

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 for a person convicted of a violation of Section 11-503 or
4 11-601.5 of this Code or a similar provision of a local
5 ordinance, the court may, in its discretion, require the person
6 to pay an additional criminal penalty that shall be distributed
7 in its entirety to a public agency that provided an emergency
8 response related to the person's violation. The criminal
9 penalty may not exceed \$100 per public agency for each
10 emergency response provided for a first violation of Section
11 11-503 or 11-601.5 of this Code or a similar provision of a
12 local ordinance. The criminal penalty may not exceed \$500 per
13 public agency for each emergency response provided for a second
14 or subsequent violation of Section 11-503 or 11-601.5 of this
15 Code or a similar provision of a local ordinance. As used in
16 this subsection, "emergency response" means any incident
17 requiring a response by a police officer, an ambulance, a
18 firefighter carried on the rolls of a regularly constituted
19 fire department or fire protection district, a firefighter of a
20 volunteer fire department, or a member of a recognized
21 not-for-profit rescue or emergency medical service provider.

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

23 Section 99. Effective date. This Act takes effect July 1,
24 2010.