



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1317

Introduced 2/6/2023, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-115	from Ch. 95 1/2, par. 6-115
625 ILCS 5/6-308	
730 ILCS 5/5-9-3	from Ch. 38, par. 1005-9-3

Amends the Illinois Vehicle Code. Deletes a provision that allows the Secretary of State to decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under the Code and is not paid upon reasonable notice and demand. Provides that whenever a person fails to appear in court and the court continues the case, the clerk of the court shall also send notice of the continued court date to the person's email address and shall send a text message to the person's last known cellular telephone number. Provides that if the person does not have a cellular telephone number, the clerk of the court shall telephone the person regarding the continued court date at the person's last known non-cellular telephone number. Deletes provisions that provide that if the person does not appear in court on or before the continued court date or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an order of failure to appear. Amends the Unified Code of Corrections. Deletes provisions that provide that an offender who defaults in the payment of a fine or any installment of that fine may be held in contempt and imprisoned for nonpayment and that the court may issue a summons for his or her appearance or a warrant of arrest. Effective immediately.

LRB103 27019 MXP 53386 b

1 AN ACT concerning courts.

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 6-115 and 6-308 as follows:

6 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

7 Sec. 6-115. Expiration of driver's license.

8 (a) Except as provided elsewhere in this Section, every
9 driver's license issued under the provisions of this Code
10 shall expire 4 years from the date of its issuance, or at such
11 later date, as the Secretary of State may by proper rule and
12 regulation designate, not to exceed 12 calendar months; in the
13 event that an applicant for renewal of a driver's license
14 fails to apply prior to the expiration date of the previous
15 driver's license, the renewal driver's license shall expire 4
16 years from the expiration date of the previous driver's
17 license, or at such later date as the Secretary of State may by
18 proper rule and regulation designate, not to exceed 12
19 calendar months.

20 The Secretary of State may, however, issue to a person not
21 previously licensed as a driver in Illinois a driver's license
22 which will expire not less than 4 years nor more than 5 years
23 from date of issuance, except as provided elsewhere in this

1 Section.

2 (a-5) Every driver's license issued under this Code to an
3 applicant who is not a United States citizen or permanent
4 resident, or an individual who has an approved application for
5 asylum in the United States or has entered the United States in
6 refugee status, shall expire on whichever is the earlier date
7 of the following:

8 (1) as provided under subsection (a), (f), (g), or (i)
9 of this Section;

10 (2) on the date the applicant's authorized stay in the
11 United States terminates; or

12 (3) if the applicant's authorized stay is indefinite
13 and the applicant is applying for a Limited Term REAL ID
14 compliant driver's license, one year from the date of
15 issuance of the license.

16 (a-10) Every REAL ID compliant driver's license issued
17 under this Code to an applicant who is not a United States
18 citizen or permanent resident, or an individual who has an
19 approved application for asylum in the United States or has
20 entered the United States in refugee status, shall be marked
21 "Limited Term".

22 (b) Before the expiration of a driver's license, except
23 those licenses expiring on the individual's 21st birthday, or
24 3 months after the individual's 21st birthday, the holder
25 thereof may apply for a renewal thereof, subject to all the
26 provisions of Section 6-103, and the Secretary of State may

1 require an examination of the applicant. A licensee whose
2 driver's license expires on his 21st birthday, or 3 months
3 after his 21st birthday, may not apply for a renewal of his
4 driving privileges until he reaches the age of 21.

5 (c) The Secretary of State shall, 30 days prior to the
6 expiration of a driver's license, forward to each person whose
7 license is to expire a notification of the expiration of said
8 license which may be presented at the time of renewal of said
9 license.

10 There may be included with such notification information
11 explaining the anatomical gift and Emergency Medical
12 Information Card provisions of Section 6-110. The format and
13 text of such information shall be prescribed by the Secretary.

14 There shall be included with such notification, for a
15 period of 4 years beginning January 1, 2000 information
16 regarding the Illinois Adoption Registry and Medical
17 Information Exchange established in Section 18.1 of the
18 Adoption Act.

19 (d) The Secretary may defer the expiration of the driver's
20 license of a licensee, spouse, and dependent children who are
21 living with such licensee while on active duty, serving in the
22 Armed Forces of the United States outside of the State of
23 Illinois, and 120 days thereafter, upon such terms and
24 conditions as the Secretary may prescribe.

