



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5630

Introduced 2/15/2012, by Rep. Kay Hatcher

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 uninsured motor vehicle causing damage to property when the person: (1) operates a motor vehicle in violation of Section 7-601 of this Code; and (2) causes, as a proximate result of the person's operation of the motor vehicle, damage to property. Provides that in addition to any other penalty provided by law, a person convicted of operation of an uninsured motor vehicle causing damage to property shall be ordered to pay restitution in an amount equal to the cost of repairing the property damage resulting from the violation.

LRB097 17941 HEP 63164 b

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 adding
5 Section 3-707 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the
9 motor vehicle is covered by a liability insurance policy in
10 accordance with Section 7-601 of this Code.

11 (a-2) A person commits operation of an uninsured motor
12 vehicle causing damage to property when the person:

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

15 (2) causes, as a proximate result of the person's
16 operation of the motor vehicle, damage to property.

17 In addition to any other penalty provided by law, a person
18 convicted of a violation of this subsection (a-2) shall be
19 ordered to pay restitution in an amount equal to the cost of
20 repairing the property damage resulting from the violation of
21 this subsection (a-2).

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

1 (1) operates a motor vehicle in violation of Section
2 7-601 of this Code; and

3 (2) causes, as a proximate result of the person's
4 operation of the motor vehicle, bodily harm to another
5 person.

6 (a-6) Uninsured operation of a motor vehicle under
7 subsection (a-5) is a Class A misdemeanor. If a person
8 convicted of the offense of operation of a motor vehicle under
9 subsection (a-5) has previously been convicted of 2 or more
10 violations of subsection (a-5) of this Section or of Section
11 7-601 of this Code, a fine of \$2,500, in addition to any
12 sentence of incarceration, must be imposed.

13 (b) Any person who fails to comply with a request by a law
14 enforcement officer for display of evidence of insurance, as
15 required under Section 7-602 of this Code, shall be deemed to
16 be operating an uninsured motor vehicle.

17 (c) Except as provided in subsections (a-6) and (c-5), any
18 operator of a motor vehicle subject to registration under this
19 Code who is convicted of violating this Section is guilty of a
20 business offense and shall be required to pay a fine in excess
21 of \$500, but not more than \$1,000, except a person convicted of
22 a third or subsequent violation of this Section shall be
23 required to pay a fine of \$1,000. However, no person charged
24 with violating this Section shall be convicted if such person
25 produces in court satisfactory evidence that at the time of the
26 arrest the motor vehicle was covered by a liability insurance

1 policy in accordance with Section 7-601 of this Code. The chief
2 judge of each circuit may designate an officer of the court to
3 review the documentation demonstrating that at the time of
4 arrest the motor vehicle was covered by a liability insurance
5 policy in accordance with Section 7-601 of this Code.

6 (c-1) A person convicted of violating this Section shall
7 also have his or her driver's license, permit, or privileges
8 suspended for 3 months. After the expiration of the 3 months,
9 the person's driver's license, permit, or privileges shall not
10 be reinstated until he or she has paid a reinstatement fee of
11 \$100. If a person violates this Section while his or her
12 driver's license, permit, or privileges are suspended under
13 this subsection (c-1), his or her driver's license, permit, or
14 privileges shall be suspended for an additional 6 months and
15 until he or she pays the reinstatement fee.

16 (c-5) A person who (i) has not previously been convicted of
17 or received a disposition of court supervision for violating
18 this Section and (ii) produces at his or her court appearance
19 satisfactory evidence that the motor vehicle is covered, as of
20 the date of the court appearance, by a liability insurance
21 policy in accordance with Section 7-601 of this Code shall, for
22 a violation of this Section, other than a violation of
23 subsection (a-2) or (a-5), pay a fine of \$100 and receive a
24 disposition of court supervision. The person must, on the date
25 that the period of court supervision is scheduled to terminate,
26 produce satisfactory evidence that the vehicle was covered by

1 the required liability insurance policy during the entire
2 period of court supervision.

3 An officer of the court designated under subsection (c) may
4 also review liability insurance documentation under this
5 subsection (c-5) to determine if the motor vehicle is, as of
6 the date of the court appearance, covered by a liability
7 insurance policy in accordance with Section 7-601 of this Code.
8 The officer of the court shall also determine, on the date the
9 period of court supervision is scheduled to terminate, whether
10 the vehicle was covered by the required policy during the
11 entire period of court supervision.

12 (d) A person convicted a third or subsequent time of
13 violating this Section or a similar provision of a local
14 ordinance must give proof to the Secretary of State of the
15 person's financial responsibility as defined in Section 7-315.
16 The person must maintain the proof in a manner satisfactory to
17 the Secretary for a minimum period of 3 years after the date
18 the proof is first filed. The Secretary must suspend the
19 driver's license of any person determined by the Secretary not
20 to have provided adequate proof of financial responsibility as
21 required by this subsection.

22 (Source: P.A. 96-143, eff. 1-1-10; 97-407, eff. 1-1-12.)