



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0198

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204 from Ch. 95 1/2, par. 6-204
625 ILCS 5/16-104e
625 ILCS 5/16-109 new

Amends the Illinois Vehicle Code. Creates a traffic ticket fine waiver program available to a defendant who is in default or is unable to pay required fines, fees, costs, or court assessments, or who has a suspended driver's license, resulting from a minor traffic offense under the Code or a similar provision of a local ordinance. Provides that upon submission of the application to enter into the program, the court shall grant the defendant (1) the ability to convert the amount due into court-approved public community service or (2) a partial obligation waiver. Provides that the program shall apply only to a defendant convicted of a minor traffic offense committed no earlier than 2 years before the effective date. Defines "minor traffic offense". Makes conforming changes.

LRB101 04695 TAE 49704 b

FISCAL 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 1. Legislative intent. It is the intent of this Act
5 to provide economic relief to persons who need assistance in
6 paying off debts incurred due to minor traffic offense tickets.
7 The General Assembly recognizes that possessing a driver's
8 license in this State is a privilege; however, it also
9 recognizes that persons should not be deprived of the
10 opportunity to provide for themselves or their families because
11 of a suspended driver's license or increased debt from failure
12 to pay fines and costs on traffic violation tickets.

13 Section 5. The Illinois Vehicle Code is amended by changing
14 Sections 6-204 and 16-104e and by adding Section 16-109 as
15 follows:

16 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

17 Sec. 6-204. When court to forward license and reports.

18 (a) For the purpose of providing to the Secretary of State
19 the records essential to the performance of the Secretary's
20 duties under this Code to cancel, revoke or suspend the
21 driver's license and privilege to drive motor vehicles of
22 certain minors adjudicated truant minors in need of

1 supervision, addicted, or delinquent and of persons found
2 guilty of the criminal offenses or traffic violations which
3 this Code recognizes as evidence relating to unfitness to
4 safely operate motor vehicles, the following duties are imposed
5 upon public officials:

6 (1) Whenever any person is convicted of any offense for
7 which this Code makes mandatory the cancellation or
8 revocation of the driver's license or permit of such person
9 by the Secretary of State, the judge of the court in which
10 such conviction is had shall require the surrender to the
11 clerk of the court of all driver's licenses or permits then
12 held by the person so convicted, and the clerk of the court
13 shall, within 5 days thereafter, forward the same, together
14 with a report of such conviction, to the Secretary.

15 (2) Whenever any person is convicted of any offense
16 under this Code or similar offenses under a municipal
17 ordinance, other than regulations governing standing,
18 parking or weights of vehicles, and excepting the following
19 enumerated Sections of this Code: Sections 11-1406
20 (obstruction to driver's view or control), 11-1407
21 (improper opening of door into traffic), 11-1410 (coasting
22 on downgrade), 11-1411 (following fire apparatus),
23 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
24 vehicle which is in unsafe condition or improperly
25 equipped), 12-201(a) (daytime lights on motorcycles),
26 12-202 (clearance, identification and side marker lamps),

1 12-204 (lamp or flag on projecting load), 12-205 (failure
2 to display the safety lights required), 12-401
3 (restrictions as to tire equipment), 12-502 (mirrors),
4 12-503 (windshields must be unobstructed and equipped with
5 wipers), 12-601 (horns and warning devices), 12-602
6 (mufflers, prevention of noise or smoke), 12-603 (seat
7 safety belts), 12-702 (certain vehicles to carry flares or
8 other warning devices), 12-703 (vehicles for oiling roads
9 operated on highways), 12-710 (splash guards and
10 replacements), 13-101 (safety tests), 15-101 (size, weight
11 and load), 15-102 (width), 15-103 (height), 15-104 (name
12 and address on second division vehicles), 15-107 (length of
13 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
14 15-112 (weights), 15-301 (weights), 15-316 (weights),
15 15-318 (weights), and also excepting the following
16 enumerated Sections of the Chicago Municipal Code:
17 Sections 27-245 (following fire apparatus), 27-254
18 (obstruction of traffic), 27-258 (driving vehicle which is
19 in unsafe condition), 27-259 (coasting on downgrade),
20 27-264 (use of horns and signal devices), 27-265
21 (obstruction to driver's view or driver mechanism), 27-267
22 (dimming of headlights), 27-268 (unattended motor
23 vehicle), 27-272 (illegal funeral procession), 27-273
24 (funeral procession on boulevard), 27-275 (driving freight
25 hauling vehicles on boulevard), 27-276 (stopping and
26 standing of buses or taxicabs), 27-277 (cruising of public

