



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2583

Introduced 5/16/2013, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-711	from Ch. 95 1/2, par. 3-711
625 ILCS 5/6-306.4	from Ch. 95 1/2, par. 6-306.4
625 ILCS 5/6-601	from Ch. 95 1/2, par. 6-601
625 ILCS 5/6-306.3 rep.	
725 ILCS 5/110-15	from Ch. 38, par. 110-15

Amends the Illinois Vehicle Code. Repeals the Section concerning license as bail. Provides that residents of this State and residents of any other state which is a member of the Nonresident Violator Compact of 1977 who are cited by a police officer for violating a traffic law or ordinance shall have the option of (1) being taken without unnecessary delay before a court of jurisdiction or (2) executing a written promise to comply with the terms of the citation by signing at least one copy of a Uniform Traffic Ticket prepared by the police officer. Provides that the Secretary of State shall suspend the driving privileges of a resident who fails to comply with the executed written promise to comply with the original terms of the citation until the Secretary receives notification by the court of jurisdiction that the person has appeared or otherwise executed the written promise to comply with the terms of the original citation. Amends the Code of Criminal Procedure of 1963. Removes a provision allowing the Supreme Court to include deposit of a chauffeur's or operator's license in the bail schedule for traffic cases. Makes corresponding changes in other portions of the Code.

LRB098 12120 MLW 45982 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 changing
5 Section 3-711, 6-306.4 and 6-601 as follows:

6 (625 ILCS 5/3-711) (from Ch. 95 1/2, par. 3-711)

7 Sec. 3-711. Whenever a court convicts a person of a
8 violation of Section 3-707, 3-708 or 3-710 of this Code, or
9 enters an order placing on supervision the person charged with
10 the violation, the clerk of the court within 10 days shall
11 forward a report of the conviction or order of supervision to
12 the Secretary of State in a form prescribed by the Secretary.
13 In any case where the person charged with the violation fails
14 to appear in court, the procedures provided in Section ~~6-306.3~~
15 ~~or 6-306.4~~ of this Code, ~~whichever is applicable~~ shall apply.

16 The Secretary shall keep records of such reports. However,
17 reports of orders of supervision shall not be released to any
18 outside source, except the affected driver and law enforcement
19 agencies, and shall be used only to inform the Secretary and
20 the courts that such driver previously has been assigned court
21 supervision.

22 (Source: P.A. 86-149.)

1 (625 ILCS 5/6-306.4) (from Ch. 95 1/2, par. 6-306.4)

2 Sec. 6-306.4. Procedures for traffic violations ~~residents~~
3 ~~of other states.~~

4 (a) Except as provided in paragraph (b) of this Section, a
5 person ~~any resident of another state which is a member of the~~
6 ~~Nonresident Violator Compact of 1977,~~ who is cited by a police
7 officer for violating a traffic law or ordinance, shall have
8 the option of (1) being taken without unnecessary delay before
9 a court of jurisdiction or (2) executing a written promise to
10 comply with the terms of the citation by signing at least one
11 copy of a Uniform Traffic Ticket prepared by the police
12 officer. The police officer may refuse to permit a person
13 ~~nonresident violator~~ to execute a written promise to comply
14 with the terms of the citation if the person ~~nonresident~~
15 ~~violator~~ cannot furnish satisfactory evidence of identity or if
16 the officer has probable cause to believe the person
17 ~~nonresident violator~~ cited will disregard the written promise
18 to comply with the citation.

19 This Section applies to both residents of this State and to
20 the residents of any other state which is a member of the
21 Nonresident Violator Compact of 1977. If the person cited is a
22 resident of another State which is not a member of the
23 Nonresident Violator Compact of 1977, then the rules
24 established by the Supreme Court for bail bond and appearance
25 procedures apply.

26 (b) Any person cited for violating the following provisions

1 of this Code or a similar provision of local ordinances shall
2 be governed by the bail provisions of the Illinois Supreme
3 Court Rules when it is not practical or feasible to take the
4 person before a judge to have bail set or to avoid undue delay
5 because of the hour or circumstances: Section 3-101, Section
6 3-702, Sections 3-707, 3-708 or 3-710, Chapter 4, Chapter 5,
7 Section 6-101, Section 6-104, Section 6-113, Section 6-301,
8 Section 6-303, Section 8-115, Section 11-204, Section 11-310,
9 Section 11-311, Section 11-312, Section 11-401, Section
10 11-402, Section 11-403, Section 11-404, Section 11-409,
11 Section 11-501, Section 11-503, Section 11-504, Section
12 11-506, Section 11-601, when more than 30 m.p.h. over the
13 posted limit, Section 11-1006, Section 11-1414, Section
14 15-102, Section 15-103, Section 15-107, Section 15-111,
15 paragraph (f) of Section 15-112 or paragraph (j) of Section
16 15-301.

