



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5683

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-707

from Ch. 95 1/2, par. 3-707

Amends the Illinois Vehicle Code. Provides that any person who fails to comply with a request by a law enforcement officer for display of evidence of insurance, shall, at the discretion of the law enforcement officer, have his or her vehicle towed or have his or her vehicle held at the scene until a display of evidence of insurance can be produced. Provides that, if the vehicle is towed, the owner of the vehicle shall be responsible for all towing and storage costs. Provides that a vehicle that has been towed for failure to display evidence of insurance shall not be released until a display of evidence of insurance is produced.

LRB095 17892 LCT 43972 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 changing
5 Section 3-707 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 (Text of Section before amendment by P.A. 95-686)

8 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

9 (a) No person shall operate a motor vehicle unless the
10 motor vehicle is covered by a liability insurance policy in
11 accordance with Section 7-601 of this Code.

12 (b) Any person who fails to comply with a request by a law
13 enforcement officer for display of evidence of insurance, as
14 required under Section 7-602 of this Code, shall be deemed to
15 be operating an uninsured motor vehicle.

16 (b-5) Any person who fails to comply with a request by a
17 law enforcement officer for display of evidence of insurance,
18 as required under Section 7-602 of this Code, shall, at the
19 discretion of the law enforcement officer, have his or her
20 vehicle towed or have his or her vehicle held at the scene
21 until a display of evidence of insurance can be produced. If
22 the vehicle is towed, the owner of the vehicle shall be
23 responsible for all towing and storage costs. A vehicle that

1 has been towed under this subsection (b-5) shall not be
2 released until a display of evidence of insurance is produced.

3 (c) Any operator of a motor vehicle subject to registration
4 under this Code who is convicted of violating this Section is
5 guilty of a business offense and shall be required to pay a
6 fine in excess of \$500, but not more than \$1,000. However, no
7 person charged with violating this Section shall be convicted
8 if such person produces in court satisfactory evidence that at
9 the time of the arrest the motor vehicle was covered by a
10 liability insurance policy in accordance with Section 7-601 of
11 this Code. The chief judge of each circuit may designate an
12 officer of the court to review the documentation demonstrating
13 that at the time of arrest the motor vehicle was covered by a
14 liability insurance policy in accordance with Section 7-601 of
15 this Code.

16 (c-1) A person convicted of violating this Section shall
17 also have his or her driver's license, permit, or privileges
18 suspended for 3 months. After the expiration of the 3 months,
19 the person's driver's license, permit, or privileges shall not
20 be reinstated until he or she has paid a reinstatement fee of
21 \$100. If a person violates this Section while his or her
22 driver's license, permit, or privileges are suspended under
23 this subsection (c-1), his or her driver's license, permit, or
24 privileges shall be suspended for an additional 6 months and
25 until he or she pays the reinstatement fee.

26 (d) A person convicted a third or subsequent time of

1 violating this Section or a similar provision of a local
2 ordinance must give proof to the Secretary of State of the
3 person's financial responsibility as defined in Section 7-315.
4 The person must maintain the proof in a manner satisfactory to
5 the Secretary for a minimum period of 3 years after the date
6 the proof is first filed. The Secretary must suspend the
7 driver's license of any person determined by the Secretary not
8 to have provided adequate proof of financial responsibility as
9 required by this subsection.

10 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08.)

11 (Text of Section after amendment by P.A. 95-686)

12 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

13 (a) No person shall operate a motor vehicle unless the
14 motor vehicle is covered by a liability insurance policy in
15 accordance with Section 7-601 of this Code.

16 (b) Any person who fails to comply with a request by a law
17 enforcement officer for display of evidence of insurance, as
18 required under Section 7-602 of this Code, shall be deemed to
19 be operating an uninsured motor vehicle.

20 (b-5) Any person who fails to comply with a request by a
21 law enforcement officer for display of evidence of insurance,
22 as required under Section 7-602 of this Code, shall, at the
23 discretion of the law enforcement officer, have his or her
24 vehicle towed or have his or her vehicle held at the scene
25 until a display of evidence of insurance can be produced. If

1 the vehicle is towed, the owner of the vehicle shall be
2 responsible for all towing and storage costs. A vehicle that
3 has been towed under this subsection (b-5) shall not be
4 released until a display of evidence of insurance is produced.

5 (c) Except as provided in subsection (c-5), any operator of
6 a motor vehicle subject to registration under this Code who is
7 convicted of violating this Section is guilty of a business
8 offense and shall be required to pay a fine in excess of \$500,
9 but not more than \$1,000. However, no person charged with
10 violating this Section shall be convicted if such person
11 produces in court satisfactory evidence that at the time of the
12 arrest the motor vehicle was covered by a liability insurance
13 policy in accordance with Section 7-601 of this Code. The chief
14 judge of each circuit may designate an officer of the court to
15 review the documentation demonstrating that at the time of
16 arrest the motor vehicle was covered by a liability insurance
17 policy in accordance with Section 7-601 of this Code.

18 (c-1) A person convicted of violating this Section shall
19 also have his or her driver's license, permit, or privileges
20 suspended for 3 months. After the expiration of the 3 months,
21 the person's driver's license, permit, or privileges shall not
22 be reinstated until he or she has paid a reinstatement fee of
23 \$100. If a person violates this Section while his or her
24 driver's license, permit, or privileges are suspended under
25 this subsection (c-1), his or her driver's license, permit, or
26 privileges shall be suspended for an additional 6 months and

1 until he or she pays the reinstatement fee.

2 (c-5) A person who (i) has not previously been convicted of
3 or received a disposition of court supervision for violating
4 this Section and (ii) produces at his or her court appearance
5 satisfactory evidence that the motor vehicle is covered, as of
6 the date of the court appearance, by a liability insurance
7 policy in accordance with Section 7-601 of this Code shall, for
8 a violation of this Section, pay a fine of \$100 and receive a
9 disposition of court supervision. The person must, on the date
10 that the period of court supervision is scheduled to terminate,
11 produce satisfactory evidence that the vehicle was covered by
12 the required liability insurance policy during the entire
13 period of court supervision.

14 An officer of the court designated under subsection (c) may
15 also review liability insurance documentation under this
16 subsection (c-5) to determine if the motor vehicle is, as of
17 the date of the court appearance, covered by a liability
18 insurance policy in accordance with Section 7-601 of this Code.
19 The officer of the court shall also determine, on the date the
20 period of court supervision is scheduled to terminate, whether
21 the vehicle was covered by the required policy during the
22 entire period of court supervision.

23 (d) A person convicted a third or subsequent time of
24 violating this Section or a similar provision of a local
25 ordinance must give proof to the Secretary of State of the
26 person's financial responsibility as defined in Section 7-315.

1 The person must maintain the proof in a manner satisfactory to
2 the Secretary for a minimum period of 3 years after the date
3 the proof is first filed. The Secretary must suspend the
4 driver's license of any person determined by the Secretary not
5 to have provided adequate proof of financial responsibility as
6 required by this subsection.

7 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08;
8 95-686, eff. 6-1-08; revised 11-16-07.)