



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6099

Introduced 2/11/2010, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Fertilizer Act of 1961. Prohibits any applicator for hire from applying fertilizer material containing phosphorus to any parcel of turfgrass except as demonstrated to be necessary by a soil test conducted no more than 36 months before the intended application by a laboratory already identified and approved by the Department of Agriculture, unless the fertilizer material is a 0% phosphate fertilizer or a person is establishing turfgrass in the first growing season. Restricts the application of fertilizer material on impervious surfaces, near bodies of water, and when the ground is frozen. Enlarges the Department's rulemaking powers under the Act. Exempts the following types of property from the requirements of the Act: property used in the operation of a commercial farm, lands classified as agricultural lands, and golf courses. Authorizes local government code enforcement officers to issue notices of violation. Limits home rule powers. Defines "applicator for hire", "buffer", "frozen ground", "impervious surface", "saturated ground", "soil test", "soil test lab", "spreader", "turfgrass", and "0% phosphate fertilizer". Amends the Clerks of Courts Act. Provides that fines imposed under the Illinois Fertilizer Act of 1961 as a result of the issuance of a notice of violation by a code enforcement officer of a unit of local government shall be returned to the unit of local government that issued the notice of violation, and that the fines imposed under that Act as a result of the issuance of a notice of violation by the Department of Agriculture shall be deposited into the Fertilizer Control Fund. Effective July 1, 2010.

LRB096 20722 JDS 36455 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning agriculture.

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

4 Section 5. The Illinois Fertilizer Act of 1961 is amended
5 by changing Sections 3, 14, and 19 and by adding Sections 18b,
6 18c, and 19a as follows:

7 (505 ILCS 80/3) (from Ch. 5, par. 55.3)

8 Sec. 3. Definitions of words and terms. When used in this
9 Act unless the context otherwise requires:

10 (a) The term "fertilizer material" means any substance
11 containing nitrogen, phosphorus, potash or any other
12 recognized plant nutrient element or compound which is used
13 primarily for its plant nutrient content or for compounding
14 mixed fertilizers except unmanipulated animal and vegetable
15 manures.

16 (b) The term "mixed fertilizer" means any combination or
17 mixture of fertilizer materials designed for use or claimed to
18 have value in promoting plant growth.

19 (c) The term "commercial fertilizer" means mixed
20 fertilizer and/or fertilizer materials except the following
21 natural products: agricultural limestone, marl, sea solids and
22 unprocessed animal manure, which have not been manipulated so
23 as to alter or change them chemically and burnt or hydrated

1 lime, and sewage sludge produced by any sanitary district shall
2 not be subject to the provisions of this Act. Such term does
3 not include "custom mixes" as defined herein.

4 (d) The term "anhydrous ammonia" means the compound formed
5 by the combination of two gaseous elements, nitrogen and
6 hydrogen, in the proportion of one part of nitrogen to three
7 parts of hydrogen (NH₃) by volume. Anhydrous ammonia is a
8 commercial fertilizer of ammonia gas in compressed and
9 liquified form. It is not aqueous ammonia which is a solution
10 of ammonia gas in water and which is considered a low pressure
11 nitrogen solution.

12 (e) The term "specialty fertilizer" means a commercial
13 fertilizer distributed primarily for nonfarm use, such as home
14 gardens, lawns, shrubbery, flowers, golf courses, municipal
15 parks, cemeteries, green houses and nurseries, and may include
16 commercial fertilizer used for research or experimental
17 purposes.

18 (f) The term "bulk fertilizers" means commercial
19 fertilizer or custom mix distributed in a non-packaged form.

20 (g) The term "custom mix" means a mixture of 2 or more
21 commercial fertilizers mixed at time of shipment to the
22 specific order of the consumer.

23 (h) The term "custom mixer" means a person who produces and
24 sells custom mixes.

25 (i) The term "brand" means a term, design, or trade mark
26 used in connection with one or several grades of commercial

1 fertilizers.

2 (j) The term "guaranteed analysis" means the minimum
3 percentages of plant nutrients claimed in the following order
4 and form:

- 5 A. Total Nitrogen (N) %
- 6 Available Phosphoric Acid (P2O5) %
- 7 Soluble Potash (K2O) %

8 B. For unacidulated mineral phosphatic materials and basic
9 slag, both total and available phosphoric acid and the degree
10 of fineness. For bone, tankage, and other organic phosphatic
11 materials, total phosphoric acid.

12 C. Additional plant nutrients expressed as the elements,
13 when permitted by regulation.

14 D. Potential basicity or acidity expressed in terms of
15 calcium carbonate equivalent in multiples of 100 pounds per
16 ton, when required by regulation.

17 (k) The term "grade" means the minimum percentage of total
18 nitrogen, available phosphoric acid (P2O5) and soluble potash
19 (K2O) stated in the order given in this definition.

