

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 Section 15-109.1 as follows:

6 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

7 Sec. 15-109.1. Covers or tarpaulins required for certain
8 loads.

9 (a) No person shall operate or cause to be operated, on a
10 highway, any second division vehicle loaded with dirt,
11 aggregate, garbage, refuse, or other similar material, when
12 any portion of the load is falling, sifting, blowing, dropping
13 or in any way escaping from the vehicle.

14 (b) No person shall operate or cause to be operated, on a
15 highway, any second division vehicle having a gross vehicle
16 weight rating of 8,000 pounds or more loaded with dirt,
17 aggregate, garbage, refuse, or other similar material in or on
18 any part of the vehicle other than in the cargo area. In
19 addition, no person shall operate on any highway, such vehicle
20 unless the tailgate on the vehicle is in good repair and
21 operating condition and closes securely so as to prevent any
22 load, residue, or other material from escaping.

23 (c) This Section shall not apply to the operation of

1 highway maintenance vehicles engaged in removing snow and ice
2 from the roadway, nor to implements of husbandry or other farm
3 vehicles while transporting agricultural products to or from
4 the original place of production.

5 (d) For the purpose of this Section "aggregate" shall
6 include all ores, minerals, sand, gravel, shale, coal, clay,
7 limestone or any other ore or mineral which may be mined.

8 (e) Notwithstanding any other penalty, whenever a police
9 officer determines that the operator of a vehicle is in
10 violation of this Section, as evidenced by the issuance of a
11 citation for a violation of Section 15-109.1 of this Code, or
12 where a police officer determines that a dangerous condition
13 exists whereby any portion of the load may fall, sift, blow,
14 drop, or in any way escape or fall from the vehicle, the police
15 officer shall require the operator to stop the vehicle in a
16 suitable place and keep such vehicle stationary until the load
17 has either been reduced, secured, or covered with a cover or
18 tarpaulin of sufficient size to prevent any further violation
19 of this Section.

20 (f) No person shall operate or cause to be operated, on a
21 highway, a commercial motor vehicle, with the exception of a
22 highway maintenance vehicle, transporting garbage or refuse
23 unless the tailgate on the vehicle is in good working repair,
24 good operating condition, and closes securely, with a cover or
25 tarpaulin of sufficient size attached, so as to prevent any
26 load, residue, or other material from escaping.

1 (g) Any violation of the provisions of this Section shall
2 be a petty offense punishable by a fine not to exceed \$150
3 \$250. In addition, a person, firm, or corporation convicted of
4 4 or more violations of subsection (f) within a 12-month
5 period shall be fined an additional amount of \$150 for the
6 fourth and each subsequent conviction within the 12-month
7 period. Regarding a firm or corporation, a fourth or
8 subsequent conviction means a fourth or subsequent conviction
9 attributable to one employee-driver.

10 (Source: P.A. 91-858, eff. 1-1-01.)

11 Section 10. The Criminal and Traffic Assessment Act is
12 amended by changing Section 15-70 as follows:

13 (705 ILCS 135/15-70)

14 Sec. 15-70. Conditional assessments. In addition to
15 payments under one of the Schedule of Assessments 1 through 13
16 of this Act, the court shall also order payment of any of the
17 following conditional assessment amounts for each sentenced
18 violation in the case to which a conditional assessment is
19 applicable, which shall be collected and remitted by the Clerk
20 of the Circuit Court as provided in this Section:

21 (1) arson, residential arson, or aggravated arson,
22 \$500 per conviction to the State Treasurer for deposit
23 into the Fire Prevention Fund;

24 (2) child pornography under Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, \$500
2 per conviction, unless more than one agency is responsible
3 for the arrest in which case the amount shall be remitted
4 to each unit of government equally:

5 (A) if the arresting agency is an agency of a unit
6 of local government, \$500 to the treasurer of the unit
7 of local government for deposit into the unit of local
8 government's General Fund, except that if the Illinois
9 State Police provides digital or electronic forensic
10 examination assistance, or both, to the arresting
11 agency then \$100 to the State Treasurer for deposit
12 into the State Crime Laboratory Fund; or

