvenile court dispositions reported to the Secretary of
2 State under this provision shall be processed by the
3 Secretary of State as if the cases had been adjudicated in
4 traffic or criminal court. However, information reported
5 relative to the offense of reckless homicide, or Section
6 11-501 of this Code, or a similar provision of a local
7 ordinance, shall be privileged and available only to the
8 Secretary of State, courts, and police officers.

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

16 (3) Whenever an order is entered vacating the
17 forfeiture of any bail, security or bond given to secure
18 appearance for any offense under this Code or similar
19 offenses under municipal ordinance, it shall be the duty of
20 the clerk of the court in which such vacation was had or
21 the judge of such court if such court has no clerk, within
22 5 days thereafter to forward to the Secretary of State a
23 report of the vacation.

24 (4) A report of any disposition of court supervision
25 for a violation of Sections 6-303, 11-401, 11-501 or a
26 similar provision of a local ordinance, 11-503, 11-504, and

1 11-506 of this Code, Section 5-7 of the Snowmobile
2 Registration and Safety Act, and Section 5-16 of the Boat
3 Registration and Safety Act shall be forwarded to the
4 Secretary of State. A report of any disposition of court
5 supervision for a violation of an offense defined as a
6 serious traffic violation in this Code or a similar
7 provision of a local ordinance committed by a person under
8 the age of 21 years shall be forwarded to the Secretary of
9 State.

10 (5) Reports of conviction under this Code and
11 sentencing hearings under the Juvenile Court Act of 1987 in
12 an electronic format or a computer processible medium shall
13 be forwarded to the Secretary of State via the Supreme
14 Court in the form and format required by the Illinois
15 Supreme Court and established by a written agreement
16 between the Supreme Court and the Secretary of State. In
17 counties with a population over 300,000, instead of
18 forwarding reports to the Supreme Court, reports of
19 conviction under this Code and sentencing hearings under
20 the Juvenile Court Act of 1987 in an electronic format or a
21 computer processible medium may be forwarded to the
22 Secretary of State by the Circuit Court Clerk in a form and
23 format required by the Secretary of State and established
24 by written agreement between the Circuit Court Clerk and
25 the Secretary of State. Failure to forward the reports of
26 conviction or sentencing hearing under the Juvenile Court

1 Act of 1987 as required by this Section shall be deemed an
2 omission of duty and it shall be the duty of the several
3 State's Attorneys to enforce the requirements of this
4 Section.

5 (b) Whenever a restricted driving permit is forwarded to a
6 court, as a result of confiscation by a police officer pursuant
7 to the authority in Section 6-113(f), it shall be the duty of
8 the clerk, or judge, if the court has no clerk, to forward such
9 restricted driving permit and a facsimile of the officer's
10 citation to the Secretary of State as expeditiously as
11 practicable.

12 (c) For the purposes of this Code, a forfeiture of bail or
13 collateral deposited to secure a defendant's appearance in
14 court when forfeiture has not been vacated, or the failure of a
15 defendant to appear for trial after depositing his driver's
16 license in lieu of other bail, shall be equivalent to a
17 conviction.

18 (d) For the purpose of providing the Secretary of State
19 with records necessary to properly monitor and assess driver
20 performance and assist the courts in the proper disposition of
21 repeat traffic law offenders, the clerk of the court shall
22 forward to the Secretary of State, on a form prescribed by the
23 Secretary, records of a driver's participation in a driver
24 remedial or rehabilitative program which was required, through
25 a court order or court supervision, in relation to the driver's
26 arrest for a violation of Section 11-501 of this Code or a

1 similar provision of a local ordinance. The clerk of the court
2 shall also forward to the Secretary, either on paper or in an
3 electronic format or a computer processible medium as required
4 under paragraph (5) of subsection (a) of this Section, any
5 disposition of court supervision for any traffic violation,
6 excluding those offenses listed in paragraph (2) of subsection
7 (a) of this Section. These reports shall be sent within 5 days
8 after disposition, or, if the driver is referred to a driver
9 remedial or rehabilitative program, within 5 days of the
10 driver's referral to that program. These reports received by
11 the Secretary of State, including those required to be
12 forwarded under paragraph (a)(4), shall be privileged
13 information, available only (i) to the affected driver, (ii) to
14 the parent or guardian of a person under the age of 18 years
15 holding an instruction permit or a graduated driver's license,
16 and (iii) for use by the courts, police officers, prosecuting
17 authorities, the Secretary of State, and the driver licensing
18 administrator of any other state. In accordance with 49 C.F.R.
19 Part 384, all reports of court supervision, except violations
20 related to parking, shall be forwarded to the Secretary of
21 State for all holders of a CLP or CDL or any driver who commits
22 an offense while driving a commercial motor vehicle. These
23 reports shall be recorded to the driver's record as a
24 conviction for use in the disqualification of the driver's
25 commercial motor vehicle privileges and shall not be privileged
26 information.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.