



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB5588

Introduced 1/31/2022, by Rep. Nicholas K. Smith - Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

|                  |                             |
|------------------|-----------------------------|
| 625 ILCS 5/6-115 | from Ch. 95 1/2, par. 6-115 |
| 625 ILCS 5/6-308 |                             |
| 730 ILCS 5/5-9-3 | from Ch. 38, par. 1005-9-3  |

Amends the Illinois Vehicle Code. Deletes provision that the Secretary of State may decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under the Code and is not paid upon reasonable notice and demand. Provides that whenever a person fails to appear in court and the court continues the case, the clerk of the court shall also send notice of the continued court date to the person's email address and shall send a text message to the person's last known cellular telephone number. Provides that if the person does not have a cellular telephone number, the clerk of the court shall telephone the person regarding the continued court date at the person's last known non-cellular telephone number. Deletes provisions that if the person does not appear in court on or before the continued court date or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an order of failure to appear. Amends the Unified Code of Corrections. Deletes provisions that an offender who defaults in the payment of a fine or any installment of that fine may be held in contempt and imprisoned for nonpayment and that the court may issue a summons for his or her appearance or a warrant of arrest. Effective immediately.

LRB102 26061 RLC 35515 b

1 AN ACT concerning courts.

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  
5 changing Sections 6-115 and 6-308 as follows:

6 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

7 Sec. 6-115. Expiration of driver's license.

8 (a) Except as provided elsewhere in this Section, every  
9 driver's license issued under the provisions of this Code  
10 shall expire 4 years from the date of its issuance, or at such  
11 later date, as the Secretary of State may by proper rule and  
12 regulation designate, not to exceed 12 calendar months; in the  
13 event that an applicant for renewal of a driver's license  
14 fails to apply prior to the expiration date of the previous  
15 driver's license, the renewal driver's license shall expire 4  
16 years from the expiration date of the previous driver's  
17 license, or at such later date as the Secretary of State may by  
18 proper rule and regulation designate, not to exceed 12  
19 calendar months.

20 The Secretary of State may, however, issue to a person not  
21 previously licensed as a driver in Illinois a driver's license  
22 which will expire not less than 4 years nor more than 5 years  
23 from date of issuance, except as provided elsewhere in this

1 Section.

2 (a-5) Every driver's license issued under this Code to an  
3 applicant who is not a United States citizen or permanent  
4 resident, or an individual who has an approved application for  
5 asylum in the United States or has entered the United States in  
6 refugee status, shall expire on whichever is the earlier date  
7 of the following:

8 (1) as provided under subsection (a), (f), (g), or (i)  
9 of this Section;

10 (2) on the date the applicant's authorized stay in the  
11 United States terminates; or

12 (3) if the applicant's authorized stay is indefinite  
13 and the applicant is applying for a Limited Term REAL ID  
14 compliant driver's license, one year from the date of  
15 issuance of the license.

16 (a-10) Every REAL ID compliant driver's license issued  
17 under this Code to an applicant who is not a United States  
18 citizen or permanent resident, or an individual who has an  
19 approved application for asylum in the United States or has  
20 entered the United States in refugee status, shall be marked  
21 "Limited Term".

22 (b) Before the expiration of a driver's license, except  
23 those licenses expiring on the individual's 21st birthday, or  
24 3 months after the individual's 21st birthday, the holder  
25 thereof may apply for a renewal thereof, subject to all the  
26 provisions of Section 6-103, and the Secretary of State may

1 require an examination of the applicant. A licensee whose  
2 driver's license expires on his 21st birthday, or 3 months  
3 after his 21st birthday, may not apply for a renewal of his  
4 driving privileges until he reaches the age of 21.

5 (c) The Secretary of State shall, 30 days prior to the  
6 expiration of a driver's license, forward to each person whose  
7 license is to expire a notification of the expiration of said  
8 license which may be presented at the time of renewal of said  
9 license.

10 There may be included with such notification information  
11 explaining the anatomical gift and Emergency Medical  
12 Information Card provisions of Section 6-110. The format and  
13 text of such information shall be prescribed by the Secretary.