20 (l) The term "official sample" means any sample of
21 commercial fertilizer or custom mix taken by the Director or
22 his agent and designated as "official" by the Director.

23 (m) The term "ton" means a net weight of 2000 pounds
24 avoirdupois.

25 (n) The term "per cent" or "percentage" means the
26 percentage by weight.

1 (o) The term "person" means any individual, partnership,
2 association, firm, ~~and~~ corporation, and applicator for hire.

3 (p) The term "distribute" means to offer for sale, sell,
4 barter, store, handle, transport or otherwise supply
5 commercial fertilizers or custom mix. The term "distributor"
6 means any person who distributes.

7 (q) Words importing the singular number may extend and be
8 applied to several persons or things and words importing the
9 plural number may include the singular.

10 (r) The term "registrant" means the person who registers
11 commercial fertilizer or custom mix under the provisions of
12 this Act.

13 (s) The term "nitrogen solution" means a low pressure
14 solution containing 2 per cent or more by weight of free
15 ammonia and/or having vapor pressure of 5 pounds or more per
16 square inch gauge at 104° F.

17 (t) The term "Department" means the Illinois Department of
18 Agriculture.

19 (u) The term "Director" means the Director of the Illinois
20 Department of Agriculture or a duly authorized representative.

21 (v) The term "applicator for hire" has the same meaning as
22 that term is defined in Section 2 of the Lawn Care Products
23 Application and Notice Act.

24 (w) The term "buffer" means an area adjacent to a body of
25 water that is left untreated with any fertilizer.

26 (x) The term "ground is frozen" means that the turfgrass

1 root system is frozen (typically 3 or 4 inches down).

2 (y) The term "impervious surface" means any structure,
3 surface, or improvement that reduces or prevents absorption of
4 stormwater into land, and includes porous paving, paver blocks,
5 gravel, crushed stone, decks, patios, elevated structures, and
6 other similar structures, surfaces, or improvements.

7 (z) The term "saturated ground" means ground that bears
8 ample evidence of being or having been inundated by standing
9 water.

10 (AA) The term "soil test" means a chemical and mechanical
11 analysis of soil nutrient values and pH level as it relates to
12 turfgrass soil and development.

13 (BB) The term "soil test lab" means a lab that has already
14 been identified as an acceptable lab used by the University of
15 Illinois.

16 (CC) The term "spreader" means any commercially available
17 fertilizing device used to evenly distribute fertilizer
18 material.

19 (DD) The term "turfgrass" means land, including
20 residential property and publicly owned land, that is planted,
21 closely mowed, managed grass, except that it does not include
22 pasture, land used to grow grass for sod, or any other land
23 used for agricultural production.

24 (EE) The term "0% phosphate fertilizer" means a fertilizer
25 material which contains no more than 0.67% available phosphoric
26 acid (P₂O₅).

1 (Source: P.A. 83-586.)

2 (505 ILCS 80/14) (from Ch. 5, par. 55.14)

3 Sec. 14. Rules and regulations.

4 For the enforcement of this Act, the Director is
5 authorized, after due notice and public hearing, to prescribe
6 and to enforce such rules and regulations ~~relating to the~~
7 ~~distribution of commercial fertilizer or custom mix~~ as he may
8 find necessary to carry into effect the full intent and meaning
9 of this Act.

10 (Source: Laws 1961, p. 3085.)

11 (505 ILCS 80/18b new)

12 Sec. 18b. Application restrictions.

13 No applicator for hire shall:

14 (1) Apply fertilizer material containing phosphorus to
15 any parcel of turfgrass except as demonstrated to be
16 necessary by a soil test conducted no more than 36 months
17 before the intended application by a laboratory already
18 identified and approved by the Department, except where the
19 fertilizer material is a 0% phosphate fertilizer, or where
20 a person is establishing turfgrass in the first growing
21 season.

22 (2) Apply fertilizer material to an impervious
23 surface, except where the application is inadvertent and
24 fertilizer material is swept or blown back into the target

1 area or returned to either its original or another
2 appropriate container for reuse.

3 (3) Apply fertilizer material using a spray, drop, or
4 rotary spreader with deflector within a 3 foot buffer of
5 any water body, except that when this equipment is not
6 used, no fertilizer material may be applied within a 15
7 foot buffer of any water body.

8 (4) Apply fertilizer material at any time when the
9 ground is frozen or saturated.

10 (505 ILCS 80/18c new)

11 Sec. 18c. Commercial farms; agriculture lands; golf
12 courses. Nothing contained in this Act shall apply to property
13 used in the operation of a commercial farm, lands classified as
14 agricultural lands, or golf courses.

