



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5328

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-306.5

from Ch. 95 1/2, par. 6-306.5

Amends the Illinois Vehicle Code. Provides that, if the Secretary of State has received a certified report from a municipality or county stating that the owner of a registered vehicle has failed to pay a fine or penalty due and owing for specific offenses, the municipality or county shall notify the Secretary within 30 days whenever: the person in a certified report has paid the previously reported fine or penalty; the person in a certified report entered into a payment plan pursuant to which the municipality or county has agreed to terminate the suspension; or the municipality or county determines that the original report was in error.

LRB101 18216 LNS 67658 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 6-306.5 as follows:

6 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

7 (Text of Section before amendment by P.A. 101-623)

8 Sec. 6-306.5. Failure to pay fine or penalty for standing,
9 parking, compliance, automated speed enforcement system, or
10 automated traffic law violations; suspension of driving
11 privileges.

12 (a) Upon receipt of a certified report, as prescribed by
13 subsection (c) of this Section, from any municipality or county
14 stating that the owner of a registered vehicle: (1) has failed
15 to pay any fine or penalty due and owing as a result of 10 or
16 more violations of a municipality's or county's vehicular
17 standing, parking, or compliance regulations established by
18 ordinance pursuant to Section 11-208.3 of this Code, (2) has
19 failed to pay any fine or penalty due and owing as a result of 5
20 offenses for automated speed enforcement system violations or
21 automated traffic violations as defined in Sections 11-208.6,
22 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
23 (3) is more than 14 days in default of a payment plan pursuant

1 to which a suspension had been terminated under subsection (c)
2 of this Section, the Secretary of State shall suspend the
3 driving privileges of such person in accordance with the
4 procedures set forth in this Section. The Secretary shall also
5 suspend the driving privileges of an owner of a registered
6 vehicle upon receipt of a certified report, as prescribed by
7 subsection (f) of this Section, from any municipality or county
8 stating that such person has failed to satisfy any fines or
9 penalties imposed by final judgments for 5 or more automated
10 speed enforcement system or automated traffic law violations,
11 or combination thereof, or 10 or more violations of local
12 standing, parking, or compliance regulations after exhaustion
13 of judicial review procedures.

14 (b) Following receipt of the certified report of the
15 municipality or county as specified in this Section, the
16 Secretary of State shall notify the person whose name appears
17 on the certified report that the person's drivers license will
18 be suspended at the end of a specified period of time unless
19 the Secretary of State is presented with a notice from the
20 municipality or county certifying that the fine or penalty due
21 and owing the municipality or county has been paid or that
22 inclusion of that person's name on the certified report was in
23 error. The Secretary's notice shall state in substance the
24 information contained in the municipality's or county's
25 certified report to the Secretary, and shall be effective as
26 specified by subsection (c) of Section 6-211 of this Code.

1 (c) The report of the appropriate municipal or county
2 official notifying the Secretary of State of unpaid fines or
3 penalties pursuant to this Section shall be certified and shall
4 contain the following:

5 (1) The name, last known address as recorded with the
6 Secretary of State, as provided by the lessor of the cited
7 vehicle at the time of lease, or as recorded in a United
8 States Post Office approved database if any notice sent
9 under Section 11-208.3 of this Code is returned as
10 undeliverable, and drivers license number of the person who
11 failed to pay the fine or penalty or who has defaulted in a
12 payment plan and the registration number of any vehicle
13 known to be registered to such person in this State.

14 (2) The name of the municipality or county making the
15 report pursuant to this Section.

16 (3) A statement that the municipality or county sent a
17 notice of impending drivers license suspension as
18 prescribed by ordinance enacted pursuant to Section
19 11-208.3 of this Code or a notice of default in a payment
20 plan, to the person named in the report at the address
21 recorded with the Secretary of State or at the last address
22 known to the lessor of the cited vehicle at the time of
23 lease or, if any notice sent under Section 11-208.3 of this
24 Code is returned as undeliverable, at the last known
25 address recorded in a United States Post Office approved
26 database; the date on which such notice was sent; and the

1 address to which such notice was sent. In a municipality or
2 county with a population of 1,000,000 or more, the report
3 shall also include a statement that the alleged violator's
4 State vehicle registration number and vehicle make, if
5 specified on the automated speed enforcement system
6 violation or automated traffic law violation notice, are
7 correct as they appear on the citations.

