



Sen. Mattie Hunter

Filed: 4/4/2019

10100SB1473sam002

LRB101 08905 TAE 59273 a

1 AMENDMENT TO SENATE BILL 1473

2 AMENDMENT NO. _____. Amend Senate Bill 1473 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Reference to Act. This Act may be referred to
5 as the Stay of Driver's License Suspension for Child Support
6 Arrearage Law.

7 Section 5. The Illinois Public Aid Code is amended by
8 changing Section 10-16.5 as follows:

9 (305 ILCS 5/10-16.5)

10 Sec. 10-16.5. Interest on support obligations. A support
11 obligation, or any portion of a support obligation, which
12 becomes due and remains unpaid as of the end of each month,
13 excluding the child support that was due for that month to the
14 extent that it was not paid in that month, shall accrue simple
15 interest as set forth in Section 12-109 of the Code of Civil

1 Procedure. An order for support entered or modified on or after
2 January 1, 2006 shall contain a statement that a support
3 obligation required under the order, or any portion of a
4 support obligation required under the order, that becomes due
5 and remains unpaid as of the end of each month, excluding the
6 child support that was due for that month to the extent that it
7 was not paid in that month, shall accrue simple interest as set
8 forth in Section 12-109 of the Code of Civil Procedure. Failure
9 to include the statement in the order for support does not
10 affect the validity of the order or the accrual of interest as
11 provided in this Section. The Department may provide, by rule,
12 if, or how, the Department will enforce interest in cases in
13 which IV-D services are being provided.

14 ~~In cases in which IV D services are being provided, the~~
15 ~~Department shall provide, by rule, for a one time notice to~~
16 ~~obligees advising the obligee that he or she must notify the~~
17 ~~Department within 60 days of the notice that he or she wishes~~
18 ~~to have the Department compute any interest that accrued on a~~
19 ~~specific docket in his or her case between May 1, 1987 and~~
20 ~~December 31, 2005. If the obligee fails to notify the~~
21 ~~Department within the 60 day period: (i) the Department shall~~
22 ~~have no further duty to enforce and collect interest accrued on~~
23 ~~support obligations established under this Code or under any~~
24 ~~other law that are owed to the obligee prior to January 1,~~
25 ~~2006; and (ii) any interest due on that docket prior to 2006~~
26 ~~may be pursued by the obligee through a court action, but not~~

1 ~~through the Department's IV-D agency.~~

2 (Source: P.A. 98-563, eff. 8-27-13.)

3 Section 10. The Illinois Vehicle Code is amended by
4 changing Sections 7-704 and 7-704.1 as follows:

5 (625 ILCS 5/7-704)

6 Sec. 7-704. Suspension to continue until compliance with
7 court order of support.

8 (a) The suspension of a driver's license shall remain in
9 effect unless and until the Secretary of State receives
10 authenticated documentation that the obligor is in compliance
11 with a court order of support or that the order has been stayed
12 by a subsequent order of the court. Full driving privileges
13 shall not be issued by the Secretary of State until
14 notification of compliance has been received from the court.
15 The circuit clerks shall report the obligor's compliance with a
16 court order of support to the Secretary of State, on a form
17 prescribed by the Secretary.

18 (a-1) The suspension of a driver's license shall remain in
19 effect unless and until the Secretary of State receives
20 authenticated documentation as to the person who violated a
21 visitation order that the court has determined that there has
22 been sufficient compliance for a sufficient period of time with
23 the court's order concerning visitation and that full driving
24 privileges shall be reinstated or that the order has been

1 stayed by a subsequent order of the court. Full driving
2 privileges shall not be issued by the Secretary of State until
3 notification has been received from the court. The circuit
4 clerk shall report any court order in which the court
5 determined that there has been sufficient compliance for a
6 sufficient period of time with the court's order concerning
7 visitation and that full driving privileges shall be reinstated
8 to the Secretary of State on a form prescribed by the
9 Secretary.

10 (b) Whenever, after one suspension of an individual's
11 driver's license for failure to pay child support, another
12 order of non-payment is entered against the obligor and the
13 person fails to come into compliance with the court order of
14 support, then the Secretary shall again suspend the driver's
15 license of the individual and that suspension shall not be
16 removed unless the obligor is in full compliance with the court
17 order of support and has made full payment on all arrearages or
18 has arranged for payment of the arrearages and current support
19 obligation in a manner satisfactory to the court. The provision
20 in this Section regarding the compliance necessary to remove an
21 active suspension applies equally to all individuals who have
22 had a driver's license suspended due to non-payment of child
23 support, regardless of whether that suspension occurred before
24 or after the effective date of this amendatory Act of the 101st
25 General Assembly.

