

Rep. Jay Hoffman

## Filed: 4/29/2015

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1	AMENDMENT TO SENATE BILL 1885
2	AMENDMENT NO Amend Senate Bill 1885 by replacing
3	everything after the enacting clause with the following:
4	"Section 5. The Illinois Vehicle Code is amended by
5	changing Sections 1-126.1, 6-102, 6-303, and 11-1414 as
6	follows:
7	(625 ILCS 5/1-126.1)
8	Sec. 1-126.1. Highway Designations. The Department of
9	Transportation may designate streets or highways in the system
10	of State highways as follows:
11	(a) Class I highways include interstate highways,
12	expressways, tollways, and other highways deemed
13	appropriate by the department.
14	(b) Class II highways include major arterials not built
15	to interstate highway standards that have at least 11 feet
16	lane widths.

(c) Class III highways include those State highways
 that have lane widths of less than 11 feet.

(d) Non-designated highways are highways in the system
of State highways not designated as Class I, II, or III, or
local highways which are part of any county, township,
municipal, or district road system, including highways on
<u>public school property</u>. Local authorities also may
designate Class II or Class III highways within their
systems of highways.

- 10 (Source: P.A. 92-417, eff. 1-1-02.)
- 11 (625 ILCS 5/6-102) (from Ch. 95 1/2, par. 6-102)

Sec. 6-102. What persons are exempt. The following persons are exempt from the requirements of Section 6-101 and are not required to have an Illinois drivers license or permit if one or more of the following qualifying exemptions are met and apply:

17 1. Any employee of the United States Government or any 18 member of the Armed Forces of the United States, while 19 operating a motor vehicle owned by or leased to the United 20 States Government and being operated on official business 21 need not be licensed;

22 2. A nonresident who has in his immediate possession a
23 valid license issued to him in his home state or country
24 may operate a motor vehicle for which he is licensed for
25 the period during which he is in this State;

3. A nonresident and his spouse and children living
 with him who is a student at a college or university in
 Illinois who have a valid license issued by their home
 State.

5 4. A person operating a road machine temporarily upon a 6 highway or operating a farm tractor between the home farm 7 buildings and any adjacent or nearby farm land for the 8 exclusive purpose of conducting farm operations need not be 9 licensed as a driver.

10 5. A resident of this State who has been serving as a 11 member of the Armed Forces of the United States outside the 12 Continental limits of the United States, for a period of 13 120 days following his return to the continental limits of 14 the United States.

6. A nonresident on active duty in the Armed Forces of
the United States who has a valid license issued by his
home state and such nonresident's spouse, and dependent
children and living with parents, who have a valid license
issued by their home state.

20 7. A nonresident who becomes a resident of this State, 21 may for a period of the first 90 days of residence in 22 Illinois operate any motor vehicle which he was qualified 23 or licensed to drive by his home state or country so long 24 as he has in his possession, a valid and current license 25 issued to him by his home state or country. Upon expiration 26 of such 90 day period, such new resident must comply with 1 the provisions of this Act and apply for an Illinois
2 license or permit.

8. An engineer, conductor, brakeman, or any other member of the crew of a locomotive or train being operated upon rails, including operation on a railroad crossing over a public street, road or highway. Such person is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this State.

10 The provisions of this Section granting exemption to any 11 nonresident shall be operative to the same extent that the laws 12 of the State or country of such nonresident grant like 13 exemption to residents of this State.

14 The Secretary of State may implement the exemption 15 provisions of this Section by inclusion thereof in a 16 reciprocity agreement, arrangement or declaration issued 17 pursuant to this Act.

18 (Source: P.A. 96-607, eff. 8-24-09; 97-835, eff. 7-20-12.)

19 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

20 Sec. 6-303. Driving while driver's license, permit or 21 privilege to operate a motor vehicle is suspended or revoked.

