

HB0370



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0370

Introduced 1/30/2009, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-707

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

Amends the Illinois Vehicle Code. Provides that a person commits the offense of operation of an insured motor vehicle causing bodily harm (a Class A misdemeanor) when the person (i) operates a motor vehicle in violation of the mandatory insurance provisions of the Illinois Vehicle Code requiring certain motor vehicles operated on public highways to be covered by a liability insurance policy, and (ii) causes bodily harm to another person as a proximate result of the driver's uninsured operation of the motor vehicle.

LRB096 04881 AJT 14947 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation, which may be referred to
2 as the Michael Dean Law.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Section 3-707 as follows:

7 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

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 (a-5) A person commits the offense of operation of
13 uninsured motor vehicle causing bodily harm when the person:

14 (1) operates a motor vehicle in violation of Section
15 7-601 of this Code; and

16 (2) causes, as a proximate result of the person's
17 operation of the motor vehicle, bodily harm to another
18 person.

19 (a-6) Uninsured operation of a motor vehicle under
20 subsection (a-5) is a Class A misdemeanor.

21 (b) Any person who fails to comply with a request by a law
22 enforcement officer for display of evidence of insurance, as
23 required under Section 7-602 of this Code, shall be deemed to

1 be operating an uninsured motor vehicle.

2 (c) Except as provided in subsections ~~subsection~~ (a-6) and
3 (c-5), 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 (c-5) A person who (i) has not previously been convicted of

1 or received a disposition of court supervision for violating
2 this Section and (ii) produces at his or her court appearance
3 satisfactory evidence that the motor vehicle is covered, as of
4 the date of the court appearance, by a liability insurance
5 policy in accordance with Section 7-601 of this Code shall, for
6 a violation of this Section, other than a violation of
7 subsection (a-5), pay a fine of \$100 and receive a disposition
8 of court supervision. The person must, on the date that the
9 period of court supervision is scheduled to terminate, produce
10 satisfactory evidence that the vehicle was covered by the
11 required liability insurance policy during the entire period of
12 court supervision.

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

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

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

6 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08;
7 95-686, eff. 6-1-08; 95-876, eff. 8-21-08.)