

HB3874



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3874

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-707
625 ILCS 5/7-601

from Ch. 95 1/2, par. 3-707
from Ch. 95 1/2, par. 7-601

Amends the Illinois Vehicle Code. Reinforces that no person shall operate, register, or maintain registration of a motor vehicle in this State unless the motor vehicle is covered by a liability insurance policy.

LRB100 11057 AXK 21296 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 Sections 3-707 and 7-601 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle in this State
9 unless the motor vehicle is covered by a liability insurance
10 policy in accordance with Section 7-601 of this Code.

11 (a-5) A person commits the offense of operation of
12 uninsured motor vehicle causing bodily harm when the person:

13 (1) operates a motor vehicle in violation of Section
14 7-601 of this Code; and

15 (2) causes, as a proximate result of the person's
16 operation of the motor vehicle, bodily harm to another
17 person.

18 (a-6) Uninsured operation of a motor vehicle under
19 subsection (a-5) is a Class A misdemeanor. If a person
20 convicted of the offense of operation of a motor vehicle under
21 subsection (a-5) has previously been convicted of 2 or more
22 violations of subsection (a-5) of this Section or of Section
23 7-601 of this Code, a fine of \$2,500, in addition to any

1 sentence of incarceration, must be imposed.

2 (b) Any person who fails to comply with a request by a law
3 enforcement officer for display of evidence of insurance, as
4 required under Section 7-602 of this Code, shall be deemed to
5 be operating an uninsured motor vehicle.

6 (c) Except as provided in subsections (a-6) and (c-5), any
7 operator of a motor vehicle subject to registration under this
8 Code who is convicted of violating this Section is guilty of a
9 petty offense and shall be required to pay a fine in excess of
10 \$500, but not more than \$1,000, except a person convicted of a
11 third or subsequent violation of this Section shall be guilty
12 of a business offense and shall be required to pay a fine of
13 \$1,000. However, no person charged with violating this Section
14 shall be convicted if such person produces in court
15 satisfactory evidence that at the time of the arrest the motor
16 vehicle was covered by a liability insurance policy in
17 accordance with Section 7-601 of this Code. The chief judge of
18 each circuit may designate an officer of the court to review
19 the documentation demonstrating that at the time of arrest the
20 motor vehicle was covered by a liability insurance policy in
21 accordance with Section 7-601 of this Code.

22 (c-1) A person convicted of violating this Section shall
23 also have his or her driver's license, permit, or privileges
24 suspended for 3 months. After the expiration of the 3 months,
25 the person's driver's license, permit, or privileges shall not
26 be reinstated until he or she has paid a reinstatement fee of

1 \$100. If a person violates this Section while his or her
2 driver's license, permit, or privileges are suspended under
3 this subsection (c-1), his or her driver's license, permit, or
4 privileges shall be suspended for an additional 6 months and
5 until he or she pays the reinstatement fee.

6 (c-5) A person who (i) has not previously been convicted of
7 or received a disposition of court supervision for violating
8 this Section and (ii) produces at his or her court appearance
9 satisfactory evidence that the motor vehicle is covered, as of
10 the date of the court appearance, by a liability insurance
11 policy in accordance with Section 7-601 of this Code shall, for
12 a violation of this Section, other than a violation of
13 subsection (a-5), pay a fine of \$100 and receive a disposition
14 of court supervision. The person must, on the date that the
15 period of court supervision is scheduled to terminate, produce
16 satisfactory evidence that the vehicle was covered by the
17 required liability insurance policy during the entire period of
18 court supervision.

19 An officer of the court designated under subsection (c) may
20 also review liability insurance documentation under this
21 subsection (c-5) to determine if the motor vehicle is, as of
22 the date of the court appearance, covered by a liability
23 insurance policy in accordance with Section 7-601 of this Code.
24 The officer of the court shall also determine, on the date the
25 period of court supervision is scheduled to terminate, whether
26 the vehicle was covered by the required policy during the

1 entire period of court supervision.