(a) Except as otherwise provided in subsection (a-5), and
 except as exempted under subsection 4 of Section 6-102 of this
 <u>Code</u>, any person who drives or is in actual physical control of
 a motor vehicle on any highway of this State at a time when

1 such person's driver's license, permit or privilege to do so or 2 the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another 3 4 state, except as may be specifically allowed by a judicial 5 driving permit issued prior to January 1, 2009, monitoring 6 device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving 7 permit issued pursuant to this Code or under the law of another 8 9 state, shall be quilty of a Class A misdemeanor.

10 (a-3) A second or subsequent violation of subsection (a) of 11 this Section is a Class 4 felony if committed by a person whose driving or operation of a motor vehicle is the proximate cause 12 of a motor vehicle accident that causes personal injury or 13 14 death to another. For purposes of this subsection, a personal 15 injury includes any Type A injury as indicated on the traffic 16 accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's 17 18 office or a medical facility. A Type A injury includes severe 19 bleeding wounds, distorted extremities, and injuries that 20 require the injured party to be carried from the scene.

(a-5) Any person who violates this Section as provided in subsection (a) while his or her driver's license, permit or privilege is revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide or a similar provision of a law of another state, is guilty of a Class 4 09900SB1885ham001 -6- LRB099 09039 RJF 34850 a

1 felony. The person shall be required to undergo a professional 2 evaluation, as provided in Section 11-501 of this Code, to 3 determine if an alcohol, drug, or intoxicating compound problem 4 exists and the extent of the problem, and to undergo the 5 imposition of treatment as appropriate.

6 (a-10) A person's driver's license, permit, or privilege to 7 obtain a driver's license or permit may be subject to multiple 8 revocations, multiple suspensions, or any combination of both 9 simultaneously. No revocation or suspension shall serve to 10 negate, invalidate, cancel, postpone, or in any way lessen the 11 effect of any other revocation or suspension entered prior or 12 subsequent to any other revocation or suspension.

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(b) (Blank).

(b-1) Upon receiving a report of the conviction of any 14 15 violation indicating a person was operating a motor vehicle 16 during the time when the person's driver's license, permit or privilege was suspended by the Secretary of State or the 17 18 driver's licensing administrator of another state, except as specifically allowed by a probationary license, 19 judicial 20 driving permit, restricted driving permit or monitoring device 21 driving permit the Secretary shall extend the suspension for 22 the same period of time as the originally imposed suspension 23 unless the suspension has already expired, in which case the 24 Secretary shall be authorized to suspend the person's driving 25 privileges for the same period of time as the originally 26 imposed suspension.

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1 Except as provided in subsection (b-6), upon (b-2) report of the conviction of any violation 2 receiving a 3 indicating a person was operating a motor vehicle when the 4 person's driver's license, permit or privilege was revoked by 5 the Secretary of State or the driver's license administrator of 6 any other state, except as specifically allowed by a restricted driving permit issued pursuant to this Code or the law of 7 8 another state, the Secretary shall not issue a driver's license 9 for an additional period of one year from the date of such 10 conviction indicating such person was operating a vehicle 11 during such period of revocation.

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(b-3) (Blank).

13 (b-4) When the Secretary of State receives a report of a 14 conviction of any violation indicating a person was operating a 15 motor vehicle that was not equipped with an ignition interlock 16 device during a time when the person was prohibited from operating a motor vehicle not equipped with such a device, the 17 Secretary shall not issue a driver's license to that person for 18 19 an additional period of one year from the date of the 20 conviction.

(b-5) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 30 consecutive days or 300 hours of community service when the person's driving privilege was revoked or suspended as a result of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or 1 a similar provision of a law of another state.

2 (b-6) Upon receiving a report of a first conviction of 3 operating a motor vehicle while the person's driver's license, 4 permit or privilege was revoked where the revocation was for a 5 violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless 6 homicide or a similar out-of-state offense, the Secretary shall 7 8 not issue a driver's license for an additional period of three 9 years from the date of such conviction.