25 (d-5) The Secretary may defer the expiration of the
26 driver's license of a licensee, or of a spouse or dependent

1 children living with the licensee, serving as a civilian
2 employee of the United States Armed Forces or the United
3 States Department of Defense, outside of the State of
4 Illinois, and 120 days thereafter, upon such terms and
5 conditions as the Secretary may prescribe.

6 (e) (Blank). ~~The Secretary of State may decline to process~~
7 ~~a renewal of a driver's license of any person who has not paid~~
8 ~~any fee or tax due under this Code and is not paid upon~~
9 ~~reasonable notice and demand.~~

10 (f) The Secretary shall provide that each original or
11 renewal driver's license issued to a licensee under 21 years
12 of age shall expire 3 months after the licensee's 21st
13 birthday. Persons whose current driver's licenses expire on
14 their 21st birthday on or after January 1, 1986 shall not renew
15 their driver's license before their 21st birthday, and their
16 current driver's license will be extended for an additional
17 term of 3 months beyond their 21st birthday. Thereafter, the
18 expiration and term of the driver's license shall be governed
19 by subsection (a) hereof.

20 (g) The Secretary shall provide that each original or
21 renewal driver's license issued to a licensee 81 years of age
22 through age 86 shall expire 2 years from the date of issuance,
23 or at such later date as the Secretary may by rule and
24 regulation designate, not to exceed an additional 12 calendar
25 months. The Secretary shall also provide that each original or
26 renewal driver's license issued to a licensee 87 years of age

1 or older shall expire 12 months from the date of issuance, or
2 at such later date as the Secretary may by rule and regulation
3 designate, not to exceed an additional 12 calendar months.

4 (h) The Secretary of State shall provide that each special
5 restricted driver's license issued under subsection (g) of
6 Section 6-113 of this Code shall expire 12 months from the date
7 of issuance. The Secretary shall adopt rules defining renewal
8 requirements.

9 (i) The Secretary of State shall provide that each
10 driver's license issued to a person convicted of a sex offense
11 as defined in Section 2 of the Sex Offender Registration Act
12 shall expire 12 months from the date of issuance or at such
13 date as the Secretary may by rule designate, not to exceed an
14 additional 12 calendar months. The Secretary may adopt rules
15 defining renewal requirements.

16 (Source: P.A. 101-185, eff. 1-1-20; 102-659, eff. 1-1-22.)

17 (625 ILCS 5/6-308)

18 Sec. 6-308. Procedures for traffic violations.

19 (a) Any person cited for violating this Code or a similar
20 provision of a local ordinance for which a violation is a petty
21 offense as defined by Section 5-1-17 of the Unified Code of
22 Corrections, excluding business offenses as defined by Section
23 5-1-2 of the Unified Code of Corrections or a violation of
24 Section 15-111 or subsection (d) of Section 3-401 of this
25 Code, shall not be required to sign the citation for his or her

1 release. All other provisions of this Code or similar
2 provisions of local ordinances shall be governed by the
3 pretrial release provisions of the Illinois Supreme Court
4 Rules when it is not practical or feasible to take the person
5 before a judge to have conditions of pretrial release set or to
6 avoid undue delay because of the hour or circumstances.

7 (b) Whenever a person fails to appear in court, the court
8 may continue the case for a minimum of 30 days and the clerk of
9 the court shall send notice of the continued court date to the
10 person's last known address and email address and shall send a
11 text message to the person's last known cellular telephone
12 number. If the person does not have a cellular telephone
13 number, the clerk of the court shall telephone the person
14 regarding the continued court date at the person's last known
15 non-cellular telephone number. ~~If the person does not appear~~
16 ~~in court on or before the continued court date or satisfy the~~
17 ~~court that the person's appearance in and surrender to the~~
18 ~~court is impossible for no fault of the person, the court shall~~
19 ~~enter an order of failure to appear. The clerk of the court~~
20 ~~shall notify the Secretary of State, on a report prescribed by~~
21 ~~the Secretary, of the court's order. The Secretary, when~~
22 ~~notified by the clerk of the court that an order of failure to~~
23 ~~appear has been entered, shall immediately suspend the~~
24 ~~person's driver's license, which shall be designated by the~~
25 ~~Secretary as a Failure to Appear suspension. The Secretary~~
26 ~~shall not remove the suspension, nor issue any permit or~~

