

1 AN ACT regarding vehicles.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Operation Cool Program Fund.

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Section 12-603.1 as follows:

10 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

11 Sec. 12-603.1. Driver and passenger required to use  
12 safety belts, exceptions and penalty.

13 (a) Each driver and front seat passenger of a motor  
14 vehicle operated on a street or highway in this State shall  
15 wear a properly adjusted and fastened seat safety belt;  
16 except that, a child less than 6 years of age shall be  
17 protected as required pursuant to the Child Passenger  
18 Protection Act. Each driver under the age of 18 years and  
19 each of the driver's passengers under the age of 18 years of  
20 a motor vehicle operated on a street or highway in this State  
21 shall wear a properly adjusted and fastened seat safety belt.  
22 Each driver of a motor vehicle transporting a child 6 years  
23 of age or more, but less than 16 years of age, in the front  
24 seat of the motor vehicle shall secure the child in a  
25 properly adjusted and fastened seat safety belt.

26 (b) Paragraph (a) shall not apply to any of the  
27 following:

28 1. A driver or passenger frequently stopping and  
29 leaving the vehicle or delivering property from the

1 vehicle, if the speed of the vehicle between stops does  
2 not exceed 15 miles per hour.

3 2. A driver or passenger possessing a written  
4 statement from a physician that such person is unable,  
5 for medical or physical reasons, to wear a seat safety  
6 belt.

7 3. A driver or passenger possessing an official  
8 certificate or license endorsement issued by the  
9 appropriate agency in another state or country indicating  
10 that the driver is unable for medical, physical, or other  
11 valid reasons to wear a seat safety belt.

12 4. A driver operating a motor vehicle in reverse.

13 5. A motor vehicle with a model year prior to 1965.

14 6. A motorcycle or motor driven cycle.

15 7. A motorized pedalcycle.

16 8. A motor vehicle which is not required to be  
17 equipped with seat safety belts under federal law.

18 9. A motor vehicle operated by a rural letter  
19 carrier of the United States postal service while  
20 performing duties as a rural letter carrier.

21 (c) Failure to wear a seat safety belt in violation of  
22 this Section shall not be considered evidence of negligence,  
23 shall not limit the liability of an insurer, and shall not  
24 diminish any recovery for damages arising out of the  
25 ownership, maintenance, or operation of a motor vehicle.

26 (d) A violation of this Section shall be a petty offense  
27 and subject to a fine not to exceed \$25. Of the amount  
28 collected, \$5 of each fine imposed for a violation of this  
29 Section shall be collected by the circuit clerk and disbursed  
30 in the manner provided in Section 5-9-1.12 of the Unified  
31 Code of Corrections.

32 (e) No motor vehicle, or driver or passenger of such  
33 vehicle, shall be stopped or searched by any law enforcement  
34 officer solely on the basis of a violation or suspected

1 violation of this Section.

2 (Source: P.A. 90-369, eff. 1-1-98.)

3 Section 15. The Clerks of Courts Act is amended by  
4 changing Section 27.5 as follows:

5 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

6 Sec. 27.5. All fees, fines, costs, additional penalties,  
7 bail balances assessed or forfeited, and any other amount  
8 paid by a person to the circuit clerk that equals an amount  
9 less than \$55, except \$5 of the fine imposed for a violation  
10 of Section 12-603.1 of the Illinois Vehicle Code or a similar  
11 provision of a local ordinance and except restitution under  
12 Section 5-5-6 of the Unified Code of Corrections,  
13 reimbursement for the costs of an emergency response as  
14 provided under Section 5-5-3 of the Unified Code of  
15 Corrections, any fees collected for attending a traffic  
16 safety program under paragraph (c) of Supreme Court Rule 529,  
17 any fee collected on behalf of a State's Attorney under  
18 Section 4-2002 of the Counties Code or a sheriff under  
19 Section 4-5001 of the Counties Code, or any cost imposed  
20 under Section 124A-5 of the Code of Criminal Procedure of  
21 1963, for convictions, orders of supervision, or any other  
22 disposition for a violation of Chapters 3, 4, 6, 11, and 12  
23 of the Illinois Vehicle Code, or a similar provision of a  
24 local ordinance, and any violation of the Child Passenger  
25 Protection Act, or a similar provision of a local ordinance,  
26 shall be disbursed within 60 days after receipt by the  
27 circuit clerk as follows: 47% shall be disbursed to the  
28 entity authorized by law to receive the fine imposed in the  
29 case; 12% shall be disbursed to the State Treasurer; and 41%  
30 shall be disbursed to the county's general corporate fund. Of  
31 the 12% disbursed to the State Treasurer, 1/6 shall be  
32 deposited by the State Treasurer into the Violent Crime

