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09600HB4982ham001

LRB096 16438 AJT 36263 a

1 AMENDMENT TO HOUSE BILL 4982

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4982 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-306.5 as follows:

6 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

7 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
8 parking, compliance, or automated traffic law violations;  
9 suspension of driving privileges.

10 (a) Upon receipt of a certified report, as prescribed by  
11 subsection (c) of this Section, from any municipality stating  
12 that the owner of a registered vehicle has: (1) failed to pay  
13 any fine or penalty due and owing as a result of 10 or more  
14 violations of a municipality's vehicular standing, parking, or  
15 compliance regulations established by ordinance pursuant to  
16 Section 11-208.3 of this Code, ~~or~~ (2) failed to pay any fine or

1 penalty due and owing as a result of 5 offenses for automated  
2 traffic violations as defined in Section 11-208.6 or 11-1201.1,  
3 or (3) is more than 14 days in default of a payment plan  
4 pursuant to which a suspension had been terminated under  
5 subsection (c) of this Section, the Secretary of State shall  
6 suspend the driving privileges of such person in accordance  
7 with the procedures set forth in this Section. The Secretary  
8 shall also suspend the driving privileges of an owner of a  
9 registered vehicle upon receipt of a certified report, as  
10 prescribed by subsection (f) of this Section, from any  
11 municipality stating that such person has failed to satisfy any  
12 fines or penalties imposed by final judgments for 5 or more  
13 automated traffic law violations or 10 or more violations of  
14 local standing, parking, or compliance regulations after  
15 exhaustion of judicial review procedures.

16 (b) Following receipt of the certified report of the  
17 municipality as specified in this Section, the Secretary of  
18 State shall notify the person whose name appears on the  
19 certified report that the person's drivers license will be  
20 suspended at the end of a specified period of time unless the  
21 Secretary of State is presented with a notice from the  
22 municipality certifying that the fine or penalty due and owing  
23 the municipality has been paid or that inclusion of that  
24 person's name on the certified report was in error. The  
25 Secretary's notice shall state in substance the information  
26 contained in the municipality's certified report to the

1 Secretary, and shall be effective as specified by subsection  
2 (c) of Section 6-211 of this Code.

3 (c) The report of the appropriate municipal official  
4 notifying the Secretary of State of unpaid fines or penalties  
5 pursuant to this Section shall be certified and shall contain  
6 the following:

7 (1) The name, last known address as recorded with the  
8 Secretary of State, as provided by the lessor of the cited  
9 vehicle at the time of lease, or as recorded in a United  
10 States Post Office approved database if any notice sent  
11 under Section 11-208.3 of this Code is returned as  
12 undeliverable, and drivers license number of the person who  
13 failed to pay the fine or penalty or who has defaulted in a  
14 payment plan and the registration number of any vehicle  
15 known to be registered to such person in this State.

16 (2) The name of the municipality making the report  
17 pursuant to this Section.

18 (3) A statement that the municipality sent a notice of  
19 impending drivers license suspension as prescribed by  
20 ordinance enacted pursuant to Section 11-208.3 of this Code  
21 or a notice of default in a payment plan, to the person  
22 named in the report at the address recorded with the  
23 Secretary of State or at the last address known to the  
24 lessor of the cited vehicle at the time of lease or, if any  
25 notice sent under Section 11-208.3 of this Code is returned  
26 as undeliverable, at the last known address recorded in a

1 United States Post Office approved database; the date on  
2 which such notice was sent; and the address to which such  
3 notice was sent. In a municipality with a population of  
4 1,000,000 or more, the report shall also include a  
5 statement that the alleged violator's State vehicle  
6 registration number and vehicle make, if specified on the  
7 automated traffic law violation notice, are correct as they  
8 appear on the citations.

9 (4) A unique identifying reference number for each  
10 request of suspension sent whenever a person has failed to  
11 pay the fine or penalty or has defaulted on a payment plan.

12 (d) Any municipality making a certified report to the  
13 Secretary of State pursuant to this Section shall notify the  
14 Secretary of State, in a form prescribed by the Secretary,  
15 whenever a person named in the certified report has paid the  
16 previously reported fine or penalty, whenever a person named in  
17 the certified report has entered into a payment plan pursuant  
18 to which the municipality has agreed to terminate the  
19 suspension, or whenever the municipality determines that the  
20 original report was in error. A certified copy of such  
21 notification shall also be given upon request and at no  
22 additional charge to the person named therein. Upon receipt of  
23 the municipality's notification or presentation of a certified  
24 copy of such notification, the Secretary of State shall  
25 terminate the suspension.