15 (505 ILCS 80/19) (from Ch. 5, par. 55.19)

16 Sec. 19. Violations.

17 (a) If it appears ~~from the examination of any commercial~~
18 ~~fertilizer or custom mix~~ that any of the provisions of this Act
19 or the rules and regulations issued thereunder have been
20 violated, the Department or an agent of a unit of local
21 government to whom enforcement powers have been delegated by
22 intergovernmental agreement with the Department ~~Director or~~
23 ~~his or her authorized agent~~ shall issue a ~~cause~~ notice of
24 violation ~~the violations to be given to the~~ the violator

1 ~~registrant, distributor or possessor from whom the sample was~~
2 ~~taken.~~ Any person so notified shall be given opportunity to be
3 heard under such rules and regulations as may be prescribed by
4 the Director. If it appears after such hearing, either in the
5 presence or absence of the person so notified, that any of the
6 provisions of this Act or rules and regulations issued
7 thereunder have been violated, the Director may certify the
8 facts to the proper prosecuting attorney.

9 It shall be unlawful for any person to distribute, store,
10 transport or use anhydrous ammonia or nitrogen solutions in
11 violation of this Act or the rules and regulations promulgated
12 thereunder or to violate a stop use order issued by the
13 Director.

14 (b) Any person convicted of violating any provisions of
15 this Act or any of the rules or regulations issued thereunder,
16 or who impedes, obstructs, hinders or otherwise prevents or
17 attempts to prevent the Director, or his or her duly authorized
18 agent, in the performance of his or her duty in connection with
19 the provisions of this Act, shall be guilty of a business
20 offense punishable by a fine not to exceed \$250 for a first
21 offense, \$500 for a second offense, and \$1,000 for a third or
22 subsequent offense ~~\$1,000~~. In all prosecutions under this Act
23 involving the composition of a commercial fertilizer or custom
24 mix, a certified copy of the official analysis signed by the
25 Director shall be accepted as prima facie evidence of the
26 composition.

1 (c) Nothing in this Act shall be construed as requiring the
2 Director or his or her representative to report for prosecution
3 or for the institution of seizure proceedings as a result of
4 minor violations of the Act if he or she believes that the
5 public interests will be served by a suitable notice of warning
6 in writing.

7 (d) It shall be the duty of each State's attorney to whom
8 any violation is reported to cause appropriate proceedings to
9 be instituted and prosecuted in the circuit court without
10 delay.

11 (e) The Director is authorized to apply for and the court
12 is authorized to grant a temporary restraining order or a
13 preliminary or permanent injunction restraining any person
14 from violating or continuing to violate any of the provisions
15 of this Act or any rule or regulation promulgated under the Act
16 notwithstanding the existence of other remedies. The
17 injunction shall be entered without bond.

18 (f) All fines imposed under this Act as a result of the
19 issuance of a notice of violation by a code enforcement officer
20 of a unit of local government shall be returned to the unit of
21 local government that issued the notice of violation. All fines
22 imposed under this Act as a result of the issuance of a notice
23 of violation by the Department shall be deposited into the
24 Fertilizer Control Fund.

25 (Source: P.A. 83-1362.)

1 (505 ILCS 80/19a new)

2 Sec. 19a. Home rule.

3 (a) The regulation of the application of fertilizer
4 material to turfgrass by an applicator for hire is an exclusive
5 power and function of the State. A unit of local government,
6 including a home rule unit, may not regulate the application of
7 fertilizer to turfgrass by an applicator for hire. This Section
8 is a denial and limitation of home rule powers and functions
9 under subsection (h) of Section 6 of Article VII of the
10 Illinois Constitution.

11 (b) Nothing in this amendatory Act of the 96th General
12 Assembly, however, shall be construed to preempt any otherwise
13 valid law or ordinance enacted by a unit of local government,
14 including a home rule unit, regulating the sale of fertilizer
15 material.

16 Section 10. The Clerks of Courts Act is amended by changing
17 Section 27.6 as follows:

18 (705 ILCS 105/27.6)

19 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
20 and 96-667)

21 Sec. 27.6. (a) All fees, fines, costs, additional
22 penalties, bail balances assessed or forfeited, and any other
23 amount paid by a person to the circuit clerk equalling an
24 amount of \$55 or more, except fines imposed under the Illinois

1 Fertilizer Act of 1961, the fine imposed by Section 5-9-1.15 of
2 the Unified Code of Corrections, the additional fee required by
3 subsections (b) and (c), restitution under Section 5-5-6 of the
4 Unified Code of Corrections, contributions to a local
5 anti-crime program ordered pursuant to Section 5-6-3(b)(13) or
6 Section 5-6-3.1(c)(13) of the Unified Code of Corrections,
7 reimbursement for the costs of an emergency response as
8 provided under Section 11-501 of the Illinois Vehicle Code, any
9 fees collected for attending a traffic safety program under
10 paragraph (c) of Supreme Court Rule 529, any fee collected on
11 behalf of a State's Attorney under Section 4-2002 of the
12 Counties Code or a sheriff under Section 4-5001 of the Counties
13 Code, or any cost imposed under Section 124A-5 of the Code of
14 Criminal Procedure of 1963, for convictions, orders of
15 supervision, or any other disposition for a violation of
16 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
17 similar provision of a local ordinance, and any violation of
18 the Child Passenger Protection Act, or a similar provision of a
19 local ordinance, and except as otherwise provided in this
20 Section ~~subsections (d) and (g)~~ shall be disbursed within 60
21 days after receipt by the circuit clerk as follows: 44.5% shall
22 be disbursed to the entity authorized by law to receive the
23 fine imposed in the case; 16.825% shall be disbursed to the
24 State Treasurer; and 38.675% shall be disbursed to the county's
25 general corporate fund. Of the 16.825% disbursed to the State
26 Treasurer, 2/17 shall be deposited by the State Treasurer into