17 (c) If the person fails to comply with the executed written
18 promise to comply with the original terms of the citation as
19 indicated in paragraph (a) of this Section, the court shall
20 continue the case for a minimum of 30 days and require that a
21 notice of the continued court date be sent to the last known
22 address of such person. If the person does not appear or
23 otherwise satisfy the court on or before the continued court
24 date, the court shall enter an order of failure to appear to
25 answer such charge. The clerk of such court shall notify the
26 Secretary of State of the court's order within 21 days.

1 (d) Upon receiving notice as provided in subsection (c) of
2 this Section, the Secretary of State shall in the case of a
3 resident of this State suspend the driving privileges of the
4 person without a hearing and shall not remove the suspension
5 nor issue a restricted driving permit until after the Secretary
6 receives notification by the court of jurisdiction that the
7 person has appeared or otherwise executed the written promise
8 to comply with the terms of the original citation. Upon
9 receiving ~~such~~ notice as provided in subsection (c) of this
10 Section in the case of a person who is a resident of another
11 state which is a member of the Nonresident Violator Compact of
12 1977, the Secretary of State shall comply with the provisions
13 of Section 6-803 of this Code.

14 (Source: P.A. 95-310, eff. 1-1-08.)

15 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

16 Sec. 6-601. Penalties.

17 (a) It is a petty offense for any person to violate any of
18 the provisions of this Chapter unless such violation is by this
19 Code or other law of this State declared to be a misdemeanor or
20 a felony.

21 (b) General penalties. Unless another penalty is in this
22 Code or other laws of this State, every person convicted of a
23 petty offense for the violation of any provision of this
24 Chapter shall be punished by a fine of not more than \$500.

25 (c) Unlicensed driving. Except as hereinafter provided a

1 violation of Section 6-101 shall be:

2 1. A Class A misdemeanor if the person failed to obtain
3 a driver's license or permit after expiration of a period
4 of revocation.

5 2. A Class B misdemeanor if the person has been issued
6 a driver's license or permit, which has expired, and if the
7 period of expiration is greater than one year; or if the
8 person has never been issued a driver's license or permit,
9 or is not qualified to obtain a driver's license or permit
10 because of his age.

11 If a licensee under this Code is convicted of violating
12 Section 6-303 for operating a motor vehicle during a time when
13 such licensee's driver's license was suspended under the
14 provisions of Section 6-306.4 ~~6-306.3~~, then such act shall be a
15 petty offense (provided the licensee has answered the charge
16 which was the basis of the suspension under Section 6-306.4
17 ~~6-306.3~~), and there shall be imposed no additional like period
18 of suspension as provided in paragraph (b) of Section 6-303.
19 (Source: P.A. 96-607, eff. 8-24-09.)

20 (625 ILCS 5/6-306.3 rep.)

21 Section 10. The Illinois Vehicle Code is amended by
22 repealing Section 6-306.3.

23 Section 15. The Code of Criminal Procedure of 1963 is
24 amended by changing Section 110-15 as follows:

1 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

2 Sec. 110-15. Applicability of provisions for giving and
3 taking bail. The provisions of Sections 110-7 and 110-8 of this
4 Code are exclusive of other provisions of law for the giving,
5 taking, or enforcement of bail. In all cases where a person is
6 admitted to bail the provisions of Sections 110-7 and 110-8 of
7 this Code shall be applicable.

8 However, the Supreme Court may, by rule or order, prescribe
9 a uniform schedule of amounts of bail in specified traffic and
10 conservation cases, quasi-criminal offenses, and misdemeanors.
11 ~~The Such uniform schedule may provide that the cash deposit~~
12 ~~provisions of Section 110-7 shall not apply to bail amounts~~
13 ~~established for alleged violations punishable by fine alone,~~
14 ~~and the schedule may further provide that in specified traffic~~
15 ~~cases a valid Illinois chauffeur's or operator's license must~~
16 ~~be deposited, in addition to 10% of the amount of the bail~~
17 ~~specified in the schedule.~~

18 (Source: Laws 1967, p. 2969.)