

HB0090



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0090

Introduced 1/14/2021, 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.

LRB102 03775 HEP 13788 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
5 Act to provide economic relief to persons who need assistance
6 in paying off debts incurred due to minor traffic offense
7 tickets. The General Assembly recognizes that possessing a
8 driver's license in this State is a privilege; however, it
9 also recognizes that persons should not be deprived of the
10 opportunity to provide for themselves or their families
11 because of a suspended driver's license or increased debt from
12 failure to pay fines and costs on traffic violation tickets.

13 Section 5. The Illinois Vehicle Code is amended by
14 changing Sections 6-204 and 16-104e and by adding Section
15 16-109 as 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 and of persons found guilty of the criminal

1 offenses or traffic violations which this Code recognizes as
2 evidence relating to unfitness to safely operate motor
3 vehicles, the following duties are imposed upon public
4 officials:

5 (1) Whenever any person is convicted of any offense
6 for which this Code makes mandatory the cancellation or
7 revocation of the driver's license or permit of such
8 person by the Secretary of State, the judge of the court in
9 which such conviction is had shall require the surrender
10 to the clerk of the court of all driver's licenses or
11 permits then held by the person so convicted, and the
12 clerk of the court shall, within 5 days thereafter,
13 forward the same, together with a report of such
14 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
19 following enumerated Sections of this Code: Sections
20 11-1406 (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
13 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
14 (weights), 15-112 (weights), 15-301 (weights), 15-316
15 (weights), 15-318 (weights), and also excepting the
16 following enumerated Sections of the Chicago Municipal
17 Code: 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
13 in 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)
5 of this subsection when the individual has been
6 adjudicated under the Juvenile Court Act or the Juvenile
7 Court Act of 1987. Such reporting requirements shall also
8 apply to individuals adjudicated under the Juvenile Court
9 Act or the Juvenile Court Act of 1987 who have committed a
10 violation of Section 11-501 of this Code, or similar
11 provision of a local ordinance, or Section 9-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide, or Section
14 5-7 of the Snowmobile Registration and Safety Act or
15 Section 5-16 of the Boat Registration and Safety Act,
16 relating to the offense of operating a snowmobile or a
17 watercraft while under the influence of alcohol, other
18 drug or drugs, intoxicating compound or compounds, or
19 combination thereof. These reporting requirements also
20 apply to individuals adjudicated under the Juvenile Court
21 Act of 1987 based on any offense determined to have been
22 committed in furtherance of the criminal activities of an
23 organized gang, as provided in Section 5-710 of that Act,
24 if those activities involved the operation or use of a
25 motor vehicle. It shall be the duty of the clerk of the
26 court in which adjudication is had within 5 days

1 thereafter to forward to the Secretary of State a report
2 of the adjudication and the court order requiring the
3 Secretary of State to suspend the minor's driver's license
4 and driving privilege for such time as determined by the
5 court, but only until he or she attains the age of 18
6 years. All juvenile court dispositions reported to the
7 Secretary of State under this provision shall be processed
8 by the Secretary of State as if the cases had been
9 adjudicated in traffic or criminal court. However,
10 information reported relative to the offense of reckless
11 homicide, or Section 11-501 of this Code, or a similar
12 provision of a local ordinance, shall be privileged and
13 available only to the Secretary of State, courts, and
14 police officers.

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

22 (3) Whenever an order is entered vacating the
23 forfeiture of any bail, security or bond given to secure
24 appearance for any offense under this Code or similar
25 offenses under municipal ordinance, it shall be the duty
26 of the clerk of the court in which such vacation was had or

1 the judge of such court if such court has no clerk, within
2 5 days thereafter to forward to the Secretary of State a
3 report of the vacation.

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

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

1 computer processible medium may be forwarded to the
2 Secretary of State by the Circuit Court Clerk in a form and
3 format required by the Secretary of State and established
4 by written agreement between the Circuit Court Clerk and
5 the Secretary of State. Failure to forward the reports of
6 conviction or sentencing hearing under the Juvenile Court
7 Act of 1987 as required by this Section shall be deemed an
8 omission of duty and it shall be the duty of the several
9 State's Attorneys to enforce the requirements of this
10 Section.