1 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
2 deposited into the Traffic and Criminal Conviction Surcharge
3 Fund, 3/17 shall be deposited into the Drivers Education Fund,
4 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
5 the 6.948/17 deposited into the Trauma Center Fund from the
6 16.825% disbursed to the State Treasurer, 50% shall be
7 disbursed to the Department of Public Health and 50% shall be
8 disbursed to the Department of Healthcare and Family Services.
9 For fiscal year 1993, amounts deposited into the Violent Crime
10 Victims Assistance Fund, the Traffic and Criminal Conviction
11 Surcharge Fund, or the Drivers Education Fund shall not exceed
12 110% of the amounts deposited into those funds in fiscal year
13 1991. Any amount that exceeds the 110% limit shall be
14 distributed as follows: 50% shall be disbursed to the county's
15 general corporate fund and 50% shall be disbursed to the entity
16 authorized by law to receive the fine imposed in the case. Not
17 later than March 1 of each year the circuit clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this Section during the preceding year based upon
20 independent verification of fines and fees. All counties shall
21 be subject to this Section, except that counties with a
22 population under 2,000,000 may, by ordinance, elect not to be
23 subject to this Section. For offenses subject to this Section,
24 judges shall impose one total sum of money payable for
25 violations. The circuit clerk may add on no additional amounts
26 except for amounts that are required by Sections 27.3a and

1 27.3c of this Act, unless those amounts are specifically waived
2 by the judge. With respect to money collected by the circuit
3 clerk as a result of forfeiture of bail, ex parte judgment or
4 guilty plea pursuant to Supreme Court Rule 529, the circuit
5 clerk shall first deduct and pay amounts required by Sections
6 27.3a and 27.3c of this Act. This Section is a denial and
7 limitation of home rule powers and functions under subsection
8 (h) of Section 6 of Article VII of the Illinois Constitution.

9 (b) In addition to any other fines and court costs assessed
10 by the courts, any person convicted or receiving an order of
11 supervision for driving under the influence of alcohol or drugs
12 shall pay an additional fee of \$100 to the clerk of the circuit
13 court. This amount, less 2 1/2% that shall be used to defray
14 administrative costs incurred by the clerk, shall be remitted
15 by the clerk to the Treasurer within 60 days after receipt for
16 deposit into the Trauma Center Fund. This additional fee of
17 \$100 shall not be considered a part of the fine for purposes of
18 any reduction in the fine for time served either before or
19 after sentencing. Not later than March 1 of each year the
20 Circuit Clerk shall submit a report of the amount of funds
21 remitted to the State Treasurer under this subsection during
22 the preceding calendar year.

23 (b-1) In addition to any other fines and court costs
24 assessed by the courts, any person convicted or receiving an
25 order of supervision for driving under the influence of alcohol
26 or drugs shall pay an additional fee of \$5 to the clerk of the

1 circuit court. This amount, less 2 1/2% that shall be used to
2 defray administrative costs incurred by the clerk, shall be
3 remitted by the clerk to the Treasurer within 60 days after
4 receipt for deposit into the Spinal Cord Injury Paralysis Cure
5 Research Trust Fund. This additional fee of \$5 shall not be
6 considered a part of the fine for purposes of any reduction in
7 the fine for time served either before or after sentencing. Not
8 later than March 1 of each year the Circuit Clerk shall submit
9 a report of the amount of funds remitted to the State Treasurer
10 under this subsection during the preceding calendar year.

11 (c) In addition to any other fines and court costs assessed
12 by the courts, any person convicted for a violation of Sections
13 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
14 person sentenced for a violation of the Cannabis Control Act,
15 the Illinois Controlled Substances Act, or the Methamphetamine
16 Control and Community Protection Act shall pay an additional
17 fee of \$100 to the clerk of the circuit court. This amount,
18 less 2 1/2% that shall be used to defray administrative costs
19 incurred by the clerk, shall be remitted by the clerk to the
20 Treasurer within 60 days after receipt for deposit into the
21 Trauma Center Fund. This additional fee of \$100 shall not be
22 considered a part of the fine for purposes of any reduction in
23 the fine for time served either before or after sentencing. Not
24 later than March 1 of each year the Circuit Clerk shall submit
25 a report of the amount of funds remitted to the State Treasurer
26 under this subsection during the preceding calendar year.