13 (B) if the arresting agency is the Illinois State
14 Police, \$500 to the State Treasurer for deposit into
15 the State Crime Laboratory Fund;

16 (3) crime laboratory drug analysis for a drug-related
17 offense involving possession or delivery of cannabis or
18 possession or delivery of a controlled substance as
19 defined in the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control
21 and Community Protection Act, \$100 reimbursement for
22 laboratory analysis, as set forth in subsection (f) of
23 Section 5-9-1.4 of the Unified Code of Corrections;

24 (4) DNA analysis, \$250 on each conviction in which it
25 was used to the State Treasurer for deposit into the State
26 Crime Laboratory Fund as set forth in Section 5-9-1.4 of

1 the Unified Code of Corrections;

2 (5) DUI analysis, \$150 on each sentenced violation in
3 which it was used as set forth in subsection (f) of Section
4 5-9-1.9 of the Unified Code of Corrections;

5 (6) drug-related offense involving possession or
6 delivery of cannabis or possession or delivery of a
7 controlled substance, other than methamphetamine, as
8 defined in the Cannabis Control Act or the Illinois
9 Controlled Substances Act, an amount not less than the
10 full street value of the cannabis or controlled substance
11 seized for each conviction to be disbursed as follows:

12 (A) 12.5% of the street value assessment shall be
13 paid into the Youth Drug Abuse Prevention Fund, to be
14 used by the Department of Human Services for the
15 funding of programs and services for drug-abuse
16 treatment, and prevention and education services;

17 (B) 37.5% to the county in which the charge was
18 prosecuted, to be deposited into the county General
19 Fund;

20 (C) 50% to the treasurer of the arresting law
21 enforcement agency of the municipality or county, or
22 to the State Treasurer if the arresting agency was a
23 state agency, to be deposited as provided in
24 subsection (c) of Section 10-5;

25 (D) if the arrest was made in combination with
26 multiple law enforcement agencies, the clerk shall

1 equitably allocate the portion in subparagraph (C) of
2 this paragraph (6) among the law enforcement agencies
3 involved in the arrest;

4 (6.5) Kane County or Will County, in felony,
5 misdemeanor, local or county ordinance, traffic, or
6 conservation cases, up to \$30 as set by the county board
7 under Section 5-1101.3 of the Counties Code upon the entry
8 of a judgment of conviction, an order of supervision, or a
9 sentence of probation without entry of judgment under
10 Section 10 of the Cannabis Control Act, Section 410 of the
11 Illinois Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
14 the Criminal Code of 1961 or the Criminal Code of 2012,
15 Section 10-102 of the Illinois Alcoholism and Other Drug
16 Dependency Act, or Section 10 of the Steroid Control Act;
17 except in local or county ordinance, traffic, and
18 conservation cases, if fines are paid in full without a
19 court appearance, then the assessment shall not be imposed
20 or collected. Distribution of assessments collected under
21 this paragraph (6.5) shall be as provided in Section
22 5-1101.3 of the Counties Code;

23 (7) methamphetamine-related offense involving
24 possession or delivery of methamphetamine or any salt of
25 an optical isomer of methamphetamine or possession of a
26 methamphetamine manufacturing material as set forth in

1 Section 10 of the Methamphetamine Control and Community
2 Protection Act with the intent to manufacture a substance
3 containing methamphetamine or salt of an optical isomer of
4 methamphetamine, an amount not less than the full street
5 value of the methamphetamine or salt of an optical isomer
6 of methamphetamine or methamphetamine manufacturing
7 materials seized for each conviction to be disbursed as
8 follows:

9 (A) 12.5% of the street value assessment shall be
10 paid into the Youth Drug Abuse Prevention Fund, to be
11 used by the Department of Human Services for the
12 funding of programs and services for drug-abuse
13 treatment, and prevention and education services;

14 (B) 37.5% to the county in which the charge was
15 prosecuted, to be deposited into the county General
16 Fund;

17 (C) 50% to the treasurer of the arresting law
18 enforcement agency of the municipality or county, or
19 to the State Treasurer if the arresting agency was a
20 state agency, to be deposited as provided in
21 subsection (c) of Section 10-5;

