



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3611

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-209.1 new
625 ILCS 5/11-208.3a new

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall rescind the suspension or cancellation of a person's driver's license that has been suspended or canceled prior to the effective date due to specified violations. Provides that, in the case of a license suspended before the effective date due to the person failing to pay any fine or penalty due or owing as a result of 10 or more violations of local standing, parking, or compliance regulations, a local government shall, within 120 days of receiving a list of persons whose licenses have been suspended before the effective date provided by the Secretary of State, provide the person with notice of a right to a hearing. Provides that an individual subject to suspension who has received a notice may, within 45 days of receiving the notice, request a hearing. Provides that, upon individual request, the local government shall conduct a financial hardship hearing before suspension of a license for unpaid fines or penalties. Prescribes requirements for notice and factors to be considered for a determination of financial hardship. Provides that, if an individual qualifies for a payment plan and makes timely payments, the government may not pursue other means to collect on the debt, and, if the individual misses a payment, may, after providing 60 days' written notice, pursue collection of the debt. Provides that a fourth missed payment shall be considered noncompliance. Provides that, if the individual does not appear at the pre-suspension hearing, the hearing officer may find the person in default and provide notice of the determination. Provides that an individual subject to suspension as a result of 10 or more violations of a vehicular standing, parking, or compliance regulation established by ordinance after a hearing officer's determination that the individual is in a financial hardship is not entitled to another financial hardship hearing.

LRB101 09072 TAE 54165 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Sections 6-209.1 and 11-208.3a as follows:

6 (625 ILCS 5/6-209.1 new)

7 Sec. 6-209.1. Restoration of driving privileges; right to
8 hearing.

9 (a) The Secretary shall rescind the suspension or
10 cancellation of a person's driver's license that has been
11 suspended or canceled prior to the effective date of this
12 amendatory Act of the 101st General Assembly due to:

13 (1) the person being convicted of theft of motor fuel
14 under Sections 16-25 or 16K-15 of the Criminal Code of 1961
15 or the Criminal Code of 2012;

16 (2) the person, since the issuance of the driver's
17 license, being adjudged to be afflicted with or suffering
18 from any mental disability or disease;

19 (3) a violation of Section 6-16 of the Liquor Control
20 Act of 1934 or a similar provision of a local ordinance;

21 (4) the person being convicted of a violation of
22 Section 6-20 of the Liquor Control Act of 1934 or a similar
23 provision of a local ordinance, if the person presents a

1 certified copy of a court order that includes a finding
2 that the person was not an occupant of a motor vehicle at
3 the time of the violation;

4 (5) the person receiving a disposition of court
5 supervision for a violation of subsections (a), (d), or (e)
6 of Section 6-20 of the Liquor Control Act of 1934 or a
7 similar provision of a local ordinance, if the person
8 presents a certified copy of a court order that includes a
9 finding that the person was not an occupant of a motor
10 vehicle at the time of the violation

11 (6) the person failing to satisfy any fine or penalty
12 resulting from a final order issued by the Authority
13 relating directly or indirectly to 5 or more toll
14 violations, toll evasions, or both;

15 (7) the person being convicted of a violation of
16 Section 4-102 of this Code, if the person presents a
17 certified copy of a court order that includes a finding
18 that the person did not exercise actual physical control of
19 the vehicle at the time of the violation; or

20 (8) the person being convicted of criminal trespass to
21 vehicles under Section 21-2 of the Criminal Code of 2012,
22 if the person presents a certified copy of a court order
23 that includes a finding that the person did not exercise
24 actual physical control of the vehicle at the time of the
25 violation.