1 passenger vehicles), 27-305 (parallel parking), 27-306
2 (diagonal parking), 27-307 (parking not to obstruct
3 traffic), 27-308 (stopping, standing or parking
4 regulated), 27-311 (parking regulations), 27-312 (parking
5 regulations), 27-313 (parking regulations), 27-314
6 (parking regulations), 27-315 (parking regulations),
7 27-316 (parking regulations), 27-317 (parking
8 regulations), 27-318 (parking regulations), 27-319
9 (parking regulations), 27-320 (parking regulations),
10 27-321 (parking regulations), 27-322 (parking
11 regulations), 27-324 (loading and unloading at an angle),
12 27-333 (wheel and axle loads), 27-334 (load restrictions in
13 the downtown district), 27-335 (load restrictions in
14 residential areas), 27-338 (width of vehicles), 27-339
15 (height of vehicles), 27-340 (length of vehicles), 27-352
16 (reflectors on trailers), 27-353 (mufflers), 27-354
17 (display of plates), 27-355 (display of city vehicle tax
18 sticker), 27-357 (identification of vehicles), 27-358
19 (projecting of loads), and also excepting the following
20 enumerated paragraphs of Section 2-201 of the Rules and
21 Regulations of the Illinois State Toll Highway Authority:
22 (l) (driving unsafe vehicle on tollway), (m) (vehicles
23 transporting dangerous cargo not properly indicated), it
24 shall be the duty of the clerk of the court in which such
25 conviction is had within 5 days thereafter to forward to
26 the Secretary of State a report of the conviction and the

1 court may recommend the suspension of the driver's license
2 or permit of the person so convicted.

3 The reporting requirements of this subsection shall
4 apply to all violations stated in paragraphs (1) and (2) of
5 this subsection when the individual has been adjudicated
6 under the Juvenile Court Act or the Juvenile Court Act of
7 1987. Such reporting requirements shall also apply to
8 individuals adjudicated under the Juvenile Court Act or the
9 Juvenile Court Act of 1987 who have committed a violation
10 of Section 11-501 of this Code, or similar provision of a
11 local ordinance, or Section 9-3 of the Criminal Code of
12 1961 or the Criminal Code of 2012, relating to the offense
13 of reckless homicide, or Section 5-7 of the Snowmobile
14 Registration and Safety Act or Section 5-16 of the Boat
15 Registration and Safety Act, relating to the offense of
16 operating a snowmobile or a watercraft while under the
17 influence of alcohol, other drug or drugs, intoxicating
18 compound or compounds, or combination thereof. These
19 reporting requirements also apply to individuals
20 adjudicated under the Juvenile Court Act of 1987 based on
21 any offense determined to have been committed in
22 furtherance of the criminal activities of an organized
23 gang, as provided in Section 5-710 of that Act, and that
24 involved the operation or use of a motor vehicle or the use
25 of a driver's license or permit. The reporting requirements
26 of this subsection shall also apply to a truant minor in

1 need of supervision, an addicted minor, or a delinquent
2 minor and whose driver's license and privilege to drive a
3 motor vehicle has been ordered suspended for such times as
4 determined by the court, but only until he or she attains
5 18 years of age. It shall be the duty of the clerk of the
6 court in which adjudication is had within 5 days thereafter
7 to forward to the Secretary of State a report of the
8 adjudication and the court order requiring the Secretary of
9 State to suspend the minor's driver's license and driving
10 privilege for such time as determined by the court, but
11 only until he or she attains the age of 18 years. All
12 juvenile court dispositions reported to the Secretary of
13 State under this provision shall be processed by the
14 Secretary of State as if the cases had been adjudicated in
15 traffic or criminal court. However, information reported
16 relative to the offense of reckless homicide, or Section
17 11-501 of this Code, or a similar provision of a local
18 ordinance, shall be privileged and available only to the
19 Secretary of State, courts, and police officers.