8 (4) A unique identifying reference number for each
9 request of suspension sent whenever a person has failed to
10 pay the fine or penalty or has defaulted on a payment plan.

11 (d) Any municipality or county making a certified report to
12 the Secretary of State pursuant to this Section shall notify
13 the Secretary of State, in a form prescribed by the Secretary,
14 whenever a person named in the certified report has paid the
15 previously reported fine or penalty, whenever a person named in
16 the certified report has entered into a payment plan pursuant
17 to which the municipality or county has agreed to terminate the
18 suspension, or whenever the municipality or county determines
19 that the original report was in error. A certified copy of such
20 notification shall also be given upon request and at no
21 additional charge to the person named therein. Upon receipt of
22 the municipality's or county's notification or presentation of
23 a certified copy of such notification, the Secretary of State
24 shall terminate the suspension.

25 (e) Any municipality or county making a certified report to
26 the Secretary of State pursuant to this Section shall also by

1 ordinance establish procedures for persons to challenge the
2 accuracy of the certified report. The ordinance shall also
3 state the grounds for such a challenge, which may be limited to
4 (1) the person not having been the owner or lessee of the
5 vehicle or vehicles receiving 10 or more standing, parking, or
6 compliance violation notices or a combination of 5 or more
7 automated speed enforcement system or automated traffic law
8 violations on the date or dates such notices were issued; and
9 (2) the person having already paid the fine or penalty for the
10 10 or more standing, parking, or compliance violations or
11 combination of 5 or more automated speed enforcement system or
12 automated traffic law violations indicated on the certified
13 report.

14 (f) Any municipality or county, other than a municipality
15 or county establishing vehicular standing, parking, and
16 compliance regulations pursuant to Section 11-208.3, automated
17 speed enforcement system regulations under Section 11-208.8,
18 or automated traffic law regulations under Section 11-208.6,
19 11-208.9, or 11-1201.1, may also cause a suspension of a
20 person's drivers license pursuant to this Section. Such
21 municipality or county may invoke this sanction by making a
22 certified report to the Secretary of State upon a person's
23 failure to satisfy any fine or penalty imposed by final
24 judgment for 10 or more violations of local standing, parking,
25 or compliance regulations or a combination of 5 or more
26 automated speed enforcement system or automated traffic law

1 violations after exhaustion of judicial review procedures, but
2 only if:

3 (1) the municipality or county complies with the
4 provisions of this Section in all respects except in regard
5 to enacting an ordinance pursuant to Section 11-208.3;

6 (2) the municipality or county has sent a notice of
7 impending drivers license suspension as prescribed by an
8 ordinance enacted pursuant to subsection (g) of this
9 Section; and

10 (3) in municipalities or counties with a population of
11 1,000,000 or more, the municipality or county has verified
12 that the alleged violator's State vehicle registration
13 number and vehicle make are correct as they appear on the
14 citations.

15 (g) Any municipality or county, other than a municipality
16 or county establishing standing, parking, and compliance
17 regulations pursuant to Section 11-208.3, automated speed
18 enforcement system regulations under Section 11-208.8, or
19 automated traffic law regulations under Section 11-208.6,
20 11-208.9, or 11-1201.1, may provide by ordinance for the
21 sending of a notice of impending drivers license suspension to
22 the person who has failed to satisfy any fine or penalty
23 imposed by final judgment for 10 or more violations of local
24 standing, parking, or compliance regulations or a combination
25 of 5 or more automated speed enforcement system or automated
26 traffic law violations after exhaustion of judicial review

1 procedures. An ordinance so providing shall specify that the
2 notice sent to the person liable for any fine or penalty shall
3 state that failure to pay the fine or penalty owing within 45
4 days of the notice's date will result in the municipality or
5 county notifying the Secretary of State that the person's
6 drivers license is eligible for suspension pursuant to this
7 Section. The notice of impending drivers license suspension
8 shall be sent by first class United States mail, postage
9 prepaid, to the address recorded with the Secretary of State or
10 at the last address known to the lessor of the cited vehicle at
11 the time of lease or, if any notice sent under Section 11-208.3
12 of this Code is returned as undeliverable, to the last known
13 address recorded in a United States Post Office approved
14 database.

