

HB5723



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5723

by Rep. William Davis

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 convicted of operating a motor vehicle without an insurance policy shall be guilty of a petty offense (rather than a business offense), unless the person has been convicted of this same offense 3 or more times.

LRB099 18549 AXK 42928 b

A BILL FOR

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 3-707 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-5) A person commits the offense of operation of
12 uninsured motor vehicle causing bodily harm 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, bodily harm to another
17 person.

18 (a-6) Uninsured operation of a motor vehicle under
19 subsection (a-5) is a Class A misdemeanor. If a person
20 convicted of the offense of operation of a motor vehicle under
21 subsection (a-5) has previously been convicted of 2 or more
22 violations of subsection (a-5) of this Section or of Section
23 7-601 of this Code, a fine of \$2,500, in addition to any

1 sentence of incarceration, must be imposed.

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

6 (c) Except as provided in subsections (a-6) and (c-5), any
7 operator of a motor vehicle subject to registration under this
8 Code who is convicted of violating this Section is guilty of a
9 petty business offense and shall be required to pay a fine in
10 excess of \$500, but not more than \$1,000, except a person
11 convicted of a third or subsequent violation of this Section
12 shall be guilty of a business offense and shall be required to
13 pay a fine of \$1,000. However, no person charged with violating
14 this Section shall be convicted if such person produces in
15 court satisfactory evidence that at the time of the arrest the
16 motor vehicle was covered by a liability insurance policy in
17 accordance with Section 7-601 of this Code. The chief judge of
18 each circuit may designate an officer of the court to review
19 the documentation demonstrating that at the time of arrest the
20 motor vehicle was covered by a liability insurance policy in
21 accordance with Section 7-601 of this Code.

22 (c-1) A person convicted of violating this Section shall
23 also have his or her driver's license, permit, or privileges
24 suspended for 3 months. After the expiration of the 3 months,
25 the person's driver's license, permit, or privileges shall not
26 be reinstated until he or she has paid a reinstatement fee of

1 \$100. If a person violates this Section while his or her
2 driver's license, permit, or privileges are suspended under
3 this subsection (c-1), his or her driver's license, permit, or
4 privileges shall be suspended for an additional 6 months and
5 until he or she pays the reinstatement fee.

6 (c-5) A person who (i) has not previously been convicted of
7 or received a disposition of court supervision for violating
8 this Section and (ii) produces at his or her court appearance
9 satisfactory evidence that the motor vehicle is covered, as of
10 the date of the court appearance, by a liability insurance
11 policy in accordance with Section 7-601 of this Code shall, for
12 a violation of this Section, other than a violation of
13 subsection (a-5), pay a fine of \$100 and receive a disposition
14 of court supervision. The person must, on the date that the
15 period of court supervision is scheduled to terminate, produce
16 satisfactory evidence that the vehicle was covered by the
17 required liability insurance policy during the entire period of
18 court supervision.

19 An officer of the court designated under subsection (c) may
20 also review liability insurance documentation under this
21 subsection (c-5) to determine if the motor vehicle is, as of
22 the date of the court appearance, covered by a liability
23 insurance policy in accordance with Section 7-601 of this Code.
24 The officer of the court shall also determine, on the date the
25 period of court supervision is scheduled to terminate, whether
26 the vehicle was covered by the required policy during the

1 entire period of court supervision.

2 (d) A person convicted a third or subsequent time of
3 violating this Section or a similar provision of a local
4 ordinance must give proof to the Secretary of State of the
5 person's financial responsibility as defined in Section 7-315.
6 The person must maintain the proof in a manner satisfactory to
7 the Secretary for a minimum period of 3 years after the date
8 the proof is first filed. The Secretary must suspend the
9 driver's license of any person determined by the Secretary not
10 to have provided adequate proof of financial responsibility as
11 required by this subsection.

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