14 There shall be included with such notification, for a  
15 period of 4 years beginning January 1, 2000 information  
16 regarding the Illinois Adoption Registry and Medical  
17 Information Exchange established in Section 18.1 of the  
18 Adoption Act.

19 (d) The Secretary may defer the expiration of the driver's  
20 license of a licensee, spouse, and dependent children who are  
21 living with such licensee while on active duty, serving in the  
22 Armed Forces of the United States outside of the State of  
23 Illinois, and 120 days thereafter, upon such terms and  
24 conditions as the Secretary may prescribe.

25 (d-5) The Secretary may defer the expiration of the  
26 driver's license of a licensee, or of a spouse or dependent

1 children living with the licensee, serving as a civilian  
2 employee of the United States Armed Forces or the United  
3 States Department of Defense, outside of the State of  
4 Illinois, and 120 days thereafter, upon such terms and  
5 conditions as the Secretary may prescribe.

6 (e) (Blank). ~~The Secretary of State may decline to process~~  
7 ~~a renewal of a driver's license of any person who has not paid~~  
8 ~~any fee or tax due under this Code and is not paid upon~~  
9 ~~reasonable notice and demand.~~

10 (f) The Secretary shall provide that each original or  
11 renewal driver's license issued to a licensee under 21 years  
12 of age shall expire 3 months after the licensee's 21st  
13 birthday. Persons whose current driver's licenses expire on  
14 their 21st birthday on or after January 1, 1986 shall not renew  
15 their driver's license before their 21st birthday, and their  
16 current driver's license will be extended for an additional  
17 term of 3 months beyond their 21st birthday. Thereafter, the  
18 expiration and term of the driver's license shall be governed  
19 by subsection (a) hereof.

20 (g) The Secretary shall provide that each original or  
21 renewal driver's license issued to a licensee 81 years of age  
22 through age 86 shall expire 2 years from the date of issuance,  
23 or at such later date as the Secretary may by rule and  
24 regulation designate, not to exceed an additional 12 calendar  
25 months. The Secretary shall also provide that each original or  
26 renewal driver's license issued to a licensee 87 years of age

1 or older shall expire 12 months from the date of issuance, or  
2 at such later date as the Secretary may by rule and regulation  
3 designate, not to exceed an additional 12 calendar months.

4 (h) The Secretary of State shall provide that each special  
5 restricted driver's license issued under subsection (g) of  
6 Section 6-113 of this Code shall expire 12 months from the date  
7 of issuance. The Secretary shall adopt rules defining renewal  
8 requirements.

9 (i) The Secretary of State shall provide that each  
10 driver's license issued to a person convicted of a sex offense  
11 as defined in Section 2 of the Sex Offender Registration Act  
12 shall expire 12 months from the date of issuance or at such  
13 date as the Secretary may by rule designate, not to exceed an  
14 additional 12 calendar months. The Secretary may adopt rules  
15 defining renewal requirements.

16 (Source: P.A. 101-185, eff. 1-1-20; 102-659, eff. 1-1-22.)

17 (625 ILCS 5/6-308)

18 (Text of Section before amendment by P.A. 101-652)

19 Sec. 6-308. Procedures for traffic violations.

20 (a) Any person cited for violating this Code or a similar  
21 provision of a local ordinance for which a violation is a petty  
22 offense as defined by Section 5-1-17 of the Unified Code of  
23 Corrections, excluding business offenses as defined by Section  
24 5-1-2 of the Unified Code of Corrections or a violation of  
25 Section 15-111 or subsection (d) of Section 3-401 of this

1 Code, shall not be required to sign the citation or post bond  
2 to secure bail for his or her release. All other provisions of  
3 this Code or similar provisions of local ordinances shall be  
4 governed by the bail provisions of the Illinois Supreme Court  
5 Rules when it is not practical or feasible to take the person  
6 before a judge to have bail set or to avoid undue delay because  
7 of the hour or circumstances.