22 (D) if the arrest was made in combination with
23 multiple law enforcement agencies, the clerk shall
24 equitably allocate the portion in subparagraph (C) of
25 this paragraph (6) among the law enforcement agencies
26 involved in the arrest;

1 (8) order of protection violation under Section 12-3.4
2 of the Criminal Code of 2012, \$200 for each conviction to
3 the county treasurer for deposit into the Probation and
4 Court Services Fund for implementation of a domestic
5 violence surveillance program and any other assessments or
6 fees imposed under Section 5-9-1.16 of the Unified Code of
7 Corrections;

8 (9) order of protection violation, \$25 for each
9 violation to the State Treasurer, for deposit into the
10 Domestic Violence Abuser Services Fund;

11 (10) prosecution by the State's Attorney of a:

12 (A) petty or business offense, \$4 to the county
13 treasurer of which \$2 deposited into the State's
14 Attorney Records Automation Fund and \$2 into the
15 Public Defender Records Automation Fund;

16 (B) conservation or traffic offense, \$2 to the
17 county treasurer for deposit into the State's Attorney
18 Records Automation Fund;

19 (11) speeding in a construction zone violation, \$250
20 to the State Treasurer for deposit into the Transportation
21 Safety Highway Hire-back Fund, unless (i) the violation
22 occurred on a highway other than an interstate highway and
23 (ii) a county police officer wrote the ticket for the
24 violation, in which case to the county treasurer for
25 deposit into that county's Transportation Safety Highway
26 Hire-back Fund;

1 (12) supervision disposition on an offense under the
2 Illinois Vehicle Code or similar provision of a local
3 ordinance, 50 cents, unless waived by the court, into the
4 Prisoner Review Board Vehicle and Equipment Fund;

5 (13) victim and offender are family or household
6 members as defined in Section 103 of the Illinois Domestic
7 Violence Act of 1986 and offender pleads guilty or no
8 contest to or is convicted of murder, voluntary
9 manslaughter, involuntary manslaughter, burglary,
10 residential burglary, criminal trespass to residence,
11 criminal trespass to vehicle, criminal trespass to land,
12 criminal damage to property, telephone harassment,
13 kidnapping, aggravated kidnaping, unlawful restraint,
14 forcible detention, child abduction, indecent solicitation
15 of a child, sexual relations between siblings,
16 exploitation of a child, child pornography, assault,
17 aggravated assault, battery, aggravated battery, heinous
18 battery, aggravated battery of a child, domestic battery,
19 reckless conduct, intimidation, criminal sexual assault,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual abuse, aggravated
22 criminal sexual abuse, violation of an order of
23 protection, disorderly conduct, endangering the life or
24 health of a child, child abandonment, contributing to
25 dependency or neglect of child, or cruelty to children and
26 others, \$200 for each sentenced violation to the State

1 Treasurer for deposit as follows: (i) for sexual assault,
2 as defined in Section 5-9-1.7 of the Unified Code of
3 Corrections, when the offender and victim are family
4 members, one-half to the Domestic Violence Shelter and
5 Service Fund, and one-half to the Sexual Assault Services
6 Fund; (ii) for the remaining offenses to the Domestic
7 Violence Shelter and Service Fund;

8 (14) violation of Section 11-501 of the Illinois
9 Vehicle Code, Section 5-7 of the Snowmobile Registration
10 and Safety Act, Section 5-16 of the Boat Registration and
11 Safety Act, or a similar provision, whose operation of a
12 motor vehicle, snowmobile, or watercraft while in
13 violation of Section 11-501, Section 5-7 of the Snowmobile
14 Registration and Safety Act, Section 5-16 of the Boat
15 Registration and Safety Act, or a similar provision
16 proximately caused an incident resulting in an appropriate
17 emergency response, \$1,000 maximum to the public agency
18 that provided an emergency response related to the
19 person's violation, or as provided in subsection (c) of
20 Section 10-5 if the arresting agency was a State agency,
21 unless more than one agency was responsible for the
22 arrest, in which case the amount shall be remitted to each
23 unit of government equally;

