**Section 1070.90 Dormant and Dead Judgments**

1. For purposes of this Section, the following definitions shall apply:

 "Dead Judgment" − an unpaid judgment which is twenty (20) years old or more [735 ILCS 5/13-218].

 "Debtor" − one who owes a debt.

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

 "Dormant Judgment" − an unpaid judgment which is seven (7) years old or more and has not been revived by petition. [735 ILCS 5/12-108].

 "Judgment Creditor" − one who is owed money due to a court judgment in his/her favor and against the debtor.

 "Revival of Judgment" − to render enforceable an unpaid dormant judgment by filing a petition for revival.

b) A debtor may request that a suspension on his/her driving record be cleared because the judgment forming the basis for the suspension is dormant. The following documentation shall serve as proof of dormancy:

1) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or

2) A court order or written verification on official letterhead, by a judge or clerk of the court, that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or

3) Written verification on official letterhead, by a judge or clerk of the court, that the required documentation has been destroyed or is not otherwise available and that no records of court show that the judgment has been revived by petition or is in effect.

c) Upon receipt of the required documentation from the debtor, the Safety and Financial Responsibility Section of the Department shall determine if the debtor has filed proof of financial responsibility insurance for three (3) accumulated years in accordance with the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7]. If the judgment is under $500.00, proof of financial responsibility insurance is not required.

1) If proof of financial responsibility insurance has been given, the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition;

B) Proof of financial responsibility insurance has been given for three (3) accumulated years; and

C) The suspension will be cleared and made effective a date certain.

2) Carbon copies of the correspondence will be sent to the debtor's attorney.

3) If proof of financial responsibility insurance has not been given and is required (judgment over $500.00), the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition; and

B) Proof of financial responsibility insurance must be given and maintained for three (3) accumulated years. The suspension shall be cleared upon accepting proof of financial responsibility insurance. The suspension shall be closed when three (3) years of financial responsibility insurance have been accumulated.

4) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney, if their addresses are on file.

d) A dormant judgment may be revived by petition anytime prior to the expiration of the twenty (20) year limitation period. The following documents shall be considered adequate proof of revival by the judgment creditor:

1) A certified or file stamped order from the court granting the petition for revival; or

2) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact the original judgment has been revived by petition; or

3) Written verification on official letterhead by a judge or clerk of the court, that the original judgment has been revived by petition.

e) Upon receipt of the required documentation of the judgment's revival from the judgment creditor, the Safety and Financial Responsibility Section shall notify the judgment creditor and his/her attorney and the debtor and his/her attorney that:

1) Proof of revival has been received and accepted in accordance with subsection (b) above by the Department; and

2) If the original suspension has already been cleared, a new suspension will be entered and made effective a date certain; or

3) If the original suspension has not been cleared, it will remain in effect.

f) All suspensions entered because of unpaid judgments now dead will be removed and terminated from the driver's license file and the files of the Safety and Financial Responsibility Section.

(Source: Amended at 18 Ill. Reg. 10909, effective June 28, 1994)