1 (c-1) In addition to any other fines and court costs
2 assessed by the courts, any person sentenced for a violation of
3 the Cannabis Control Act, the Illinois Controlled Substances
4 Act, or the Methamphetamine Control and Community Protection
5 Act shall pay an additional fee of \$5 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure
10 Research Trust Fund. This additional fee of \$5 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (d) The following amounts must be remitted to the State
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of the amounts collected for felony offenses
19 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
20 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
21 Animals Act and Section 26-5 of the Criminal Code of 1961;

22 (2) 20% of the amounts collected for Class A and Class
23 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
24 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
25 for Animals Act and Section 26-5 of the Criminal Code of
26 1961; and

1 (3) 50% of the amounts collected for Class C
2 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
3 for Animals Act and Section 26-5 of the Criminal Code of
4 1961.

5 (e) Any person who receives a disposition of court
6 supervision for a violation of the Illinois Vehicle Code or a
7 similar provision of a local ordinance shall, in addition to
8 any other fines, fees, and court costs, pay an additional fee
9 of \$29, to be disbursed as provided in Section 16-104c of the
10 Illinois Vehicle Code. In addition to the fee of \$29, the
11 person shall also pay a fee of \$6, if not waived by the court.
12 If this \$6 fee is collected, \$5.50 of the fee shall be
13 deposited into the Circuit Court Clerk Operation and
14 Administrative Fund created by the Clerk of the Circuit Court
15 and 50 cents of the fee shall be deposited into the Prisoner
16 Review Board Vehicle and Equipment Fund in the State treasury.

17 (f) This Section does not apply to the additional child
18 pornography fines assessed and collected under Section
19 5-9-1.14 of the Unified Code of Corrections.

20 (g) (Blank).

21 (h) (Blank).

22 (i) ~~(g)~~ Of the amounts collected as fines under subsection
23 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
24 deposited into the Illinois Military Family Relief Fund and 1%
25 shall be deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 to be used to offset the costs incurred by the Circuit Court
2 Clerk in performing the additional duties required to collect
3 and disburse funds to entities of State and local government as
4 provided by law.

5 (j) ~~(h)~~ Any person convicted of, pleading guilty to, or
6 placed on supervision for a serious traffic violation, as
7 defined in Section 1-187.001 of the Illinois Vehicle Code, a
8 violation of Section 11-501 of the Illinois Vehicle Code, or a
9 violation of a similar provision of a local ordinance shall pay
10 an additional fee of \$20, to be disbursed as provided in
11 Section 16-104d of that Code.

12 This subsection (h) becomes inoperative 7 years after the
13 effective date of Public Act 95-154.

14 (k) ~~(h)~~ For any conviction or disposition of court
15 supervision for a violation of Section 11-1429 of the Illinois
16 Vehicle Code, the circuit clerk shall distribute the fines paid
17 by the person as specified by subsection (h) of Section 11-1429
18 of the Illinois Vehicle Code.

19 (l) ~~(h)~~ Any person who receives a disposition of court
20 supervision for a violation of Section 11-501 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance shall,
22 in addition to any other fines, fees, and court costs, pay an
23 additional fee of \$50, which shall be collected by the circuit
24 clerk and then remitted to the State Treasurer for deposit into
25 the Roadside Memorial Fund, a special fund in the State
26 treasury. However, the court may waive the fee if full

1 restitution is complied with. Subject to appropriation, all
2 moneys in the Roadside Memorial Fund shall be used by the
3 Department of Transportation to pay fees imposed under
4 subsection (f) of Section 20 of the Roadside Memorial Act. The
5 fee shall be remitted by the circuit clerk within one month
6 after receipt to the State Treasurer for deposit into the
7 Roadside Memorial Fund.

8 (m) All fines imposed under the Illinois Fertilizer Act of
9 1961 as a result of the issuance of a notice of violation by a
10 code enforcement officer of a unit of local government shall be
11 directed to the unit of local government that issued the notice
12 of violation. All fines imposed under the Illinois Fertilizer
13 Act of 1961 as a result of the issuance of a notice of
14 violation by the Department of Agriculture shall be deposited
15 into the Fertilizer Control Fund.

16 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
17 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
18 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
19 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; revised
20 12-29-09.)