24 (15) violation of Section 401, 407, or 407.2 of the
25 Illinois Controlled Substances Act that proximately caused
26 any incident resulting in an appropriate drug-related

1 emergency response, \$1,000 as reimbursement for the
2 emergency response to the law enforcement agency that made
3 the arrest, or as provided in subsection (c) of Section
4 10-5 if the arresting agency was a State agency, unless
5 more than one agency was responsible for the arrest, in
6 which case the amount shall be remitted to each unit of
7 government equally;

8 (16) violation of reckless driving, aggravated
9 reckless driving, or driving 26 miles per hour or more in
10 excess of the speed limit that triggered an emergency
11 response, \$1,000 maximum reimbursement for the emergency
12 response to be distributed in its entirety to a public
13 agency that provided an emergency response related to the
14 person's violation, or as provided in subsection (c) of
15 Section 10-5 if the arresting agency was a State agency,
16 unless more than one agency was responsible for the
17 arrest, in which case the amount shall be remitted to each
18 unit of government equally;

19 (17) violation based upon each plea of guilty,
20 stipulation of facts, or finding of guilt resulting in a
21 judgment of conviction or order of supervision for an
22 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
23 the Criminal Code of 2012 that results in the imposition
24 of a fine, to be distributed as follows:

25 (A) \$50 to the county treasurer for deposit into
26 the Circuit Court Clerk Operation and Administrative

1 Fund to cover the costs in administering this
2 paragraph (17);

3 (B) \$300 to the State Treasurer who shall deposit
4 the portion as follows:

5 (i) if the arresting or investigating agency
6 is the Illinois State Police, into the State
7 Police Law Enforcement Administration Fund;

8 (ii) if the arresting or investigating agency
9 is the Department of Natural Resources, into the
10 Conservation Police Operations Assistance Fund;

11 (iii) if the arresting or investigating agency
12 is the Secretary of State, into the Secretary of
13 State Police Services Fund;

14 (iv) if the arresting or investigating agency
15 is the Illinois Commerce Commission, into the
16 Transportation Regulatory Fund; or

17 (v) if more than one of the State agencies in
18 this subparagraph (B) is the arresting or
19 investigating agency, then equal shares with the
20 shares deposited as provided in the applicable
21 items (i) through (iv) of this subparagraph (B);
22 and

23 (C) the remainder for deposit into the Specialized
24 Services for Survivors of Human Trafficking Fund;

25 (18) weapons violation under Section 24-1.1, 24-1.2,
26 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, \$100 for each conviction to the State Treasurer
2 for deposit into the Trauma Center Fund; and

3 (19) violation of subsection (c) of Section 11-907 of
4 the Illinois Vehicle Code, \$250 to the State Treasurer for
5 deposit into the Scott's Law Fund, unless a county or
6 municipal police officer wrote the ticket for the
7 violation, in which case to the county treasurer for
8 deposit into that county's or municipality's
9 Transportation Safety Highway Hire-back Fund to be used as
10 provided in subsection (j) of Section 11-907 of the
11 Illinois Vehicle Code.

12 (20) violation of Section 15-109.1 of the Illinois
13 Vehicle Code, \$150 to be distributed as follows:

14 (A) 50% to the county treasurer for deposit into
15 the county general fund; and

16 (B) 50% to the treasurer of the arresting law
17 enforcement agency of the municipality or county or to
18 the State Treasurer, if the arresting agency was a
19 State agency, to be deposited as provided in
20 subsection (c) of Section 10-5.

21 Except for traffic violations, fines and assessments, such
22 as fees or administrative costs authorized in this Section,
23 shall not be ordered or imposed on a minor subject to Article
24 III, IV, or V of the Juvenile Court Act of 1987, or a minor
25 under the age of 18 transferred to adult court or excluded from
26 juvenile court jurisdiction under Article V of the Juvenile

1 Court Act of 1987, or the minor's parent, guardian, or legal
2 custodian.

3 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
4 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
5 7-28-23.)