1 ~~privileges to the person whose license has been suspended,~~
2 ~~until notified by the ordering court that the person has~~
3 ~~appeared and resolved the violation. Upon compliance, the~~
4 ~~clerk of the court shall present the person with a notice of~~
5 ~~compliance containing the seal of the court, and shall notify~~
6 ~~the Secretary that the person has appeared and resolved the~~
7 ~~violation.~~

8 (c) Illinois Supreme Court Rules shall govern pretrial
9 release and appearance procedures when a person who is a
10 resident of another state that is not a member of the
11 Nonresident Violator Compact of 1977 is cited for violating
12 this Code or a similar provision of a local ordinance.

13 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

14 Section 10. The Unified Code of Corrections is amended by
15 changing Section 5-9-3 as follows:

16 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

17 Sec. 5-9-3. Default.

18 (a) (Blank). ~~An offender who defaults in the payment of a~~
19 ~~fine or any installment of that fine may be held in contempt~~
20 ~~and imprisoned for nonpayment. The court may issue a summons~~
21 ~~for his appearance or a warrant of arrest.~~

22 (b) (Blank). ~~Unless the offender shows that his default~~
23 ~~was not due to his intentional refusal to pay, or not due to a~~
24 ~~failure on his part to make a good faith effort to pay, the~~

1 ~~court may order the offender imprisoned for a term not to~~
2 ~~exceed 6 months if the fine was for a felony, or 30 days if the~~
3 ~~fine was for a misdemeanor, a petty offense or a business~~
4 ~~offense. Payment of the fine at any time will entitle the~~
5 ~~offender to be released, but imprisonment under this Section~~
6 ~~shall not satisfy the payment of the fine.~~

7 (c) (Blank). ~~If it appears that the default in the payment~~
8 ~~of a fine is not intentional under paragraph (b) of this~~
9 ~~Section, the court may enter an order allowing the offender~~
10 ~~additional time for payment, reducing the amount of the fine~~
11 ~~or of each installment, or revoking the fine or the unpaid~~
12 ~~portion.~~

13 (d) (Blank). ~~When a fine is imposed on a corporation or~~
14 ~~unincorporated organization or association, it is the duty of~~
15 ~~the person or persons authorized to make disbursement of~~
16 ~~assets, and their superiors, to pay the fine from assets of the~~
17 ~~corporation or unincorporated organization or association. The~~
18 ~~failure of such persons to do so shall render them subject to~~
19 ~~proceedings under paragraphs (a) and (b) of this Section.~~

20 (e) A default in the payment of a fine, fee, cost, order of
21 restitution, judgment of bond forfeiture, judgment order of
22 forfeiture, or any installment thereof may be collected by any
23 and all means authorized for the collection of money
24 judgments. The State's Attorney of the county in which the
25 fine, fee, cost, order of restitution, judgment of bond
26 forfeiture, or judgment order of forfeiture was imposed may

1 retain attorneys and private collection agents for the purpose
2 of collecting any default in payment of any fine, fee, cost,
3 order of restitution, judgment of bond forfeiture, judgment
4 order of forfeiture, or installment thereof. An additional fee
5 of 30% of the delinquent amount and each taxable court cost
6 including, without limitation, costs of service of process,
7 shall be charged to the offender for any amount of the fine,
8 fee, cost, restitution, or judgment of bond forfeiture or
9 installment of the fine, fee, cost, restitution, or judgment
10 of bond forfeiture that remains unpaid after the time fixed
11 for payment of the fine, fee, cost, restitution, or judgment
12 of bond forfeiture by the court. The additional fee shall be
13 payable to the State's Attorney in order to compensate the
14 State's Attorney for costs incurred in collecting the
15 delinquent amount. The State's Attorney may enter into
16 agreements assigning any portion of the fee to the retained
17 attorneys or the private collection agent retained by the
18 State's Attorney. Any agreement between the State's Attorney
19 and the retained attorneys or collection agents shall require
20 the approval of the Circuit Clerk of that county. A default in
21 payment of a fine, fee, cost, restitution, or judgment of bond
22 forfeiture shall draw interest at the rate of 9% per annum.

23 (Source: P.A. 98-373, eff. 1-1-14.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.