15 (h) An administrative hearing to contest an impending
16 suspension or a suspension made pursuant to this Section may be
17 had upon filing a written request with the Secretary of State.
18 The filing fee for this hearing shall be \$20, to be paid at the
19 time the request is made. A municipality or county which files
20 a certified report with the Secretary of State pursuant to this
21 Section shall reimburse the Secretary for all reasonable costs
22 incurred by the Secretary as a result of the filing of the
23 report, including but not limited to the costs of providing the
24 notice required pursuant to subsection (b) and the costs
25 incurred by the Secretary in any hearing conducted with respect
26 to the report pursuant to this subsection and any appeal from

1 such a hearing.

2 (i) The provisions of this Section shall apply on and after
3 January 1, 1988.

4 (j) For purposes of this Section, the term "compliance
5 violation" is defined as in Section 11-208.3.

6 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
7 98-556, eff. 1-1-14.)

8 (Text of Section after amendment by P.A. 101-623)

9 Sec. 6-306.5. Failure to pay fine or penalty for standing,
10 parking, compliance, automated speed enforcement system, or
11 automated traffic law violations; suspension of driving
12 privileges.

13 (a) Upon receipt of a certified report, as prescribed by
14 subsection (c) of this Section, from any municipality or county
15 stating that the owner of a registered vehicle has failed to
16 pay any fine or penalty due and owing as a result of 5 offenses
17 for automated speed enforcement system violations or automated
18 traffic violations as defined in Sections 11-208.6, 11-208.8,
19 11-208.9, or 11-1201.1, or combination thereof, or (3) is more
20 than 14 days in default of a payment plan pursuant to which a
21 suspension had been terminated under subsection (c) of this
22 Section, the Secretary of State shall suspend the driving
23 privileges of such person in accordance with the procedures set
24 forth in this Section. The Secretary shall also suspend the
25 driving privileges of an owner of a registered vehicle upon

1 receipt of a certified report, as prescribed by subsection (f)
2 of this Section, from any municipality or county stating that
3 such person has failed to satisfy any fines or penalties
4 imposed by final judgments for 5 or more automated speed
5 enforcement system or automated traffic law violations, or
6 combination thereof, after exhaustion of judicial review
7 procedures.

8 (b) Following receipt of the certified report of the
9 municipality or county as specified in this Section, the
10 Secretary of State shall notify the person whose name appears
11 on the certified report that the person's drivers license will
12 be suspended at the end of a specified period of time unless
13 the Secretary of State is presented with a notice from the
14 municipality or county certifying that the fine or penalty due
15 and owing the municipality or county has been paid or that
16 inclusion of that person's name on the certified report was in
17 error. The Secretary's notice shall state in substance the
18 information contained in the municipality's or county's
19 certified report to the Secretary, and shall be effective as
20 specified by subsection (c) of Section 6-211 of this Code.

21 (c) The report of the appropriate municipal or county
22 official notifying the Secretary of State of unpaid fines or
23 penalties pursuant to this Section shall be certified and shall
24 contain the following:

25 (1) The name, last known address as recorded with the
26 Secretary of State, as provided by the lessor of the cited

1 vehicle at the time of lease, or as recorded in a United
2 States Post Office approved database if any notice sent
3 under Section 11-208.3 of this Code is returned as
4 undeliverable, and drivers license number of the person who
5 failed to pay the fine or penalty or who has defaulted in a
6 payment plan and the registration number of any vehicle
7 known to be registered to such person in this State.

8 (2) The name of the municipality or county making the
9 report pursuant to this Section.

10 (3) A statement that the municipality or county sent a
11 notice of impending drivers license suspension as
12 prescribed by ordinance enacted pursuant to Section
13 11-208.3 of this Code or a notice of default in a payment
14 plan, to the person named in the report at the address
15 recorded with the Secretary of State or at the last address
16 known to the lessor of the cited vehicle at the time of
17 lease or, if any notice sent under Section 11-208.3 of this
18 Code is returned as undeliverable, at the last known
19 address recorded in a United States Post Office approved
20 database; the date on which such notice was sent; and the
21 address to which such notice was sent. In a municipality or
22 county with a population of 1,000,000 or more, the report
23 shall also include a statement that the alleged violator's
24 State vehicle registration number and vehicle make, if
25 specified on the automated speed enforcement system
26 violation or automated traffic law violation notice, are

1 correct as they appear on the citations.

2 (4) A unique identifying reference number for each
3 request of suspension sent whenever a person has failed to
4 pay the fine or penalty or has defaulted on a payment plan.

