



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Robert W. Churchill

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-211	from Ch. 95 1/2, par. 7-211
625 ILCS 5/7-310	from Ch. 95 1/2, par. 7-310

Amends the Illinois Vehicle Code. Provides that a petition for discharge filed in bankruptcy following a rendering of any judgment does not relieve the judgment debtor from any of the requirements of the Illinois Safety and Family Financial Responsibility Law.

LRB093 16886 DRH 42543 b

1 AN ACT concerning vehicles.

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 Sections 7-211 and 7-310 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 during
20 the period no action for damages arising out of a motor
21 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~~
24 ~~injury and property damage resulting from the accident; or~~

25 3. ~~4.~~ After the expiration of 5 years from the date of
26 the accident, the Secretary of State has not received
27 documentation that any action at law for damages arising
28 out of the motor vehicle accident has been filed against
29 the person.

30 An affidavit that no action at law for damages arising out
31 of the motor vehicle accident has been filed against the
32 applicant, or if filed that it is not still pending shall be

1 prima facie evidence of that fact. The Secretary of State may
2 take whatever steps are necessary to verify the statement set
3 forth in the applicant's affidavit.

4 (b) The driver's license or registration and nonresident's
5 operating privileges suspended as provided in Section 7-205
6 shall also remain suspended and shall not be renewed nor shall
7 any license or registration be issued to the person until the
8 person gives proof of his or her financial responsibility in
9 the future as provided in Section 1-164.5. The proof is to be
10 maintained by the person in a manner satisfactory to the
11 Secretary of State for a period of 3 years after the date the
12 proof is first filed.

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

14 (625 ILCS 5/7-310) (from Ch. 95 1/2, par. 7-310)

15 Sec. 7-310. Petition for discharge filed in bankruptcy.

16 (a) A petition for discharge filed in bankruptcy following
17 the rendering of any judgment does not ~~shall~~ relieve the
18 judgment debtor from any of the requirements of this Chapter 7.

19 (b) A petition for discharge filed in bankruptcy of the
20 owner or lessee of a commercial vehicle by whom the judgment
21 debtor is employed at the time of the motor vehicle accident
22 that gives rise to the judgment ~~also~~ shall relieve the judgment
23 debtor so employed from any of the requirements of this Chapter
24 7 if the discharge of the owner or lessee follows the rendering
25 of the judgment and if the judgment debtor so employed was
26 operating the commercial vehicle in connection with his regular
27 employment or occupation at the time of the accident. This
28 amendatory act of 1985 applies to all cases irrespective of
29 whether the accident giving rise to the suspension of license
30 or registration occurred before, on, or after its effective
31 date.

32 (Source: P.A. 86-549; 87-1114.)