1 Victims Assistance Fund, 1/2 shall be deposited into the  
2 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
3 be deposited into the Drivers Education Fund. For fiscal  
4 years 1992 and 1993, amounts deposited into the Violent Crime  
5 Victims Assistance Fund, the Traffic and Criminal Conviction  
6 Surcharge Fund, or the Drivers Education Fund shall not  
7 exceed 110% of the amounts deposited into those funds in  
8 fiscal year 1991. Any amount that exceeds the 110% limit  
9 shall be distributed as follows: 50% shall be disbursed to  
10 the county's general corporate fund and 50% shall be  
11 disbursed to the entity authorized by law to receive the fine  
12 imposed in the case. Not later than March 1 of each year the  
13 circuit clerk shall submit a report of the amount of funds  
14 remitted to the State Treasurer under this Section during the  
15 preceding year based upon independent verification of fines  
16 and fees. All counties shall be subject to this Section,  
17 except that counties with a population under 2,000,000 may,  
18 by ordinance, elect not to be subject to this Section. For  
19 offenses subject to this Section, judges shall impose one  
20 total sum of money payable for violations. The circuit clerk  
21 may add on no additional amounts except for amounts that are  
22 required by Sections 27.3a and 27.3c of this Act, unless  
23 those amounts are specifically waived by the judge. With  
24 respect to money collected by the circuit clerk as a result  
25 of forfeiture of bail, ex parte judgment or guilty plea  
26 pursuant to Supreme Court Rule 529, the circuit clerk shall  
27 first deduct and pay amounts required by Sections 27.3a and  
28 27.3c of this Act. This Section is a denial and limitation of  
29 home rule powers and functions under subsection (h) of  
30 Section 6 of Article VII of the Illinois Constitution.  
31 (Source: P.A. 89-234, eff. 1-1-96.)

32 Section 20. The Unified Code of Corrections is amended  
33 by changing Section 5-9-1 and adding Section 5-9-1.12 as

1 follows:

2 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

3 Sec. 5-9-1. Authorized fines.

4 (a) An offender may be sentenced to pay a fine which  
5 shall not exceed for each offense:

6 (1) for a felony, \$25,000 or the amount specified  
7 in the offense, whichever is greater, or where the  
8 offender is a corporation, \$50,000 or the amount  
9 specified in the offense, whichever is greater;

10 (2) for a Class A misdemeanor, \$2,500 or the amount  
11 specified in the offense, whichever is greater;

12 (3) for a Class B or Class C misdemeanor, \$1,500;

13 (4) for a petty offense, \$1,000 or the amount  
14 specified in the offense, whichever is less;

15 (5) for a business offense, the amount specified in  
16 the statute defining that offense.

17 (b) A fine may be imposed in addition to a sentence of  
18 conditional discharge, probation, periodic imprisonment, or  
19 imprisonment.

20 (c) There shall be added to every fine imposed in  
21 sentencing for a criminal or traffic offense, except an  
22 offense relating to parking or registration, or offense by a  
23 pedestrian, an additional penalty of \$5 for each \$40, or  
24 fraction thereof, of fine imposed. The additional penalty of  
25 \$5 for each \$40, or fraction thereof, of fine imposed, if not  
26 otherwise assessed, shall also be added to every fine imposed  
27 upon a plea of guilty, stipulation of facts or findings of  
28 guilty, resulting in a judgment of conviction, or order of  
29 supervision in criminal, traffic, local ordinance, county  
30 ordinance, and conservation cases (except parking,  
31 registration, or pedestrian violations), or upon a sentence  
32 of probation without entry of judgment under Section 10 of  
33 the Cannabis Control Act or Section 410 of the Controlled

1 Substances Act.

2 Such additional amounts shall be assessed by the court  
3 imposing the fine and shall be collected by the Circuit Clerk  
4 in addition to the fine and costs in the case. Each such  
5 additional penalty shall be remitted by the Circuit Clerk  
6 within one month after receipt to the State Treasurer. The  
7 State Treasurer shall deposit \$1 for each \$40, or fraction  
8 thereof, of fine imposed into the LEADS Maintenance Fund.  
9 The remaining surcharge amount shall be deposited into the  
10 Traffic and Criminal Conviction Surcharge Fund, unless the  
11 fine, costs or additional amounts are subject to disbursement  
12 by the circuit clerk under Section 27.5 of the Clerks of  
13 Courts Act. Such additional penalty shall not be considered  
14 a part of the fine for purposes of any reduction in the fine  
15 for time served either before or after sentencing. Not  
16 later than March 1 of each year the Circuit Clerk shall  
17 submit a report of the amount of funds remitted to the State  
18 Treasurer under this subsection (c) during the preceding  
19 calendar year. Except as otherwise provided by Supreme Court  
20 Rules, if a court in imposing a fine against an offender  
21 levies a gross amount for fine, costs, fees and penalties,  
22 the amount of the additional penalty provided for herein  
23 shall be computed on the amount remaining after deducting  
24 from the gross amount levied all fees of the Circuit Clerk,  
25 the State's Attorney and the Sheriff. After deducting from  
26 the gross amount levied the fees and additional penalty  
27 provided for herein, less any other additional penalties  
28 provided by law, the clerk shall remit the net balance  
29 remaining to the entity authorized by law to receive the fine  
30 imposed in the case. For purposes of this Section "fees of  
31 the Circuit Clerk" shall include, if applicable, the fee  
32 provided for under Section 27.3a of the Clerks of Courts Act  
33 and the fee, if applicable, payable to the county in which  
34 the violation occurred pursuant to Section 5-1101 of the