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

18 (c) For the purposes of this Code, a forfeiture of bail or
19 collateral deposited to secure a defendant's appearance in
20 court when forfeiture has not been vacated, or the failure of a
21 defendant to appear for trial after depositing his driver's
22 license in lieu of other bail, shall be equivalent to a
23 conviction.

24 (d) For the purpose of providing the Secretary of State
25 with records necessary to properly monitor and assess driver
26 performance and assist the courts in the proper disposition of

1 repeat traffic law offenders, the clerk of the court shall
2 forward to the Secretary of State, on a form prescribed by the
3 Secretary, records of a driver's participation in a driver
4 remedial or rehabilitative program which was required, through
5 a court order or court supervision, in relation to the
6 driver's arrest for a violation of Section 11-501 of this Code
7 or a similar provision of a local ordinance. The clerk of the
8 court shall also forward to the Secretary, either on paper or
9 in an electronic format or a computer processible medium as
10 required under paragraph (5) of subsection (a) of this
11 Section, any disposition of court supervision for any traffic
12 violation, excluding those offenses listed in paragraph (2) of
13 subsection (a) of this Section. These reports shall be sent
14 within 5 days after disposition, or, if the driver is referred
15 to a driver remedial or rehabilitative program, within 5 days
16 of the driver's referral to that program. These reports
17 received by the Secretary of State, including those required
18 to be forwarded under paragraph (a)(4), shall be privileged
19 information, available only (i) to the affected driver, (ii)
20 to the parent or guardian of a person under the age of 18 years
21 holding an instruction permit or a graduated driver's license,
22 and (iii) for use by the courts, police officers, prosecuting
23 authorities, the Secretary of State, and the driver licensing
24 administrator of any other state. In accordance with 49 C.F.R.
25 Part 384, all reports of court supervision, except violations
26 related to parking, shall be forwarded to the Secretary of

1 State for all holders of a CLP or CDL or any driver who commits
2 an offense while driving a commercial motor vehicle. These
3 reports shall be recorded to the driver's record as a
4 conviction for use in the disqualification of the driver's
5 commercial motor vehicle privileges and shall not be
6 privileged information.

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

11 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

12 (625 ILCS 5/16-104e)

13 Sec. 16-104e. Minimum penalty for traffic offenses. Except
14 as provided under Section 16-109 of this Code or unless ~~Unless~~
15 otherwise disposed of prior to a court appearance in the same
16 matter under Supreme Court Rule 529, a person who, after a
17 court appearance in the same matter, is found guilty of or
18 pleads guilty to, including any person receiving a disposition
19 of court supervision, a violation of this Code or a similar
20 provision of a local ordinance shall pay a fine that may not be
21 waived. Nothing in this Section shall prevent the court from
22 ordering that the fine be paid within a specified period of
23 time or in installments under Section 5-9-1 of the Unified
24 Code of Corrections.

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

1 (625 ILCS 5/16-109 new)

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

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

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

13 (c) This Section applies only to a defendant who pleads
14 guilty to or is convicted of a minor traffic offense committed
15 no earlier than 2 years before the effective date of this
16 amendatory Act of the 102nd General Assembly.

17 (d) An application under this Section shall be in writing
18 and signed by the defendant or, if the defendant is a minor or
19 person under legal disability, by another person having
20 knowledge of the facts. The contents of the application and
21 the procedure for deciding applications may be established by
22 Supreme Court Rule.

23 (e) The court shall immediately notify the Secretary of
24 State of the defendant's participation in the program and the
25 Secretary shall, if applicable, reinstate the defendant's

1 suspended or revoked driver's license.

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

4 (1) the ability to convert the amount due into
5 court-approved public or community service, for which one
6 hour of public or community service shall be equivalent to
7 \$10 of the amount due; or

8 (2) a partial obligation waiver as follows:

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

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

13 (i) has an available income that is 125% or
14 less of the current poverty level as established
15 by the United States Department of Health and
16 Human Services; or

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

25 (g) The Secretary of State shall provide information on
26 the traffic ticket fine waiver program on its website. The

1 clerk of court shall provide the application to a defendant
2 upon request.