5 (d) Any municipality or county making a certified report to
6 the Secretary of State pursuant to this Section shall notify
7 the Secretary of State within 30 days, in a form prescribed by
8 the Secretary, whenever a person named in the certified report
9 has paid the previously reported fine or penalty, whenever a
10 person named in the certified report has entered into a payment
11 plan pursuant to which the municipality or county has agreed to
12 terminate the suspension, or whenever the municipality or
13 county determines that the original report was in error. A
14 certified copy of such notification shall also be given upon
15 request and at no additional charge to the person named
16 therein. Upon receipt of the municipality's or county's
17 notification or presentation of a certified copy of such
18 notification, the Secretary of State shall terminate the
19 suspension.

20 (e) Any municipality or county making a certified report to
21 the Secretary of State pursuant to this Section shall also by
22 ordinance establish procedures for persons to challenge the
23 accuracy of the certified report. The ordinance shall also
24 state the grounds for such a challenge, which may be limited to
25 (1) the person not having been the owner or lessee of the
26 vehicle or vehicles receiving a combination of 5 or more

1 automated speed enforcement system or automated traffic law
2 violations on the date or dates such notices were issued; and
3 (2) the person having already paid the fine or penalty for the
4 combination of 5 or more automated speed enforcement system or
5 automated traffic law violations indicated on the certified
6 report.

7 (f) Any municipality or county, other than a municipality
8 or county establishing automated speed enforcement system
9 regulations under Section 11-208.8, or automated traffic law
10 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
11 may also cause a suspension of a person's drivers license
12 pursuant to this Section. Such municipality or county may
13 invoke this sanction by making a certified report to the
14 Secretary of State upon a person's failure to satisfy any fine
15 or penalty imposed by final judgment for a combination of 5 or
16 more automated speed enforcement system or automated traffic
17 law violations after exhaustion of judicial review procedures,
18 but only if:

19 (1) the municipality or county complies with the
20 provisions of this Section in all respects except in regard
21 to enacting an ordinance pursuant to Section 11-208.3;

22 (2) the municipality or county has sent a notice of
23 impending drivers license suspension as prescribed by an
24 ordinance enacted pursuant to subsection (g) of this
25 Section; and

26 (3) in municipalities or counties with a population of

1 1,000,000 or more, the municipality or county has verified
2 that the alleged violator's State vehicle registration
3 number and vehicle make are correct as they appear on the
4 citations.

5 (g) Any municipality or county, other than a municipality
6 or county establishing automated speed enforcement system
7 regulations under Section 11-208.8, or automated traffic law
8 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
9 may provide by ordinance for the sending of a notice of
10 impending drivers license suspension to the person who has
11 failed to satisfy any fine or penalty imposed by final judgment
12 for a combination of 5 or more automated speed enforcement
13 system or automated traffic law violations after exhaustion of
14 judicial review procedures. An ordinance so providing shall
15 specify that the notice sent to the person liable for any fine
16 or penalty shall state that failure to pay the fine or penalty
17 owing within 45 days of the notice's date will result in the
18 municipality or county notifying the Secretary of State that
19 the person's drivers license is eligible for suspension
20 pursuant to this Section. The notice of impending drivers
21 license suspension shall be sent by first class United States
22 mail, postage prepaid, to the address recorded with the
23 Secretary of State or at the last address known to the lessor
24 of the cited vehicle at the time of lease or, if any notice
25 sent under Section 11-208.3 of this Code is returned as
26 undeliverable, to the last known address recorded in a United

1 States Post Office approved database.

2 (h) An administrative hearing to contest an impending
3 suspension or a suspension made pursuant to this Section may be
4 had upon filing a written request with the Secretary of State.
5 The filing fee for this hearing shall be \$20, to be paid at the
6 time the request is made. A municipality or county which files
7 a certified report with the Secretary of State pursuant to this
8 Section shall reimburse the Secretary for all reasonable costs
9 incurred by the Secretary as a result of the filing of the
10 report, including but not limited to the costs of providing the
11 notice required pursuant to subsection (b) and the costs
12 incurred by the Secretary in any hearing conducted with respect
13 to the report pursuant to this subsection and any appeal from
14 such a hearing.

15 (i) The provisions of this Section shall apply on and after
16 January 1, 1988.

17 (j) For purposes of this Section, the term "compliance
18 violation" is defined as in Section 11-208.3.

19 (Source: P.A. 101-623, eff. 7-1-20.)

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.