21 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
22 and 96-735)

23 Sec. 27.6. (a) All fees, fines, costs, additional
24 penalties, bail balances assessed or forfeited, and any other
25 amount paid by a person to the circuit clerk equalling an

1 amount of \$55 or more, except finest imposed under the Illinois
2 Fertilizer Act of 1961, the fine imposed by Section 5-9-1.15 of
3 the Unified Code of Corrections, the additional fee required by
4 subsections (b) and (c), restitution under Section 5-5-6 of the
5 Unified Code of Corrections, contributions to a local
6 anti-crime program ordered pursuant to Section 5-6-3(b) (13) or
7 Section 5-6-3.1(c) (13) of the Unified Code of Corrections,
8 reimbursement for the costs of an emergency response as
9 provided under Section 11-501 of the Illinois Vehicle Code, any
10 fees collected for attending a traffic safety program under
11 paragraph (c) of Supreme Court Rule 529, any fee collected on
12 behalf of a State's Attorney under Section 4-2002 of the
13 Counties Code or a sheriff under Section 4-5001 of the Counties
14 Code, or any cost imposed under Section 124A-5 of the Code of
15 Criminal Procedure of 1963, for convictions, orders of
16 supervision, or any other disposition for a violation of
17 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
18 similar provision of a local ordinance, and any violation of
19 the Child Passenger Protection Act, or a similar provision of a
20 local ordinance, and except as otherwise provided in this
21 Section ~~subsections (b) through (h)~~ shall be disbursed within
22 60 days after receipt by the circuit clerk as follows: 44.5%
23 shall be disbursed to the entity authorized by law to receive
24 the fine imposed in the case; 16.825% shall be disbursed to the
25 State Treasurer; and 38.675% shall be disbursed to the county's
26 general corporate fund. Of the 16.825% disbursed to the State

1 Treasurer, 2/17 shall be deposited by the State Treasurer into
2 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
3 deposited into the Traffic and Criminal Conviction Surcharge
4 Fund, 3/17 shall be deposited into the Drivers Education Fund,
5 and 6.948/17 shall be deposited into the Trauma Center Fund. Of
6 the 6.948/17 deposited into the Trauma Center Fund from the
7 16.825% disbursed to the State Treasurer, 50% shall be
8 disbursed to the Department of Public Health and 50% shall be
9 disbursed to the Department of Healthcare and Family Services.
10 For fiscal year 1993, amounts deposited into the Violent Crime
11 Victims Assistance Fund, the Traffic and Criminal Conviction
12 Surcharge Fund, or the Drivers Education Fund shall not exceed
13 110% of the amounts deposited into those funds in fiscal year
14 1991. Any amount that exceeds the 110% limit shall be
15 distributed as follows: 50% shall be disbursed to the county's
16 general corporate fund and 50% shall be disbursed to the entity
17 authorized by law to receive the fine imposed in the case. Not
18 later than March 1 of each year the circuit clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this Section during the preceding year based upon
21 independent verification of fines and fees. All counties shall
22 be subject to this Section, except that counties with a
23 population under 2,000,000 may, by ordinance, elect not to be
24 subject to this Section. For offenses subject to this Section,
25 judges shall impose one total sum of money payable for
26 violations. The circuit clerk may add on no additional amounts

1 except for amounts that are required by Sections 27.3a and
2 27.3c of this Act, Section 16-104c of the Illinois Vehicle
3 Code, and subsection (a) of Section 5-1101 of the Counties
4 Code, unless those amounts are specifically waived by the
5 judge. With respect to money collected by the circuit clerk as
6 a result of forfeiture of bail, ex parte judgment or guilty
7 plea pursuant to Supreme Court Rule 529, the circuit clerk
8 shall first deduct and pay amounts required by Sections 27.3a
9 and 27.3c of this Act. Unless a court ordered payment schedule
10 is implemented or fee requirements are waived pursuant to court
11 order, the clerk of the court may add to any unpaid fees and
12 costs a delinquency amount equal to 5% of the unpaid fees that
13 remain unpaid after 30 days, 10% of the unpaid fees that remain
14 unpaid after 60 days, and 15% of the unpaid fees that remain
15 unpaid after 90 days. Notice to those parties may be made by
16 signage posting or publication. The additional delinquency
17 amounts collected under this Section shall be deposited in the
18 Circuit Court Clerk Operation and Administrative Fund to be
19 used to defray administrative costs incurred by the circuit
20 clerk in performing the duties required to collect and disburse
21 funds. This Section is a denial and limitation of home rule
22 powers and functions under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution.

24 (b) In addition to any other fines and court costs assessed
25 by the courts, any person convicted or receiving an order of
26 supervision for driving under the influence of alcohol or drugs

1 shall pay an additional fee of \$100 to the clerk of the circuit
2 court. This amount, less 2 1/2% that shall be used to defray
3 administrative costs incurred by the clerk, shall be remitted
4 by the clerk to the Treasurer within 60 days after receipt for
5 deposit into the Trauma Center Fund. This additional fee of
6 \$100 shall not be considered a part of the fine for purposes of
7 any reduction in the fine for time served either before or
8 after sentencing. Not later than March 1 of each year the
9 Circuit Clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this subsection during
11 the preceding calendar year.

