**Section 1070.10 Forms of Security**

a) For purposes of this Section, the following definitions shall apply:

"Bank Draft" − a negotiable instrument that contains an unconditional promise to pay a certain sum of money that is payable on demand or at a definite time to the bearer or to order as provided in Section 3-104 of the Uniform Commercial Code [810 ILCS 5/3-104].

"Cashier Check" − a check that is the primary obligation of the issuing bank as indicated in Section 4-211 of the Uniform Commercial Code [810 ILCS 5/4-211]. It is drawn by the bank itself and issued by an authorized officer of the bank.

"Certified Check" − a check of a depositor drawn on a bank of which the holder of the check procures certification and the drawer and all prior endorsers are discharged as provided in Section 3-411 of the Uniform Commercial Code [810 ILCS 5/3-411]. The words "accepted or certified" are on the check along with the date and the signature of a bank official.

"Department" − Department of Driver Services of the Office of the Secretary of State.

b) The Department shall accept as security to establish proof of financial responsibility following an accident for purposes of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7] the following: certified checks, money orders, bank drafts, cashier checks, surety bonds, and cash. The amount of security required is determined by the Illinois Department of Transportation. The person depositing security shall stipulate on a designated form supplied by the Secretary of State on whose behalf the deposit is made.

c) A surety bond shall not be accepted by the Department as a deposit of security as required by Section 7-201 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5] unless the following conditions are met:

1) The form is completed.

2) The surety company is authorized to do business in Illinois or a power of attorney is executed in accordance with Section 7-203 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5].

3) The bond specifies whom it is to cover.

4) The signatures are notarized.

5) The bond is accompanied by a power of attorney.

d) If a surety bond is accepted by the Department and the surety company later does not pay a judgment upon demand of the Department, the Department shall not accept any further bonds from the surety company until payment is made.

e) If a surety company has failed and ceased operations by order of a court, the Department shall notify the interested party that the party's driver's license and/or registration shall be suspended in 30 days if the party does not deposit the security required by Section 7-201 of the Illinois Safety Responsibility Law.

f) If a person's security requirement has not been terminated pursuant to Section 7-210 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5], that person shall be eligible to file an affidavit for termination of surety bond attesting:

1) that 2 years have elapsed since the suspension occurred; or

2) that the applicable statute of limitations has expired, regardless of the length of time the suspension has been in effect, that no suit or claim for damages and/or personal injuries is filed and pending, and no judgment rendered remains unpaid.

g) All security deposits shall be deposited at the following address: Department of Driver Services, Safety and Financial Responsibility Section, 2701 South Dirksen Parkway, Springfield, IL 62723. No security shall be considered deposited until it is received by the Department at the above mentioned address in one of the above mentioned forms of security specified in subsection (b) of this Section hereof.

(Source: Amended at 46 Ill. Reg. 4091, effective February 25, 2022)