1 Counties Code.

2 (c-5) In addition to the fines imposed by subsection  
3 (c), any person convicted or receiving an order of  
4 supervision for driving under the influence of alcohol or  
5 drugs shall pay an additional \$25 fee to the clerk. This  
6 additional fee, less 2 1/2% that shall be used to defray  
7 administrative costs incurred by the clerk, shall be remitted  
8 by the clerk to the Treasurer within 60 days after receipt  
9 for deposit into the Trauma Center Fund. This additional fee  
10 of \$25 shall not be considered a part of the fine for  
11 purposes of any reduction in the fine for time served either  
12 before or after sentencing. Not later than March 1 of each  
13 year the Circuit Clerk shall submit a report of the amount of  
14 funds remitted to the State Treasurer under this subsection  
15 (c-5) during the preceding calendar year.

16 The Circuit Clerk may accept payment of fines and costs  
17 by credit card from an offender who has been convicted of a  
18 traffic offense, petty offense or misdemeanor and may charge  
19 the service fee permitted where fines and costs are paid by  
20 credit card provided for in Section 27.3b of the Clerks of  
21 Courts Act.

22 (d) In determining the amount and method of payment of a  
23 fine, except for those fines established for violations of  
24 Chapter 15 of the Illinois Vehicle Code, the court shall  
25 consider:

26 (1) the financial resources and future ability of  
27 the offender to pay the fine; and

28 (2) whether the fine will prevent the offender from  
29 making court ordered restitution or reparation to the  
30 victim of the offense; and

31 (3) in a case where the accused is a dissolved  
32 corporation and the court has appointed counsel to  
33 represent the corporation, the costs incurred either by  
34 the county or the State for such representation.

1 (e) The court may order the fine to be paid forthwith or  
2 within a specified period of time or in installments.

3 (f) All fines, costs and additional amounts imposed  
4 under this Section for any violation of Chapters 3, 4, 6, and  
5 11 of the Illinois Vehicle Code, or a similar provision of a  
6 local ordinance, and any violation of the Child Passenger  
7 Protection Act, or a similar provision of a local ordinance,  
8 shall be collected and disbursed by the circuit clerk as  
9 provided under Section 27.5 of the Clerks of Courts Act.

10 (g) For a fine imposed for a violation of Section  
11 12-603.1 of the Illinois Vehicle Code or a similar provision  
12 of a local ordinance, \$5 of that fine shall be collected and  
13 disbursed by the circuit clerk as provided in Section  
14 5-9-1.12 of this Code.

15 (Source: P.A. 89-105, eff. 1-1-96; 90-130, eff. 1-1-98;  
16 90-384, eff. 1-1-98; 90-655, eff. 7-30-98.)

17 (730 ILCS 5/5-1-9.12 new)

18 Sec. 5-9-1.12. Operation Cool Program Fund.

19 (a) Five dollars of each fine imposed for a violation of  
20 Section 12-603.1 of the Illinois Vehicle Code or a similar  
21 provision of a local ordinance shall be remitted by the  
22 circuit clerk within one month after receipt to the State  
23 Treasurer for deposit into the Operation Cool Program Fund.  
24 The circuit clerk shall retain 10% of this amount to cover  
25 the costs incurred in administering and enforcing this  
26 Section. Not later than March 1 of each year, the circuit  
27 clerk shall submit to the State Comptroller a report of the  
28 amount of funds remitted by him or her to the State Treasurer  
29 under this Section during the preceding calendar year.

30 (b) There is created the Operation Cool Program Fund in  
31 the State treasury. Subject to appropriation, moneys  
32 deposited into the Fund under this Section must be used  
33 exclusively by the Department of State Police for its



- 1 Operation Cool Program to increase seat safety belt
- 2 compliance by high school students.