8 (b) Whenever a person fails to appear in court, the court  
9 may continue the case for a minimum of 30 days and the clerk of  
10 the court shall send notice of the continued court date to the  
11 person's last known address and email address and shall send a  
12 text message to the person's last known cellular telephone  
13 number. If the person does not have a cellular telephone  
14 number, the clerk of the court shall telephone the person  
15 regarding the continued court date at the person's last known  
16 non-cellular telephone number. If the person does not appear  
17 in court on or before the continued court date or satisfy the  
18 court that the person's appearance in and surrender to the  
19 court is impossible for no fault of the person, the court shall  
20 enter an order of failure to appear. The clerk of the court  
21 shall notify the Secretary of State, on a report prescribed by  
22 the Secretary, of the court's order. The Secretary, when  
23 notified by the clerk of the court that an order of failure to  
24 appear has been entered, shall immediately suspend the  
25 person's driver's license, which shall be designated by the  
26 Secretary as a Failure to Appear suspension. The Secretary

1 ~~shall not remove the suspension, nor issue any permit or~~  
2 ~~privileges to the person whose license has been suspended,~~  
3 ~~until notified by the ordering court that the person has~~  
4 ~~appeared and resolved the violation. Upon compliance, the~~  
5 ~~clerk of the court shall present the person with a notice of~~  
6 ~~compliance containing the seal of the court, and shall notify~~  
7 ~~the Secretary that the person has appeared and resolved the~~  
8 ~~violation.~~

9 (c) Illinois Supreme Court Rules shall govern bail and  
10 appearance procedures when a person who is a resident of  
11 another state that is not a member of the Nonresident Violator  
12 Compact of 1977 is cited for violating this Code or a similar  
13 provision of a local ordinance.

14 (Source: P.A. 100-674, eff. 1-1-19.)

15 (Text of Section after amendment by P.A. 101-652)

16 Sec. 6-308. Procedures for traffic violations.

17 (a) Any person cited for violating this Code or a similar  
18 provision of a local ordinance for which a violation is a petty  
19 offense as defined by Section 5-1-17 of the Unified Code of  
20 Corrections, excluding business offenses as defined by Section  
21 5-1-2 of the Unified Code of Corrections or a violation of  
22 Section 15-111 or subsection (d) of Section 3-401 of this  
23 Code, shall not be required to sign the citation for his or her  
24 release. All other provisions of this Code or similar  
25 provisions of local ordinances shall be governed by the



1 pretrial release provisions of the Illinois Supreme Court  
2 Rules when it is not practical or feasible to take the person  
3 before a judge to have conditions of pretrial release set or to  
4 avoid undue delay because of the hour or circumstances.

5 (b) Whenever a person fails to appear in court, the court  
6 may continue the case for a minimum of 30 days and the clerk of  
7 the court shall send notice of the continued court date to the  
8 person's last known address and email address and shall send a  
9 text message to the person's last known cellular telephone  
10 number. If the person does not have a cellular telephone  
11 number, the clerk of the court shall telephone the person  
12 regarding the continued court date at the person's last known  
13 non-cellular telephone number. If the person does not appear  
14 in court on or before the continued court date or satisfy the  
15 court that the person's appearance in and surrender to the  
16 court is impossible for no fault of the person, the court shall  
17 enter an order of failure to appear. The clerk of the court  
18 shall notify the Secretary of State, on a report prescribed by  
19 the Secretary, of the court's order. The Secretary, when  
20 notified by the clerk of the court that an order of failure to  
21 appear has been entered, shall immediately suspend the  
22 person's driver's license, which shall be designated by the  
23 Secretary as a Failure to Appear suspension. The Secretary  
24 shall not remove the suspension, nor issue any permit or  
25 privileges to the person whose license has been suspended,  
26 until notified by the ordering court that the person has

1 ~~appeared and resolved the violation. Upon compliance, the~~  
2 ~~clerk of the court shall present the person with a notice of~~  
3 ~~compliance containing the seal of the court, and shall notify~~  
4 ~~the Secretary that the person has appeared and resolved the~~  
5 ~~violation.~~

6 (c) Illinois Supreme Court Rules shall govern pretrial  
7 release and appearance procedures when a person who is a  
8 resident of another state that is not a member of the  
9 Nonresident Violator Compact of 1977 is cited for violating  
10 this Code or a similar provision of a local ordinance.

