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09500HB1171ham001

LRB095 08071 WGH 48889 a

1 AMENDMENT TO HOUSE BILL 1171

2 AMENDMENT NO. _____. Amend House Bill 1171 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 16-105 as follows:

6 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

7 Sec. 16-105. Disposition of fines and forfeitures.

8 (a) Except as provided in Section 16-104a of this Act and
9 except for those amounts required to be paid into the Traffic
10 and Criminal Conviction Surcharge Fund in the State Treasury
11 pursuant to Section 9.1 of the Illinois Police Training Act and
12 Section 5-9-1 of the Unified Code of Corrections and except
13 those amounts subject to disbursement by the circuit clerk
14 under Section 27.5 of the Clerks of Courts Act, fines and
15 penalties recovered under the provisions of Chapters 11 through
16 16 inclusive of this Code shall be paid and used as follows:

1 1. For offenses committed upon a highway within the
2 limits of a city, village, or incorporated town or under
3 the jurisdiction of any park district, to the treasurer of
4 the particular city, village, incorporated town or park
5 district, if the violator was arrested by the authorities
6 of the city, village, incorporated town or park district,
7 provided the police officers and officials of cities,
8 villages, incorporated towns and park districts shall
9 seasonably prosecute for all fines and penalties under this
10 Code. If the violation is prosecuted by the authorities of
11 the county, any fines or penalties recovered shall be paid
12 to the county treasurer. Provided further that if the
13 violator was arrested by the State Police, fines and
14 penalties recovered under the provisions of paragraph (a)
15 of Section 15-113 of this Code or paragraph (e) of Section
16 15-316 of this Code shall be paid over to the Department of
17 State Police which shall thereupon remit the amount of the
18 fines and penalties so received to the State Treasurer who
19 shall deposit the amount so remitted in the special fund in
20 the State treasury known as the Road Fund except that if
21 the violation is prosecuted by the State's Attorney, 10% of
22 the fine or penalty recovered shall be paid to the State's
23 Attorney as a fee of his office and the balance shall be
24 paid over to the Department of State Police for remittance
25 to and deposit by the State Treasurer as hereinabove
26 provided.

1 2. Except as provided in paragraph 4, for offenses
2 committed upon any highway outside the limits of a city,
3 village, incorporated town or park district, to the county
4 treasurer of the county where the offense was committed
5 except if such offense was committed on a highway
6 maintained by or under the supervision of a township,
7 township district, or a road district to the Treasurer
8 thereof for deposit in the road and bridge fund of such
9 township or other district; Provided, that fines and
10 penalties recovered under the provisions of paragraph (a)
11 of Section 15-113, paragraph (d) of Section 3-401, or
12 paragraph (e) of Section 15-316 of this Code, except for
13 offenses committed upon a highway maintained by or under
14 the supervision of a township, township district, or road
15 district, shall be paid over to the Department of State
16 Police which shall thereupon remit the amount of the fines
17 and penalties so received to the State Treasurer who shall
18 deposit the amount so remitted in the special fund in the
19 State treasury known as the Road Fund except that if the
20 violation is prosecuted by the State's Attorney, 10% of the
21 fine or penalty recovered shall be paid to the State's
22 Attorney as a fee of his office and the balance shall be
23 paid over to the Department of State Police for remittance
24 to and deposit by the State Treasurer as hereinabove
25 provided, and fines and penalties recovered under the
26 provisions of paragraph (a) of Section 15-113, paragraph

1 (d) of Section 3-401, or paragraph (e) of Section 15-316 of
2 this Code for offenses committed upon a highway maintained
3 by or under the supervision of a township, township
4 district, or road district shall be distributed as follows:
5 45% of the fine or penalty recovered shall be paid to the
6 Department of State Police which shall thereupon remit the
7 amount of the fines and penalties so received to the State
8 Treasurer who shall deposit the amount so remitted into the
9 Road Fund in the State treasury, 10% of the fine or penalty
10 recovered shall be paid to the State's Attorney as a fee of
11 his or her office, and 45% of the fine or penalty recovered
12 shall be paid to the Treasurer of the township, township
13 district, or road district for deposit in the road and
14 bridge fund of the township, township district, or road
15 district.

16 3. Notwithstanding subsections 1 and 2 of this
17 paragraph, for violations of overweight and overload
18 limits found in Sections 15-101 through 15-203 of this
19 Code, which are committed upon the highways belonging to
20 the Illinois State Toll Highway Authority, fines and
21 penalties shall be paid over to the Illinois State Toll
22 Highway Authority for deposit with the State Treasurer into
23 that special fund known as the Illinois State Toll Highway
24 Authority Fund, except that if the violation is prosecuted
25 by the State's Attorney, 10% of the fine or penalty
26 recovered shall be paid to the State's Attorney as a fee of

1 his office and the balance shall be paid over to the
2 Illinois State Toll Highway Authority for remittance to and
3 deposit by the State Treasurer as hereinabove provided.

4 4. With regard to violations of overweight and overload
5 limits found in Sections 15-101 through 15-203 of this Code
6 committed by operators of vehicles registered as Special
7 Hauling Vehicles, for offenses committed upon a highway
8 within the limits of a city, village, or incorporated town
9 or under the jurisdiction of any park district, all fines
10 and penalties shall be paid over or retained as required in
11 paragraph 1. However, with regard to the above offenses
12 committed by operators of vehicles registered as Special
13 Hauling Vehicles upon any highway outside the limits of a
14 city, village, incorporated town or park district, fines
15 and penalties shall be paid over or retained by the entity
16 having jurisdiction over the road or highway upon which the
17 offense occurred, except that if the violation is
18 prosecuted by the State's Attorney, 10% of the fine or
19 penalty recovered shall be paid to the State's Attorney as
20 a fee of his office.

21 (b) Failure, refusal or neglect on the part of any judicial
22 or other officer or employee receiving or having custody of any
23 such fine or forfeiture either before or after a deposit with
24 the proper official as defined in paragraph (a) of this
25 Section, shall constitute misconduct in office and shall be
26 grounds for removal therefrom.

1 (Source: P.A. 88-403; 88-476; 88-535; 89-117, eff. 7-7-95.)".