2 (d) A person convicted a third or subsequent time of
3 violating this Section or a similar provision of a local
4 ordinance must give proof to the Secretary of State of the
5 person's financial responsibility as defined in Section 7-315.
6 The person must maintain the proof in a manner satisfactory to
7 the Secretary for a minimum period of 3 years after the date
8 the proof is first filed. The Secretary must suspend the
9 driver's license of any person determined by the Secretary not
10 to have provided adequate proof of financial responsibility as
11 required by this subsection.

12 (Source: P.A. 99-613, eff. 1-1-17.)

13 (625 ILCS 5/7-601) (from Ch. 95 1/2, par. 7-601)

14 Sec. 7-601. Required liability insurance policy.

15 (a) No person shall operate, register or maintain
16 registration of, and no owner shall permit another person to
17 operate, register or maintain registration of, a motor vehicle
18 designed to be used on a public highway in this State unless
19 the motor vehicle is covered by a liability insurance policy.

20 The insurance policy shall be issued in amounts no less
21 than the minimum amounts set for bodily injury or death and for
22 destruction of property under Section 7-203 of this Code, and
23 shall be issued in accordance with the requirements of Sections
24 143a and 143a-2 of the Illinois Insurance Code, as amended. No
25 insurer other than an insurer authorized to do business in this

1 State shall issue a policy pursuant to this Section for any
2 vehicle subject to registration under this Code. Nothing herein
3 shall deprive an insurer of any policy defense available at
4 common law.

5 (b) The following vehicles are exempt from the requirements
6 of this Section:

7 (1) vehicles subject to the provisions of Chapters 8 or
8 18a, Article III or Section 7-609 of Chapter 7, or Sections
9 12-606 or 12-707.01 of Chapter 12 of this Code;

10 (2) vehicles required to file proof of liability
11 insurance with the Illinois Commerce Commission;

12 (3) vehicles covered by a certificate of
13 self-insurance under Section 7-502 of this Code;

14 (4) vehicles owned by the United States, the State of
15 Illinois, or any political subdivision, municipality or
16 local mass transit district;

17 (5) implements of husbandry;

18 (6) other vehicles complying with laws which require
19 them to be insured in amounts meeting or exceeding the
20 minimum amounts required under this Section; and

21 (7) inoperable or stored vehicles that are not
22 operated, as defined by rules and regulations of the
23 Secretary.

24 (c) Every employee of a State agency, as that term is
25 defined in the Illinois State Auditing Act, who is assigned a
26 specific vehicle owned or leased by the State on an ongoing

1 basis shall provide the certification described in this Section
2 annually to the director or chief executive officer of his or
3 her agency.

4 The certification shall affirm that the employee is duly
5 licensed to drive the assigned vehicle and that (i) the
6 employee has liability insurance coverage extending to the
7 employee when the assigned vehicle is used for other than
8 official State business, or (ii) the employee has filed a bond
9 with the Secretary of State as proof of financial
10 responsibility, in an amount equal to, or in excess of the
11 requirements stated within this Section. Upon request of the
12 agency director or chief executive officer, the employee shall
13 present evidence to support the certification.

14 The certification shall be provided during the period July
15 1 through July 31 of each calendar year, or within 30 days of
16 any new assignment of a vehicle on an ongoing basis, whichever
17 is later.

18 The employee's authorization to use the assigned vehicle
19 shall automatically be rescinded upon:

20 (1) the revocation or suspension of the license
21 required to drive the assigned vehicle;

22 (2) the cancellation or termination for any reason of
23 the automobile liability insurance coverage as required in
24 item (c) (i); or

25 (3) the termination of the bond filed with the
26 Secretary of State.

1 All State employees providing the required certification
2 shall immediately notify the agency director or chief executive
3 officer in the event any of these actions occur.

4 All peace officers employed by a State agency who are
5 primarily responsible for prevention and detection of crime and
6 the enforcement of the criminal, traffic, or highway laws of
7 this State, and prohibited by agency rule or policy to use an
8 assigned vehicle owned or leased by the State for regular
9 personal or off-duty use, are exempt from the requirements of
10 this Section.

11 (Source: P.A. 91-661, eff. 12-22-99.)