12 (b-1) In addition to any other fines and court costs
13 assessed by the courts, any person convicted or receiving an
14 order of supervision for driving under the influence of alcohol
15 or drugs shall pay an additional fee of \$5 to the clerk of the
16 circuit court. This amount, less 2 1/2% that shall be used to
17 defray administrative costs incurred by the clerk, shall be
18 remitted by the clerk to the Treasurer within 60 days after
19 receipt for deposit into the Spinal Cord Injury Paralysis Cure
20 Research Trust Fund. This additional fee of \$5 shall not be
21 considered a part of the fine for purposes of any reduction in
22 the fine for time served either before or after sentencing. Not
23 later than March 1 of each year the Circuit Clerk shall submit
24 a report of the amount of funds remitted to the State Treasurer
25 under this subsection during the preceding calendar year.

26 (c) In addition to any other fines and court costs assessed

1 by the courts, any person convicted for a violation of Sections
2 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
3 person sentenced for a violation of the Cannabis Control Act,
4 the Illinois Controlled Substances Act, or the Methamphetamine
5 Control and Community Protection Act shall pay an additional
6 fee of \$100 to the clerk of the circuit court. This amount,
7 less 2 1/2% that shall be used to defray administrative costs
8 incurred by the clerk, shall be remitted by the clerk to the
9 Treasurer within 60 days after receipt for deposit into the
10 Trauma Center Fund. This additional fee of \$100 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (c-1) In addition to any other fines and court costs
17 assessed by the courts, any person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$5 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure
25 Research Trust Fund. This additional fee of \$5 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

5 (d) The following amounts must be remitted to the State
6 Treasurer for deposit into the Illinois Animal Abuse Fund:

7 (1) 50% of the amounts collected for felony offenses
8 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
9 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
10 Animals Act and Section 26-5 of the Criminal Code of 1961;

11 (2) 20% of the amounts collected for Class A and Class
12 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
13 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
14 for Animals Act and Section 26-5 of the Criminal Code of
15 1961; and

16 (3) 50% of the amounts collected for Class C
17 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
18 for Animals Act and Section 26-5 of the Criminal Code of
19 1961.

20 (e) Any person who receives a disposition of court
21 supervision for a violation of the Illinois Vehicle Code or a
22 similar provision of a local ordinance shall, in addition to
23 any other fines, fees, and court costs, pay an additional fee
24 of \$29, to be disbursed as provided in Section 16-104c of the
25 Illinois Vehicle Code. In addition to the fee of \$29, the
26 person shall also pay a fee of \$6, if not waived by the court.

1 If this \$6 fee is collected, \$5.50 of the fee shall be
2 deposited into the Circuit Court Clerk Operation and
3 Administrative Fund created by the Clerk of the Circuit Court
4 and 50 cents of the fee shall be deposited into the Prisoner
5 Review Board Vehicle and Equipment Fund in the State treasury.

6 (f) This Section does not apply to the additional child
7 pornography fines assessed and collected under Section
8 5-9-1.14 of the Unified Code of Corrections.

9 (g) Any person convicted of or pleading guilty to a serious
10 traffic violation, as defined in Section 1-187.001 of the
11 Illinois Vehicle Code, shall pay an additional fee of \$20, to
12 be disbursed as provided in Section 16-104d of that Code. This
13 subsection (g) becomes inoperative 7 years after the effective
14 date of Public Act 95-154.

15 (h) In all counties having a population of 3,000,000 or
16 more inhabitants,

17 (1) ~~(h-1)~~ A person who is found guilty of or pleads
18 guilty to violating subsection (a) of Section 11-501 of the
19 Illinois Vehicle Code, including any person placed on court
20 supervision for violating subsection (a), shall be fined
21 \$500 as provided for by subsection (f) of Section 11-501.01
22 of the Illinois Vehicle Code, payable to the circuit clerk,
23 who shall distribute the money pursuant to subsection (f)
24 of Section 11-501.01 of the Illinois Vehicle Code.

25 (2) ~~(h-2)~~ When a crime laboratory DUI analysis fee of
26 \$150, provided for by Section 5-9-1.9 of the Unified Code

1 of Corrections is assessed, it shall be disbursed by the
2 circuit clerk as provided by subsection (f) of Section
3 5-9-1.9 of the Unified Code of Corrections.

4 (3) ~~(h-3)~~ When a fine for a violation of Section
5 11-605.1 of the Illinois Vehicle Code is \$250 or greater,
6 the person who violated that Section shall be charged an
7 additional \$125 as provided for by subsection (e) of
8 Section 11-605.1 of the Illinois Vehicle Code, which shall
9 be disbursed by the circuit clerk to a State or county
10 Transportation Safety Highway Hire-back Fund as provided
11 by subsection (e) of Section 11-605.1 of the Illinois
12 Vehicle Code.