26 (b) In the case of a license that has been suspended before

1 the effective date of this amendatory Act of the 101st General
2 Assembly due to the person failing to pay any fine or penalty
3 due or owing as a result of 10 or more violations of a
4 municipality's or county's vehicular standing, parking, or
5 compliance regulations established by ordinance under Section
6 11-208.3, the municipality or county shall, within 120 days
7 after receiving the list provided by the Secretary under
8 subsection (c), provide the person with notice that the person
9 has a right to a hearing under Section 11-208.3a. The notice
10 shall be sent by first class United States mail, postage
11 prepaid, to the address of the registered owner or lessee of
12 the cited vehicle as recorded with the Secretary of State or
13 the lessor of the motor vehicle or, if any notice to that
14 address is returned as undeliverable or unclaimed, by first
15 class mail to the last known address recorded in a United
16 States Post Office approved database.

17 (c) The Secretary shall provide a municipality or county
18 with a list of persons whose driver's licenses have been
19 suspended before the effective date of this amendatory Act of
20 the 101th General Assembly due to the person failing to pay any
21 fine or penalty due or owing as a result of 10 or more
22 violations of a municipality's or county's vehicular standing,
23 parking, or compliance regulations established by ordinance
24 under Section 11-208.3.

1 Sec. 11-208.3a. Hearing to determine ability to satisfy
2 fines or penalties for 10 or more violations of local standing,
3 parking, or compliance regulations.

4 (a) An individual subject to suspension of a driver's
5 license under Section 6-306.5 and who has received a notice of
6 impending driver's license suspension, or an individual whose
7 driver's license has been suspended before the effective date
8 of this amendatory Act of the 101th General Assembly and who
9 has received a notice as provided in subsection (b) of Section
10 6-209.1, may, within 45 days of receiving such notice, request
11 a hearing under this Section. If the individual requests a
12 hearing as provided in this subsection, a municipality or
13 county shall conduct a hearing under this Section before
14 requesting suspension of a license for unpaid fines or
15 penalties, or, with respect to an individual whose driver's
16 license has been suspended before the effective date of this
17 amendatory Act of the 101st General Assembly, due or owing as a
18 result of violations of local standing, parking, or compliance
19 regulations pursuant to Section 6-306.5. The purpose of the
20 hearing is to determine whether the individual cannot pay the
21 fines or penalties because of a financial hardship.

22 (b) If an individual requests a hearing as provided in
23 subsection (a), the municipality or county shall provide at
24 least 21 days' written notice of the hearing. The notice shall:

25 (1) include a clear and prominent statement that the
26 hearing will determine whether the individual's driver's

1 license will be, or continue to be, as appropriate,
2 suspended for failing to pay fines or penalties for
3 violations of a municipality's or county's vehicular
4 standing, parking, or compliance regulations;

5 (2) include a list of all fines or penalties for
6 violations of a municipality's or county's vehicular
7 standing, parking, or compliance regulations leading to
8 the suspension or proposed suspension;

9 (3) clearly inform the individual that:

10 (A) at the hearing, a hearing officer may determine
11 whether the individual failed to pay fines or penalties
12 because of a financial hardship;

13 (B) if the hearing officer determines that the
14 individual failed to pay the fines or penalties because
15 of a financial hardship, the hearing officer shall
16 determine that the municipality or county cannot
17 request suspension of the individual's driver's
18 license or, in the case of a suspended driver's
19 license, that such license shall be restored if the
20 individual establishes a monthly installment payment
21 plan with the municipality or county as provided in
22 subsection (f);

23 (C) at the hearing, the individual may provide
24 information that he or she is unable to pay the amount
25 due and owing because of a financial hardship;

26 (D) he or she should bring any documents that show

1 the individual's income, including pay stubs, tax
2 returns, and any documents that show he or she is
3 participating in a program for low-income individuals,
4 such as the Supplemental Nutrition Assistance Program
5 or Medicaid; and

6 (4) provide the date, time, and location of the
7 hearing.

8 Notice shall be served by first class United States mail,
9 postage prepaid, to the address of the registered owner or
10 lessee of the cited vehicle as recorded with the Secretary of
11 State or the lessor of the motor vehicle or, if any notice to
12 that address is returned as undeliverable or unclaimed, by
13 first class mail to the last known address recorded in a United
14 States Post Office approved database.