10 (c) Except as provided in subsections (c-3) and (c-4), any 11 person convicted of violating this Section shall serve a 12 minimum term of imprisonment of 10 consecutive days or 30 days 13 of community service when the person's driving privilege was 14 revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401 of 21 this Code or a similar provision of a local ordinance 22 relating to the offense of leaving the scene of a motor 23 vehicle accident involving personal injury or death; or

24 (3) a statutory summary suspension or revocation under
 25 Section 11-501.1 of this Code.

26 Such sentence of imprisonment or community service shall

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not be subject to suspension in order to reduce such sentence.

2 (c-1) Except as provided in subsections (c-5) and (d), any 3 person convicted of a second violation of this Section shall be 4 ordered by the court to serve a minimum of 100 hours of 5 community service.

6 (c-2) In addition to other penalties imposed under this 7 Section, the court may impose on any person convicted a fourth 8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's 10 vehicle.

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(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

13 (c-3) Any person convicted of a violation of this Section 14 during a period of summary suspension imposed pursuant to 15 Section 11-501.1 when the person was eligible for a MDDP shall 16 be guilty of a Class 4 felony and shall serve a minimum term of 17 imprisonment of 30 days.

18 (c-4) Any person who has been issued a MDDP and who is 19 convicted of a violation of this Section as a result of 20 operating or being in actual physical control of a motor 21 vehicle not equipped with an ignition interlock device at the 22 time of the offense shall be guilty of a Class 4 felony and 23 shall serve a minimum term of imprisonment of 30 days.

(c-5) Any person convicted of a second violation of this Section is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and shall serve a mandatory 09900SB1885ham001

1 term of imprisonment, if:

(1) the current violation occurred when the person's
driver's license was suspended or revoked for a violation
of Section 9-3 of the Criminal Code of 1961 or the Criminal
Code of 2012, relating to the offense of reckless homicide,
or a similar out-of-state offense; and

7 (2) the prior conviction under this Section occurred 8 while the person's driver's license was suspended or 9 revoked for a violation of Section 9-3 of the Criminal Code 10 of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a similar out-of-state 11 offense, or was suspended or revoked for a violation of 12 13 Section 11-401 or 11-501 of this Code, a similar 14 out-of-state offense, a similar provision of a local 15 ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code. 16

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior conviction under this Section occurred 1 while the person's driver's license was suspended or 2 revoked for a violation of Section 11-401 or 11-501 of this 3 Code, a similar out-of-state offense, a similar provision 4 5 of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a 6 violation of Section 9-3 of the Criminal Code of 1961 or 7 the Criminal Code of 2012, relating to the offense of 8 9 reckless homicide, or a similar out-of-state offense.

10 (d-1) Except as provided in subsections (d-2), (d-2.5), and 11 (d-3), any person convicted of a third or subsequent violation 12 of this Section shall serve a minimum term of imprisonment of 13 30 days or 300 hours of community service, as determined by the 14 court.

15 (d-2) Any person convicted of a third violation of this 16 Section is guilty of a Class 4 felony and must serve a minimum 17 term of imprisonment of 30 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred
 while the person's driver's license was suspended or
 revoked for a violation of Section 11-401 or 11-501 of this

1 Code, a similar out-of-state offense, a similar provision 2 of a local ordinance, or a statutory summary suspension or 3 revocation under Section 11-501.1 of this Code, or for a 4 violation of Section 9-3 of the Criminal Code of 1961 or 5 the Criminal Code of 2012, relating to the offense of 6 reckless homicide, or a similar out-of-state offense.