20 The reporting requirements of this subsection (a)
21 apply to all violations listed in paragraphs (1) and (2) of
22 this subsection (a), excluding parking violations, when
23 the driver holds a CLP or CDL, regardless of the type of
24 vehicle in which the violation occurred, or when any driver
25 committed the violation in a commercial motor vehicle as
26 defined in Section 6-500 of this Code.

1 (3) Whenever an order is entered vacating the
2 forfeiture of any bail, security or bond given to secure
3 appearance for any offense under this Code or similar
4 offenses under municipal ordinance, it shall be the duty of
5 the clerk of the court in which such vacation was had or
6 the judge of such court if such court has no clerk, within
7 5 days thereafter to forward to the Secretary of State a
8 report of the vacation.

9 (4) A report of any disposition of court supervision
10 for a violation of Sections 6-303, 11-401, 11-501 or a
11 similar provision of a local ordinance, 11-503, 11-504, and
12 11-506 of this Code, Section 5-7 of the Snowmobile
13 Registration and Safety Act, and Section 5-16 of the Boat
14 Registration and Safety Act shall be forwarded to the
15 Secretary of State. A report of any disposition of court
16 supervision for a violation of an offense defined as a
17 serious traffic violation in this Code or a similar
18 provision of a local ordinance committed by a person under
19 the age of 21 years shall be forwarded to the Secretary of
20 State.

21 (5) Reports of conviction under this Code and
22 sentencing hearings under the Juvenile Court Act of 1987 in
23 an electronic format or a computer processible medium shall
24 be forwarded to the Secretary of State via the Supreme
25 Court in the form and format required by the Illinois
26 Supreme Court and established by a written agreement

1 between the Supreme Court and the Secretary of State. In
2 counties with a population over 300,000, instead of
3 forwarding reports to the Supreme Court, reports of
4 conviction under this Code and sentencing hearings under
5 the Juvenile Court Act of 1987 in an electronic format or a
6 computer processible medium may be forwarded to the
7 Secretary of State by the Circuit Court Clerk in a form and
8 format required by the Secretary of State and established
9 by written agreement between the Circuit Court Clerk and
10 the Secretary of State. Failure to forward the reports of
11 conviction or sentencing hearing under the Juvenile Court
12 Act of 1987 as required by this Section shall be deemed an
13 omission of duty and it shall be the duty of the several
14 State's Attorneys to enforce the requirements of this
15 Section.

16 (b) Whenever a restricted driving permit is forwarded to a
17 court, as a result of confiscation by a police officer pursuant
18 to the authority in Section 6-113(f), it shall be the duty of
19 the clerk, or judge, if the court has no clerk, to forward such
20 restricted driving permit and a facsimile of the officer's
21 citation to the Secretary of State as expeditiously as
22 practicable.

23 (c) For the purposes of this Code, a forfeiture of bail or
24 collateral deposited to secure a defendant's appearance in
25 court when forfeiture has not been vacated, or the failure of a
26 defendant to appear for trial after depositing his driver's

1 license in lieu of other bail, shall be equivalent to a
2 conviction.

3 (d) For the purpose of providing the Secretary of State
4 with records necessary to properly monitor and assess driver
5 performance and assist the courts in the proper disposition of
6 repeat traffic law offenders, the clerk of the court shall
7 forward to the Secretary of State, on a form prescribed by the
8 Secretary, records of a driver's participation in a driver
9 remedial or rehabilitative program which was required, through
10 a court order or court supervision, in relation to the driver's
11 arrest for a violation of Section 11-501 of this Code or a
12 similar provision of a local ordinance. The clerk of the court
13 shall also forward to the Secretary, either on paper or in an
14 electronic format or a computer processible medium as required
15 under paragraph (5) of subsection (a) of this Section, any
16 disposition of court supervision for any traffic violation,
17 excluding those offenses listed in paragraph (2) of subsection
18 (a) of this Section. These reports shall be sent within 5 days
19 after disposition, or, if the driver is referred to a driver
20 remedial or rehabilitative program, within 5 days of the
21 driver's referral to that program. These reports received by
22 the Secretary of State, including those required to be
23 forwarded under paragraph (a)(4), shall be privileged
24 information, available only (i) to the affected driver, (ii) to
25 the parent or guardian of a person under the age of 18 years
26 holding an instruction permit or a graduated driver's license,

