



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0161

Introduced 1/22/2021, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-211
625 ILCS 5/7-214

from Ch. 95 1/2, par. 7-211
from Ch. 95 1/2, par. 7-214

Amends the Illinois Vehicle Code. Provides that a driver's license or registration and nonresident's operating privilege that is suspended for failure to deposit security shall remain suspended until the statute of limitations has expired and the person seeking reinstatement provides evidence that, during the statute of limitations period, no action for damages arising out of a motor vehicle accident has been properly filed. Provides that the security shall be applicable only to the payment of a judgment, rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question, in an action at law, begun not later than the later of (i) the expiration of the relevant statute of limitations or (ii) 2 years after the date of any default in any payment under an installment agreement for payment of damages (rather than begun not later than 2 years after the later of (i) the date the driver's license and registration were suspended following the accident or (ii) the date of any default in any payment under an installment agreement for payment of damages). Makes a conforming change.

LRB102 03897 HEP 13912 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
5 changing Sections 7-211 and 7-214 as follows:

6 (625 ILCS 5/7-211) (from Ch. 95 1/2, par. 7-211)

7 Sec. 7-211. Duration of suspension.

8 (a) Unless a suspension is terminated under other
9 provisions of this Code, the driver's license or registration
10 and nonresident's operating privilege suspended as provided in
11 Section 7-205 shall remain suspended and shall not be renewed
12 nor shall any license or registration be issued to the person
13 until:

14 1. The person deposits or there shall be deposited and
15 filed on the person's behalf the security required under
16 Section 7-201;

17 2. Two years have elapsed following the date the
18 driver's license and registrations were suspended and
19 evidence satisfactory to the Secretary of State that
20 during the period no action for damages arising out of a
21 motor vehicle accident has been properly filed;

22 3. Receipt of proper notice that the person has filed
23 bankruptcy which would include all claims for personal

1 injury and property damage resulting from the accident; ~~or~~

2 4. After the expiration of 5 years from the date of the
3 accident, the Secretary of State has not received
4 documentation that any action at law for damages arising
5 out of the motor vehicle accident has been filed against
6 the person; or -

7 5. The statute of limitations has expired and the
8 person seeking reinstatement provides evidence
9 satisfactory to the Secretary of State that, during the
10 statute of limitations period, no action for damages
11 arising out of a motor vehicle accident has been properly
12 filed.

13 An affidavit that no action at law for damages arising out
14 of the motor vehicle accident has been filed against the
15 applicant, or if filed that it is not still pending shall be
16 prima facie evidence of that fact. The Secretary of State may
17 take whatever steps are necessary to verify the statement set
18 forth in the applicant's affidavit.

19 (b) The driver's license or registration and nonresident's
20 operating privileges suspended as provided in Section 7-205
21 shall also remain suspended and shall not be renewed nor shall
22 any license or registration be issued to the person until the
23 person gives proof of his or her financial responsibility in
24 the future as provided in Section 1-164.5. The proof is to be
25 maintained by the person in a manner satisfactory to the
26 Secretary of State for a period of 3 years after the date the

1 proof is first filed.

2 (Source: P.A. 90-264, eff. 1-1-98; 91-80, eff. 7-9-99.)

3 (625 ILCS 5/7-214) (from Ch. 95 1/2, par. 7-214)

4 Sec. 7-214. Disposition of Security. Such security shall
5 be applicable only to the payment of a judgment or judgments,
6 rendered against the person or persons on whose behalf the
7 deposit was made, for damages arising out of the accident in
8 question, in an action at law, begun not later than ~~two years~~
9 ~~after~~ the later of (i) the expiration of the relevant statute
10 of limitations ~~date the driver's license and registration were~~
11 ~~suspended following the accident~~ or (ii) 2 years after the
12 date of any default in any payment under an installment
13 agreement for payment of damages, and such deposit or any
14 balance thereof shall be returned to the depositor or his or
15 her personal representative when evidence satisfactory to the
16 Secretary of State has been filed with him:

17 1. that there has been a release from liability, or a
18 final adjudication of non-liability; or

19 2. a duly acknowledged written agreement in accordance
20 with Section 7-208 of this Act; or

21 3. whenever after the expiration of the statute of
22 limitations ~~two years after the later of (i) the date the~~
23 ~~driver's license and registration were suspended following~~
24 ~~the accident~~ or (ii) 2 years after the date of any default
25 in any payment under an installment agreement for payment

1 of damages, the Secretary of State shall be given
2 reasonable evidence that there is no such action pending
3 and no judgment rendered in such action left unpaid.

4 If, after releasing security to a judgment debtor or
5 claimant, the balance of the security posted with the
6 Secretary is \$5 or less, the balance shall be transferred to
7 the General Revenue Fund. The Secretary shall compile a list
8 of all security amounts of \$5 or less annually in July and
9 shall certify that amount to the State Comptroller. As soon as
10 possible after receiving the certification, the State
11 Comptroller shall order transferred and the State Treasurer
12 shall transfer the amount certified to the General Revenue
13 Fund.

14 (Source: P.A. 98-178, eff. 1-1-14.)