15 (c) The hearing officer shall make a determination
16 concerning whether the individual is experiencing a financial
17 hardship. An individual is experiencing a financial hardship if
18 he or she:

19 (1) has a household income of 300% or less than the
20 Federal Poverty Level; or

21 (2) participates in any of the following programs:
22 Supplemental Security Income; Social Security Disability
23 Income; the Special Supplemental Nutrition Program for
24 Women, Infants and Children; Aid to the Aged, Blind, and
25 Disabled; Temporary Assistance for Needy Families;
26 Unemployment Insurance Benefits; Medicaid; Supplemental

1 Nutrition Assistance Program; Transitional Assistance; or
2 State Children and Family Assistance.

3 (d) An individual may demonstrate that he or she is
4 experiencing a financial hardship by providing any of the
5 following:

6 (1) proof of income from a pay stub, bank statement,
7 tax return, rent, or other evidence of earnings; or

8 (2) eligibility cards or electronic benefit cards or
9 other documents that show participation in a public
10 benefits programs described in subdivision (c) (1) (B).

11 (e) A hearing officer may continue a hearing as needed to
12 allow the individual to present additional information or
13 enable the hearing officer to make additional determinations.

14 (f) If, after the hearing, the hearing officer determines
15 that the individual is experiencing a financial hardship, the
16 individual shall be eligible to establish a monthly installment
17 payment plan with the municipality or county of:

18 (1) \$25 for total fines and penalties due and owing
19 that are \$500 or less with payments on the plan not to
20 exceed 18 months; or

21 (2) \$50 for total fines and penalties due and owing
22 that are more than \$500 with payments on the plan not to
23 exceed 48 months.

24 If the individual complies with either item (1) or item (2)
25 of this subsection, as applicable, or if the individual has
26 satisfied the fines and penalties due and owing, whichever is

1 the earlier, the fine amount due and owing, and any associated
2 late fees and penalties shall be deemed satisfied.

3 (g) If the individual enters into a payment plan as
4 provided in subsection (f), the municipality or county may not
5 request the suspension of the individual's driver's license, or
6 in the case of a suspended driver's license, the municipality
7 or county shall request the Secretary to restore the license.
8 Upon such a request, the Secretary shall restore the driving
9 privileges of the individual.

10 (h) If the individual makes timely payments on a payment
11 plan ordered under this Section, the municipality or county may
12 not pursue other means to collect on the debt. If the
13 individual misses a payment, the municipality or county may,
14 after providing the individual with 60 days' written notice and
15 an opportunity to come current, pursue collection of the debt,
16 including late fees and penalties associated with the debt. The
17 individual shall be given not more than 3 opportunities to come
18 current in the duration of the payment plan, and a fourth
19 missed payment shall be considered to be noncompliance with the
20 payment plan.

21 (i) If the individual does not appear at the pre-suspension
22 hearing, the hearing officer may find the individual in default
23 and proceed with the hearing and determine that the individual
24 is not experiencing a financial hardship. The municipality or
25 county shall provide written notice of the outcome of the
26 hearing by first class mail, postage prepaid.

1 (j) Except as otherwise provided in subsection (h), if an
2 individual who has established a payment fails to comply with
3 the payment plan, the municipality or county may pursue any
4 means to collect on the debt.

5 (k) This Section does not apply to an individual who has
6 become subject to a driver's license suspension under Section
7 6-306.5 as a result of 10 or more violations of a
8 municipality's or county's vehicular standing, parking, or
9 compliance regulations established by ordinance after a
10 hearing officer's determination that the individual is
11 experiencing a financial hardship.

12 (1) Nothing in this Section prohibits an individual who is
13 not experiencing a financial hardship from agreeing to a
14 payment plan with the municipality or county in order to
15 satisfy the financial obligations and avoid suspension of the
16 driver's license of the individual.