7 (d-2.5) Any person convicted of a third violation of this 8 Section is guilty of a Class 1 felony, is not eligible for 9 probation or conditional discharge, and must serve a mandatory 10 term of imprisonment, if:

(1) the current violation occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar out-of-state offense. The person's driving privileges shall be revoked for the remainder of the person's life; and

18 (2) the prior convictions under this Section occurred 19 while the person's driver's license was suspended or 20 revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the 21 offense of reckless homicide, or a similar out-of-state 22 23 offense, or was suspended or revoked for a violation of 24 11-401 or 11-501 of this Code, a similar Section 25 out-of-state offense, a similar provision of a local 26 ordinance, or a statutory summary suspension or revocation 09900SB1885ham001 -13- LRB099 09039 RJF 34850 a

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under Section 11-501.1 of this Code.

2 (d-3) Any person convicted of a fourth, fifth, sixth, 3 seventh, eighth, or ninth violation of this Section is guilty 4 of a Class 4 felony and must serve a minimum term of 5 imprisonment of 180 days, if:

6 (1) the current violation occurred when the person's 7 driver's license was suspended or revoked for a violation 8 of Section 11-401 or 11-501 of this Code, a similar 9 out-of-state offense, a similar provision of a local 10 ordinance, or a statutory summary suspension or revocation 11 under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred 12 13 while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this 14 15 Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or 16 revocation under Section 11-501.1 of this Code, or for a 17 violation of Section 9-3 of the Criminal Code of 1961 or 18 the Criminal Code of 2012, relating to the offense of 19 20 reckless homicide, or a similar out-of-state offense.

(d-3.5) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, and must serve a mandatory term of imprisonment, and is eligible for an extended term, if:

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(1) the current violation occurred when the person's

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driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar out-of-state offense; and

5 (2) the prior convictions under this Section occurred while the person's driver's license was suspended or 6 revoked for a violation of Section 9-3 of the Criminal Code 7 of 1961 or the Criminal Code of 2012, relating to the 8 9 offense of reckless homicide, or a similar out-of-state 10 offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar 11 12 out-of-state offense, a similar provision of a local 13 ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code. 14

15 (d-4) Any person convicted of a tenth, eleventh, twelfth, 16 thirteenth, or fourteenth violation of this Section is guilty 17 of a Class 3 felony, and is not eligible for probation or 18 conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred
 while the person's driver's license was suspended or

revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar out-of-state offense.

8 (d-5) Any person convicted of a fifteenth or subsequent 9 violation of this Section is guilty of a Class 2 felony, and is 10 not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

17 (2) the prior convictions under this Section occurred 18 while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this 19 20 Code, a similar out-of-state offense, a similar provision 21 of a local ordinance, or a statutory summary suspension or 22 revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or 23 24 the Criminal Code of 2012, relating to the offense of 25 reckless homicide, or a similar out-of-state offense.

26 (e) Any person in violation of this Section who is also in

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1 violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed 2 under this Section, shall have his or her motor vehicle 3 4 immediately impounded by the arresting law enforcement 5 officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle 6 that was impounded and the notarized written consent for the 7 release by the vehicle owner. 8

9 (f) For any prosecution under this Section, a certified 10 copy of the driving abstract of the defendant shall be admitted 11 as proof of any prior conviction.

12 (g) The motor vehicle used in a violation of this Section 13 is subject to seizure and forfeiture as provided in Sections 14 36-1 and 36-2 of the Criminal Code of 2012 if the person's 15 driving privilege was revoked or suspended as a result of:

16 (1) a violation of Section 11-501 of this Code, a 17 similar provision of a local ordinance, or a similar 18 provision of a law of another state;

(2) a violation of paragraph (b) of Section 11-401 of
this Code, a similar provision of a local ordinance, or a
similar provision of a law of another state;

(3) a statutory summary suspension or revocation under
Section 11-501.1 of this Code or a similar provision of a
law of another state; or

(4) a violation of Section 9-3 of the Criminal Code of
1961 or the Criminal Code of 2012 relating to the offense

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1 of reckless homicide, or a similar provision of a law of 2 another state.