11 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)

12 Section 10. The Unified Code of Corrections is amended by  
13 changing Section 5-9-3 as follows:

14 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

15 Sec. 5-9-3. Default.

16 (a) (Blank). ~~An offender who defaults in the payment of a~~  
17 ~~fine or any installment of that fine may be held in contempt~~  
18 ~~and imprisoned for nonpayment. The court may issue a summons~~  
19 ~~for his appearance or a warrant of arrest.~~

20 (b) (Blank). ~~Unless the offender shows that his default~~  
21 ~~was not due to his intentional refusal to pay, or not due to a~~  
22 ~~failure on his part to make a good faith effort to pay, the~~  
23 ~~court may order the offender imprisoned for a term not to~~  
24 ~~exceed 6 months if the fine was for a felony, or 30 days if the~~

1 ~~fine was for a misdemeanor, a petty offense or a business~~  
2 ~~offense. Payment of the fine at any time will entitle the~~  
3 ~~offender to be released, but imprisonment under this Section~~  
4 ~~shall not satisfy the payment of the fine.~~

5 (c) (Blank). ~~If it appears that the default in the payment~~  
6 ~~of a fine is not intentional under paragraph (b) of this~~  
7 ~~Section, the court may enter an order allowing the offender~~  
8 ~~additional time for payment, reducing the amount of the fine~~  
9 ~~or of each installment, or revoking the fine or the unpaid~~  
10 ~~portion.~~

11 (d) (Blank). ~~When a fine is imposed on a corporation or~~  
12 ~~unincorporated organization or association, it is the duty of~~  
13 ~~the person or persons authorized to make disbursement of~~  
14 ~~assets, and their superiors, to pay the fine from assets of the~~  
15 ~~corporation or unincorporated organization or association. The~~  
16 ~~failure of such persons to do so shall render them subject to~~  
17 ~~proceedings under paragraphs (a) and (b) of this Section.~~

18 (e) A default in the payment of a fine, fee, cost, order of  
19 restitution, judgment of bond forfeiture, judgment order of  
20 forfeiture, or any installment thereof may be collected by any  
21 and all means authorized for the collection of money  
22 judgments. The State's Attorney of the county in which the  
23 fine, fee, cost, order of restitution, judgment of bond  
24 forfeiture, or judgment order of forfeiture was imposed may  
25 retain attorneys and private collection agents for the purpose  
26 of collecting any default in payment of any fine, fee, cost,

1 order of restitution, judgment of bond forfeiture, judgment  
2 order of forfeiture, or installment thereof. An additional fee  
3 of 30% of the delinquent amount and each taxable court cost  
4 including, without limitation, costs of service of process,  
5 shall be charged to the offender for any amount of the fine,  
6 fee, cost, restitution, or judgment of bond forfeiture or  
7 installment of the fine, fee, cost, restitution, or judgment  
8 of bond forfeiture that remains unpaid after the time fixed  
9 for payment of the fine, fee, cost, restitution, or judgment  
10 of bond forfeiture by the court. The additional fee shall be  
11 payable to the State's Attorney in order to compensate the  
12 State's Attorney for costs incurred in collecting the  
13 delinquent amount. The State's Attorney may enter into  
14 agreements assigning any portion of the fee to the retained  
15 attorneys or the private collection agent retained by the  
16 State's Attorney. Any agreement between the State's Attorney  
17 and the retained attorneys or collection agents shall require  
18 the approval of the Circuit Clerk of that county. A default in  
19 payment of a fine, fee, cost, restitution, or judgment of bond  
20 forfeiture shall draw interest at the rate of 9% per annum.

21 (Source: P.A. 98-373, eff. 1-1-14.)

22 Section 95. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text  
24 that is not yet or no longer in effect (for example, a Section  
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.