**Section 1070.100 Bankruptcy**

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

"Bankruptcy Debtor" − a debtor under any chapter of the federal Bankruptcy Code.

"Chapter 13 Plan" − an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor" − a person to whom a debt is owed by another.

"Debtor" − one who owes a debt.

"Deletion of Suspension" − the permanent removal of the suspension from the driving record.

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

"Discharge in Bankruptcy" − an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.

"Notice of Automatic Stay" − any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors" − a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Petition in Bankruptcy" − a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.

"Schedule A-3" − Schedule of Liabilities.

"Termination of Suspension" − a suspension which has ended.

"Trustee Report of No Assets" − a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

b) If a debtor's driving privileges have been or will be suspended because of an unsatisfied judgment or accident pursuant to Section 7-201 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/ Ch. 7, Art. 2], proper notice to the Department shall result in termination or deletion of the suspension from the driving record. Proper notice shall consist of, but not be limited to, one of the following:

1) Petition in Bankruptcy

2) Notice of Meeting of Creditors

3) Schedule A-3 or Schedule of Creditors

4) Trustee Report of No Assets

5) Discharge in Bankruptcy

6) Notice of Automatic Stay

7) Chapter 13 Wage Earner Plan

c) Any evidence documenting an event prior in time to actual discharge shall be used by the Department to confirm a discharge in bankruptcy has occurred.

d) The suspension shall be terminated and the file closed as of the date the Department receives proper notice. If proper notice is received prior to the suspension date, the pending suspension will be deleted from the driving record.

e) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.

f) A suspension because of an unsatisfied judgment or accident pursuant to Section 7-201 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code which has been rescinded pursuant to this Section shall be reinstated when:

1) the Petition in Bankruptcy has been dismissed; or

2) the United States Bankruptcy Court orders the debt nondischargeable; or

3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable sections of 11 U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended (11 U.S.C. Section 523(a) and Bankruptcy Rule 4007).

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