3 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;
4 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.
5 8-27-13; 98-756, eff. 7-16-14.)

6 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

Sec. 11-1414. Approaching, overtaking, and passing schoolbus.

9 (a) The driver of a vehicle shall stop such vehicle before 10 meeting or overtaking, from either direction, any school bus stopped at any location, including highways on public school 11 12 property, for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there 13 14 is in operation on the school bus the visual signals as 15 specified in Sections 12-803 and 12-805 of this Code. The driver of the vehicle shall not proceed until the school bus 16 17 resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no 18 19 longer actuated.

(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time. (c) The alternately flashing red signal lamps of an 8-lamp
flashing signal system required by Section 12-805 of this Code
shall be actuated after the school bus has come to a complete
stop for the purpose of loading or discharging pupils and shall
be turned off before the school bus is placed in motion again.
The red signal lamps shall not be actuated at any other time
except as provided in paragraph (d) of this Section.

(d) The alternately flashing amber signal lamps of an 8 9 8-lamp flashing signal system required by Section 12-805 of 10 this Code shall be actuated continuously during not less than 11 the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an 12 13 urban area and during not less than the last 200 feet traveled 14 by the school bus outside an urban area. The amber signal lamps 15 shall remain actuated until the school bus is stopped. The 16 amber signal lamps shall not be actuated at any other time.

17 (d-5) The alternately flashing head lamps permitted by 18 Section 12-805 of this Code may be operated while the 19 alternately flashing red or amber signal lamps required by that 20 Section are actuated.

(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction 09900SB1885ham001 -19- LRB099 09039 RJF 34850 a

1 that is stopped in a loading zone adjacent to the surfaced or 2 improved part of the controlled access highway where 3 pedestrians are not permitted to cross.

4 (f) Beginning with the effective date of this amendatory 5 Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a 6 violation of subsection (a) of this Section or a similar 7 provision of a local ordinance; the Secretary shall suspend for 8 a period of one year the driving privileges of any person 9 10 convicted of a second or subsequent violation of subsection (a) 11 of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a 12 13 prior conviction for the same offense. In addition to the 14 suspensions authorized by this Section, any person convicted of 15 violating this Section or a similar provision of a local 16 ordinance shall be subject to a mandatory fine of \$150 or, upon a second or subsequent violation, \$500. The Secretary may also 17 grant, for the duration of any suspension issued under this 18 19 subsection, a restricted driving permit granting the privilege 20 of driving a motor vehicle between the driver's residence and 21 place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue 22 23 hardship. A restricted driving permit issued hereunder shall be 24 subject to cancellation, revocation and suspension by the 25 Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except 26

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1 that a conviction upon one or more offenses against laws or 2 ordinances regulating the movement of traffic shall be deemed 3 sufficient cause for the revocation, suspension or 4 cancellation of the restricted driving permit. The Secretary of 5 State may, as a condition to the issuance of a restricted 6 driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any 7 conviction for a violation of this subsection shall be included 8 9 as an offense for the purposes of determining suspension action 10 under any other provision of this Code, provided however, that 11 the penalties provided under this subsection shall be imposed 12 unless those penalties imposed under other applicable 13 provisions are greater.

The owner of any vehicle alleged to have violated paragraph 14 15 (a) of this Section shall, upon appropriate demand by the 16 State's Attorney or other designated person acting in response to a signed complaint, provide a written statement 17 or 18 deposition identifying the operator of the vehicle if such 19 operator was not the owner at the time of the alleged 20 violation. Failure to supply such information shall result in the suspension of the vehicle registration of the vehicle for a 21 22 period of 3 months. In the event the owner has assigned control 23 for the use of the vehicle to another, the person to whom 24 control was assigned shall comply with the provisions of this 25 paragraph and be subject to the same penalties as herein 26 provided.

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1 (Source: P.A. 95-105, eff. 1-1-08; 95-331, eff. 8-21-07.)".