26 (e) Any municipality making a certified report to the

1 Secretary of State pursuant to this Section shall also by  
2 ordinance establish procedures for persons to challenge the  
3 accuracy of the certified report. The ordinance shall also  
4 state the grounds for such a challenge, which may be limited to  
5 (1) the person not having been the owner or lessee of the  
6 vehicle or vehicles receiving 10 or more standing, parking, or  
7 compliance violation notices or 5 or more automated traffic law  
8 violations on the date or dates such notices were issued; and  
9 (2) the person having already paid the fine or penalty for the  
10 10 or more standing, parking, or compliance violations or 5 or  
11 more automated traffic law violations indicated on the  
12 certified report.

13 (f) Any municipality, other than a municipality  
14 establishing vehicular standing, parking, and compliance  
15 regulations pursuant to Section 11-208.3 or automated traffic  
16 law regulations under Section 11-208.6 or 11-1201.1, may also  
17 cause a suspension of a person's drivers license pursuant to  
18 this Section. Such municipality may invoke this sanction by  
19 making a certified report to the Secretary of State upon a  
20 person's failure to satisfy any fine or penalty imposed by  
21 final judgment for 10 or more violations of local standing,  
22 parking, or compliance regulations or 5 or more automated  
23 traffic law violations after exhaustion of judicial review  
24 procedures, but only if:

25 (1) the municipality complies with the provisions of  
26 this Section in all respects except in regard to enacting

1 an ordinance pursuant to Section 11-208.3;

2 (2) the municipality has sent a notice of impending  
3 drivers license suspension as prescribed by an ordinance  
4 enacted pursuant to subsection (g) of this Section; and

5 (3) in municipalities with a population of 1,000,000 or  
6 more, the municipality has verified that the alleged  
7 violator's State vehicle registration number and vehicle  
8 make are correct as they appear on the citations.

9 (g) Any municipality, other than a municipality  
10 establishing standing, parking, and compliance regulations  
11 pursuant to Section 11-208.3 or automated traffic law  
12 regulations under Section 11-208.6 or 11-1201.1, may provide by  
13 ordinance for the sending of a notice of impending drivers  
14 license suspension to the person who has failed to satisfy any  
15 fine or penalty imposed by final judgment for 10 or more  
16 violations of local standing, parking, or compliance  
17 regulations or 5 or more automated traffic law violations after  
18 exhaustion of judicial review procedures. An ordinance so  
19 providing shall specify that the notice sent to the person  
20 liable for any fine or penalty shall state that failure to pay  
21 the fine or penalty owing within 45 days of the notice's date  
22 will result in the municipality notifying the Secretary of  
23 State that the person's drivers license is eligible for  
24 suspension pursuant to this Section. The notice of impending  
25 drivers license suspension shall be sent by first class United  
26 States mail, postage prepaid, to the address recorded with the

1 Secretary of State or at the last address known to the lessor  
2 of the cited vehicle at the time of lease or, if any notice  
3 sent under Section 11-208.3 of this Code is returned as  
4 undeliverable, to the last known address recorded in a United  
5 States Post Office approved database.

6 (h) An administrative hearing to contest an impending  
7 suspension or a suspension made pursuant to this Section may be  
8 had upon filing a written request with the Secretary of State.  
9 The filing fee for this hearing shall be \$20, to be paid at the  
10 time the request is made. A municipality which files a  
11 certified report with the Secretary of State pursuant to this  
12 Section shall reimburse the Secretary for all reasonable costs  
13 incurred by the Secretary as a result of the filing of the  
14 report, including but not limited to the costs of providing the  
15 notice required pursuant to subsection (b) and the costs  
16 incurred by the Secretary in any hearing conducted with respect  
17 to the report pursuant to this subsection and any appeal from  
18 such a hearing.

19 (i) The provisions of this Section shall apply on and after  
20 January 1, 1988.

21 (j) For purposes of this Section, the term "compliance  
22 violation" is defined as in Section 11-208.3.

23 (Source: P.A. 96-478, eff. 1-1-10.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."