26 (b-1) Whenever, after one suspension of an individual's

1 driver's license for failure to abide by a visitation order,
2 another order finding visitation abuse is entered against the
3 person and the court orders the suspension of the person's
4 driver's license, then the Secretary shall again suspend the
5 driver's license of the individual and that suspension shall
6 not be removed until the court has determined that there has
7 been sufficient compliance for a sufficient period of time with
8 the court's order concerning visitation and that full driving
9 privileges shall be reinstated.

10 (c) Section 7-704.1, and not this Section, governs the
11 duration of a driver's license suspension if the suspension
12 occurs as the result of a certification by the Illinois
13 Department of Healthcare and Family Services under subsection
14 (c) of Section 7-702.

15 (Source: P.A. 97-1047, eff. 8-21-12.)

16 (625 ILCS 5/7-704.1)

17 Sec. 7-704.1. Duration of driver's license suspension upon
18 certification of Department of Healthcare and Family Services.

19 (a) When a suspension of a driver's license occurs as the
20 result of a certification by the Illinois Department of
21 Healthcare and Family Services under subsection (c) of Section
22 7-702, the suspension shall remain in effect until the
23 Secretary of State receives notification from the Department
24 that the person whose license was suspended has paid the
25 support delinquency in full or has arranged for payment of the

1 delinquency and current support obligation in a manner
2 satisfactory to the Department.

3 (b) Whenever, after one suspension of an individual's
4 driver's license based on certification of the Department of
5 Healthcare and Family Services, another certification is
6 received from the Department of Healthcare and Family Services,
7 the Secretary shall again suspend the driver's license of that
8 individual and that suspension shall not be removed unless the
9 obligor is in full compliance with the order of support and has
10 made full payment on all arrearages or has arranged for payment
11 of the arrearages and current support obligation in a manner
12 satisfactory to the Department. The provision in this Section
13 regarding the compliance necessary to remove an active
14 suspension applies equally to all individuals who have had a
15 driver's license suspended due to nonpayment of child support,
16 regardless of whether that suspension occurred before or after
17 the effective date of this amendatory Act of the 101st General
18 Assembly.

19 (Source: P.A. 95-685, eff. 10-23-07.)

20 Section 15. The Code of Civil Procedure is amended by
21 changing Section 12-109 as follows:

22 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

23 Sec. 12-109. Interest on judgments.

24 (a) Every judgment except those arising by operation of law

1 from child support orders shall bear interest thereon as
2 provided in Section 2-1303.

3 (b) Every judgment arising by operation of law from a child
4 support order shall bear interest as provided in this
5 subsection. The interest on judgments arising by operation of
6 law from child support orders shall be calculated by applying
7 one-twelfth of the current statutory interest rate as provided
8 in Section 2-1303 to the unpaid child support balance as of the
9 end of each calendar month. The unpaid child support balance at
10 the end of the month is the total amount of child support
11 ordered, excluding the child support that was due for that
12 month to the extent that it was not paid in that month and
13 including judgments for retroactive child support, less all
14 payments received and applied as set forth in this subsection.
15 The accrued interest shall not be included in the unpaid child
16 support balance when calculating interest at the end of the
17 month. The unpaid child support balance as of the end of each
18 month shall be determined by calculating the current monthly
19 child support obligation and applying all payments received for
20 that month, except federal income tax refund intercepts, first
21 to the current monthly child support obligation and then
22 applying any payments in excess of the current monthly child
23 support obligation to the unpaid child support balance owed
24 from previous months. The current monthly child support
25 obligation shall be determined from the document that
26 established the support obligation. Federal income tax refund

1 intercepts and any payments in excess of the current monthly
2 child support obligation shall be applied to the unpaid child
3 support balance. Any payments in excess of the current monthly
4 child support obligation and the unpaid child support balance
5 shall be applied to the accrued interest on the unpaid child
6 support balance. Interest on child support obligations may be
7 collected by any means available under federal and State law,
8 rules, and regulations providing for the collection of child
9 support ~~State law for the collection of child support~~
10 ~~judgments.~~

11 (Source: P.A. 98-563, eff. 8-27-13.)"