13 (4) ~~(h-4)~~ When a fine for a violation of subsection (a)
14 of Section 11-605 of the Illinois Vehicle Code is \$150 or
15 greater, the additional \$50 which is charged as provided
16 for by subsection (f) of Section 11-605 of the Illinois
17 Vehicle Code shall be disbursed by the circuit clerk to a
18 school district or districts for school safety purposes as
19 provided by subsection (f) of Section 11-605.

20 (5) ~~(h-4.5)~~ When a fine for a violation of subsection
21 (a) of Section 11-1002.5 of the Illinois Vehicle Code is
22 \$150 or greater, the additional \$50 which is charged as
23 provided for by subsection (c) of Section 11-1002.5 of the
24 Illinois Vehicle Code shall be disbursed by the circuit
25 clerk to a school district or districts for school safety
26 purposes as provided by subsection (c) of Section 11-1002.5

1 of the Illinois Vehicle Code.

2 (6) ~~(h-5)~~ When a mandatory drug court fee of up to \$5
3 is assessed as provided in subsection (f) of Section 5-1101
4 of the Counties Code, it shall be disbursed by the circuit
5 clerk as provided in subsection (f) of Section 5-1101 of
6 the Counties Code.

7 (7) ~~(h-6)~~ When a mandatory teen court, peer jury, youth
8 court, or other youth diversion program fee is assessed as
9 provided in subsection (e) of Section 5-1101 of the
10 Counties Code, it shall be disbursed by the circuit clerk
11 as provided in subsection (e) of Section 5-1101 of the
12 Counties Code.

13 (8) ~~(h-7)~~ When a Children's Advocacy Center fee is
14 assessed pursuant to subsection (f-5) of Section 5-1101 of
15 the Counties Code, it shall be disbursed by the circuit
16 clerk as provided in subsection (f-5) of Section 5-1101 of
17 the Counties Code.

18 (9) ~~(h-8)~~ When a victim impact panel fee is assessed
19 pursuant to subsection (b) of Section 11-501.01 of the
20 Vehicle Code, it shall be disbursed by the circuit clerk to
21 the victim impact panel to be attended by the defendant.

22 (10) ~~(h-9)~~ When a new fee collected in traffic cases is
23 enacted after the effective date of this subsection (h), it
24 shall be excluded from the percentage disbursement
25 provisions of this Section unless otherwise indicated by
26 law.

1 (i) ~~(g)~~ Of the amounts collected as fines under subsection
2 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
3 deposited into the Illinois Military Family Relief Fund and 1%
4 shall be deposited into the Circuit Court Clerk Operation and
5 Administrative Fund created by the Clerk of the Circuit Court
6 to be used to offset the costs incurred by the Circuit Court
7 Clerk in performing the additional duties required to collect
8 and disburse funds to entities of State and local government as
9 provided by law.

10 (j) (Blank).

11 (k) ~~(h)~~ For any conviction or disposition of court
12 supervision for a violation of Section 11-1429 of the Illinois
13 Vehicle Code, the circuit clerk shall distribute the fines paid
14 by the person as specified by subsection (h) of Section 11-1429
15 of the Illinois Vehicle Code.

16 (l) ~~(h)~~ Any person who receives a disposition of court
17 supervision for a violation of Section 11-501 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance shall,
19 in addition to any other fines, fees, and court costs, pay an
20 additional fee of \$50, which shall be collected by the circuit
21 clerk and then remitted to the State Treasurer for deposit into
22 the Roadside Memorial Fund, a special fund in the State
23 treasury. However, the court may waive the fee if full
24 restitution is complied with. Subject to appropriation, all
25 moneys in the Roadside Memorial Fund shall be used by the
26 Department of Transportation to pay fees imposed under

1 subsection (f) of Section 20 of the Roadside Memorial Act. The
2 fee shall be remitted by the circuit clerk within one month
3 after receipt to the State Treasurer for deposit into the
4 Roadside Memorial Fund.

5 (m) All fines imposed under the Illinois Fertilizer Act of
6 1961 as a result of the issuance of a notice of violation by a
7 code enforcement officer of a unit of local government shall be
8 directed to the unit of local government that issued the notice
9 of violation. All fines imposed under the Illinois Fertilizer
10 Act of 1961 as a result of the issuance of a notice of
11 violation by the Department of Agriculture shall be deposited
12 into the Fertilizer Control Fund.

13 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
14 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
15 96-576, eff. 8-18-09; 96-578, eff. 8-18-09; 96-625, eff.
16 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10; revised
17 12-29-09.)

18 Section 99. Effective date. This Act takes effect July 1,
19 2010.

1		INDEX
2		Statutes amended in order of appearance
3	505 ILCS 80/3	from Ch. 5, par. 55.3
4	505 ILCS 80/14	from Ch. 5, par. 55.14
5	505 ILCS 80/18b new	
6	505 ILCS 80/18c new	
7	505 ILCS 80/19	from Ch. 5, par. 55.19
8	505 ILCS 80/19a new	
9	705 ILCS 105/27.6	