



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4476**

by Rep. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-711	from Ch. 95 1/2, par. 3-711
625 ILCS 5/6-308	
625 ILCS 5/6-803	from Ch. 95 1/2, par. 6-803
625 ILCS 5/6-306.4 rep.	

Amends the Illinois Vehicle Code. Provides that any person cited for violating the Code or a similar provision of a local ordinance for which the violation is a petty offense shall not be required to sign the citation. Provides that Illinois Supreme Court Rules shall govern bail and appearance procedures when a person who is a resident of another state that is not a member of the Nonresident Violator Compact of 1977 is cited for violating this Code or a similar provision of a local ordinance. Repeals a provision governing the procedures for citations issued by a police officer in this State to a resident of another state that is a member of the Nonresident Violator Compact of 1977. Makes conforming changes.

LRB100 15889 AXK 31001 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 Sections 3-711, 6-308, and 6-803 as follows:

6 (625 ILCS 5/3-711) (from Ch. 95 1/2, par. 3-711)

7 Sec. 3-711. Whenever a court convicts a person of a  
8 violation of Section 3-707, 3-708 or 3-710 of this Code, or  
9 enters an order placing on supervision the person charged with  
10 the violation, the clerk of the court within 5 days shall  
11 forward a report of the conviction or order of supervision to  
12 the Secretary of State in a form prescribed by the Secretary.  
13 In any case where the person charged with the violation fails  
14 to appear in court, the procedures provided in Section ~~6-306.4~~  
15 ~~or 6-308~~ of this Code, ~~whichever is applicable~~ shall apply.

16 The Secretary shall keep records of such reports. However,  
17 reports of orders of supervision shall not be released to any  
18 outside source, except the affected driver and law enforcement  
19 agencies, and shall be used only to inform the Secretary and  
20 the courts that such driver previously has been assigned court  
21 supervision.

22 (Source: P.A. 98-870, eff. 1-1-15.)

1 (625 ILCS 5/6-308)

2 Sec. 6-308. Procedures for traffic violations.

3 (a) Any person cited for violating this Code or a similar  
4 provision of a local ordinance for which a violation is a petty  
5 offense as defined by Section 5-1-17 of the Unified Code of  
6 Corrections, excluding business offenses as defined by Section  
7 5-1-2 of the Unified Code of Corrections or a violation of  
8 Section 15-111 or subsection (d) of Section 3-401 of this Code,  
9 shall not be required to sign the citation or post bond to  
10 secure bail for his or her release. ~~When required by Illinois  
11 Supreme Court Rule, the person shall sign the citation.~~ All  
12 other provisions of this Code or similar provisions of local  
13 ordinances shall be governed by the bail provisions of the  
14 Illinois Supreme Court Rules when it is not practical or  
15 feasible to take the person before a judge to have bail set or  
16 to avoid undue delay because of the hour or circumstances.

17 (b) Whenever a person fails to appear in court, the court  
18 may continue the case for a minimum of 30 days and the clerk of  
19 the court shall send notice of the continued court date to the  
20 person's last known address. If the person does not appear in  
21 court on or before the continued court date or satisfy the  
22 court that the person's appearance in and surrender to the  
23 court is impossible for no fault of the person, the court shall  
24 enter an order of failure to appear. The clerk of the court  
25 shall notify the Secretary of State, on a report prescribed by  
26 the Secretary, of the court's order. The Secretary, when

1 notified by the clerk of the court that an order of failure to  
2 appear has been entered, shall immediately suspend the person's  
3 driver's license, which shall be designated by the Secretary as  
4 a Failure to Appear suspension. The Secretary shall not remove  
5 the suspension, nor issue any permit or privileges to the  
6 person whose license has been suspended, until notified by the  
7 ordering court that the person has appeared and resolved the  
8 violation. Upon compliance, the clerk of the court shall  
9 present the person with a notice of compliance containing the  
10 seal of the court, and shall notify the Secretary that the  
11 person has appeared and resolved the violation.

12 (c) Illinois Supreme Court Rules shall govern bail and  
13 appearance procedures when a person who is a resident of  
14 another state that is not a member of the Nonresident Violator  
15 Compact of 1977 is cited for violating this Code or a similar  
16 provision of a local ordinance.

17 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15.)

18 (625 ILCS 5/6-803) (from Ch. 95 1/2, par. 6-803)

19 Sec. 6-803. Procedure for Issuing Jurisdiction. (a) When  
20 issuing a citation for a traffic violation, a police officer  
21 shall issue the citation to a motorist who possesses a valid  
22 driver's license issued by a party jurisdiction and shall not,  
23 subject to ~~the exceptions noted in Section 6-306.4 of this Code~~  
24 ~~and~~ paragraph (b) of this Section, require the motorist to post  
25 collateral to secure appearance, if the officer receives the

1 motorist's personal recognizance to comply with the terms of  
2 the citation.

3 (b) Personal recognizance is acceptable only if not  
4 prohibited by law. If mandatory appearance is required, it must  
5 take place according to law, following issuance of the  
6 citation.

7 (c) Upon failure of a motorist to comply with the terms of  
8 a traffic citation, the appropriate official shall report the  
9 failure to comply, in a manner prescribed by the Secretary, to  
10 the licensing authority of the jurisdiction in which the  
11 traffic citation was issued. The report shall be made in  
12 accordance with procedures specified by the Secretary and shall  
13 contain information as specified by the Secretary as minimum  
14 requirements for effective processing by the home  
15 jurisdiction.

16 (d) Upon receipt of the report, the Secretary shall  
17 transmit to the licensing authority in the home jurisdiction of  
18 the motorist the information in a form and content as contained  
19 in the Compact Manual.

20 (e) The Secretary may not, ~~except as provided under Section~~  
21 ~~6-306.4 of this Code,~~ suspend the privileges of a motorist for  
22 whom a report has been transmitted, under the terms of this  
23 Compact, to another member jurisdiction.

24 (f) The Secretary shall not transmit a report on any  
25 violation if the date of transmission is more than 6 months  
26 after the date on which the traffic citation was issued.

1           (g) The Secretary shall not transmit a report on any  
2 violation where the date of issuance of the citation predates  
3 the most recent of the effective dates of entry for the two  
4 jurisdictions affected.

5           (Source: P.A. 84-1231.)

6           (625 ILCS 5/6-306.4 rep.)

7           Section 10. The Illinois Vehicle Code is amended by  
8 repealing Section 6-306.4.