1 and (iii) for use by the courts, police officers, prosecuting
2 authorities, the Secretary of State, and the driver licensing
3 administrator of any other state. In accordance with 49 C.F.R.
4 Part 384, all reports of court supervision, except violations
5 related to parking, shall be forwarded to the Secretary of
6 State for all holders of a CLP or CDL or any driver who commits
7 an offense while driving a commercial motor vehicle. These
8 reports shall be recorded to the driver's record as a
9 conviction for use in the disqualification of the driver's
10 commercial motor vehicle privileges and shall not be privileged
11 information.

12 (e) For purposes of reinstating a suspended or revoked
13 driver's license, the clerk of court shall immediately notify
14 the Secretary of a driver's participation in a traffic ticket
15 fine waiver program under Section 16-109 of this Code.

16 (Source: P.A. 100-74, eff. 8-11-17.)

17 (625 ILCS 5/16-104e)

18 Sec. 16-104e. Minimum penalty for traffic offenses. Except
19 as provided under Section 16-109 of this Code or unless ~~Unless~~
20 otherwise disposed of prior to a court appearance in the same
21 matter under Supreme Court Rule 529, a person who, after a
22 court appearance in the same matter, is found guilty of or
23 pleads guilty to, including any person receiving a disposition
24 of court supervision, a violation of this Code or a similar
25 provision of a local ordinance shall pay a fine that may not be

1 waived. Nothing in this Section shall prevent the court from
2 ordering that the fine be paid within a specified period of
3 time or in installments under Section 5-9-1 of the Unified Code
4 of Corrections.

5 (Source: P.A. 96-1462, eff. 1-1-11.)

6 (625 ILCS 5/16-109 new)

7 Sec. 16-109. Traffic ticket fine waiver program.

8 (a) As used in this Section, "minor traffic offense" means
9 a petty offense or a business offense committed under this Code
10 or a similar provision of a local ordinance.

11 (b) A defendant who is in default or is unable to pay
12 required fines, fees, costs, or court assessments, or who has a
13 suspended driver's license, resulting from a minor traffic
14 offense under this Code or a similar provision of a local
15 ordinance, may petition the court having jurisdiction over the
16 defendant's case to enter into a traffic ticket fine waiver
17 program.

18 (c) This Section applies only to a defendant who pleads
19 guilty to or is convicted of a minor traffic offense committed
20 no earlier than 2 years before the effective date of this
21 amendatory Act of the 101st General Assembly.

22 (d) An application under this Section shall be in writing
23 and signed by the defendant or, if the defendant is a minor or
24 incompetent adult, by another person having knowledge of the
25 facts. The contents of the application and the procedure for

1 deciding applications may be established by Supreme Court Rule.

2 (e) The court shall immediately notify the Secretary of
3 State of the defendant's participation in the program and the
4 Secretary shall, if applicable, reinstate the defendant's
5 suspended or revoked driver's license.

6 (f) Upon submission of the application to enter into the
7 program, the court shall grant the defendant:

8 (1) the ability to convert the amount due into
9 court-approved public or community service, for which one
10 hour of public or community service shall be equivalent to
11 \$10 of the amount due; or

12 (2) a partial obligation waiver as follows:

13 (A) 50% of the total amount due shall be waived for
14 any defendant who submits the application; or

15 (B) 80% of the total amount due shall be waived for
16 any defendant who:

17 (i) has an available income that is 125% or
18 less of the current poverty level as established by
19 the United States Department of Health and Human
20 Services; or

21 (ii) is receiving assistance under one or more
22 of the following means-based governmental public
23 benefits programs: Supplemental Security Income;
24 Aid to the Aged, Blind, and Disabled; Temporary
25 Assistance for Needy Families; Supplemental
26 Nutrition Assistance Program; General Assistance;

1 Transitional Assistance; or State Children and
2 Family Assistance.

3 (g) The Secretary of State shall provide information on the
4 traffic ticket fine waiver program on its website and shall
5 provide with each vehicle registration an insert that contains
6 information on the program. The clerk of court shall provide
7 the application to a defendant upon request.