



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4779

Introduced 1/12/2010, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-104a

from Ch. 95 1/2, par. 16-104a

Amends the Illinois Vehicle Code. Provides that in addition to any other fine or penalty required by law, an individual convicted of reckless driving or speeding in excess of 40 miles per hour over the posted speed limit and the violation proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response in an amount not exceeding \$1,000 per public agency for each emergency response. Effective July 1, 2010.

LRB096 16349 AJT 31613 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 16-104a as follows:

6 (625 ILCS 5/16-104a) (from Ch. 95 1/2, par. 16-104a)
7 Sec. 16-104a. Additional penalty for certain violations.

8 (a) There is added to every fine imposed upon conviction of
9 an offense reportable to the Secretary of State under the
10 provisions of subdivision (a) (2) of Section 6-204 of this Act
11 an additional penalty of \$4 for each \$40, or fraction thereof,
12 of fine imposed. Each such additional penalty received shall be
13 remitted within one month to the State Treasurer to be
14 deposited into the Drivers Education Fund, unless the
15 additional penalty is subject to disbursement by the circuit
16 clerk under Section 27.5 of the Clerks of Courts Act. Such
17 additional amounts shall be assessed by the court and shall be
18 collected by the Clerk of the Circuit Court in addition to the
19 fine and costs in the case. Such additional penalty shall not
20 be considered a part of the fine for purposes of any reduction
21 made in the fine for time served either before or after
22 sentencing. Not later than March 1 of each year the Clerk of
23 the Circuit Court shall submit to the State Comptroller a

1 report of the amount of funds remitted by him to the State
2 Treasurer under this Section during the preceding calendar
3 year. Except as otherwise provided by Supreme Court Rules, if a
4 court in sentencing an offender levies a gross amount for fine,
5 costs, fees and penalties, the amount of the additional penalty
6 provided for herein shall be computed on the amount remaining
7 after deducting from the gross amount levied all fees of the
8 Circuit Clerk, the State's Attorney and the Sheriff. After
9 deducting from the gross amount levied the fees and additional
10 penalty provided for herein, less any other additional
11 penalties provided by law, the clerk shall remit the net
12 balance remaining to the entity authorized by law to receive
13 the fine imposed in the case. For purposes of this Section
14 "fees of the Circuit Clerk" shall include, if applicable, the
15 fee provided for under Section 27.3a of the Clerks of Courts
16 Act and the fee, if applicable, payable to the county in which
17 the violation occurred pursuant to Section 5-1101 of the
18 Counties Code.

19 When bail is forfeited for failure to appear in connection
20 with an offense reportable to the Secretary of State under
21 subdivision (a) (2) of Section 6-204 of this Act, and no fine
22 is imposed ex parte, \$4 of every \$40 cash deposit, or fraction
23 thereof, given to secure appearance shall be remitted within
24 one month to the State Treasurer to be deposited into the
25 Drivers Education Fund, unless the bail is subject to
26 disbursement by the circuit clerk under Section 27.5 of the

1 Clerks of Courts Act.

2 (b) In addition to any other fine or penalty required by
3 law, an individual convicted of a violation of Section 11-503
4 or 11-601.5 of this Code or a similar provision of a local
5 ordinance and the violation proximately caused an incident
6 resulting in an appropriate emergency response, shall be
7 required to make restitution to a public agency for the costs
8 of that emergency response. The restitution may not exceed
9 \$1,000 per public agency for each emergency response. As used
10 in this subsection, "emergency response" means any incident
11 requiring a response by a police officer, an ambulance, a
12 firefighter carried on the rolls of a regularly constituted
13 fire department or fire protection district, a firefighter of a
14 volunteer fire department, or a member of a recognized
15 not-for-profit rescue or emergency medical service provider.

16 (Source: P.A. 91-716, eff. 10-1-00.)

17 Section 99. Effective date. This Act takes effect July 1,
18 2010.