



Rep. Jeff Keicher

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10300HB4848ham001

LRB103 37935 RTM 72204 a

1 AMENDMENT TO HOUSE BILL 4848

2 AMENDMENT NO. _____. Amend House Bill 4848 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 15-109.1 as follows:

6 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

7 Sec. 15-109.1. Covers or tarpaulins required for certain
8 loads.

9 (a) No person shall operate or cause to be operated, on a
10 highway, any second division vehicle loaded with dirt,
11 aggregate, garbage, refuse, or other similar material, when
12 any portion of the load is falling, sifting, blowing, dropping
13 or in any way escaping from the vehicle.

14 (b) No person shall operate or cause to be operated, on a
15 highway, any second division vehicle having a gross vehicle
16 weight rating of 8,000 pounds or more loaded with dirt,

1 aggregate, garbage, refuse, or other similar material in or on
2 any part of the vehicle other than in the cargo area. In
3 addition, no person shall operate on any highway, such vehicle
4 unless the tailgate on the vehicle is in good repair and
5 operating condition and closes securely so as to prevent any
6 load, residue, or other material from escaping.

7 (c) This Section shall not apply to the operation of
8 highway maintenance vehicles engaged in removing snow and ice
9 from the roadway, nor to implements of husbandry or other farm
10 vehicles while transporting agricultural products to or from
11 the original place of production.

12 (d) For the purpose of this Section "aggregate" shall
13 include all ores, minerals, sand, gravel, shale, coal, clay,
14 limestone or any other ore or mineral which may be mined.

15 (e) Notwithstanding any other penalty, whenever a police
16 officer determines that the operator of a vehicle is in
17 violation of this Section, as evidenced by the issuance of a
18 citation for a violation of Section 15-109.1 of this Code, or
19 where a police officer determines that a dangerous condition
20 exists whereby any portion of the load may fall, sift, blow,
21 drop, or in any way escape or fall from the vehicle, the police
22 officer shall require the operator to stop the vehicle in a
23 suitable place and keep such vehicle stationary until the load
24 has either been reduced, secured, or covered with a cover or
25 tarpaulin of sufficient size to prevent any further violation
26 of this Section.

1 (f) No person shall operate or cause to be operated, on a
2 highway, a commercial motor vehicle, with the exception of a
3 highway maintenance vehicle, transporting garbage or refuse
4 unless the tailgate on the vehicle is in good working repair,
5 good operating condition, and closes securely, with a cover or
6 tarpaulin of sufficient size attached, so as to prevent any
7 load, residue, or other material from escaping.

8 (g) Any violation of the provisions of this Section shall
9 be a petty offense punishable by a fine not to exceed \$150
10 \$250. In addition, a person, firm, or corporation convicted of
11 4 or more violations of subsection (f) within a 12-month
12 period shall be fined an additional amount of \$150 for the
13 fourth and each subsequent conviction within the 12-month
14 period. Regarding a firm or corporation, a fourth or
15 subsequent conviction means a fourth or subsequent conviction
16 attributable to one employee-driver.

17 (Source: P.A. 91-858, eff. 1-1-01.)

18 Section 10. The Criminal and Traffic Assessment Act is
19 amended by changing Section 15-70 as follows:

20 (705 ILCS 135/15-70)

21 Sec. 15-70. Conditional assessments. In addition to
22 payments under one of the Schedule of Assessments 1 through 13
23 of this Act, the court shall also order payment of any of the
24 following conditional assessment amounts for each sentenced

1 violation in the case to which a conditional assessment is
2 applicable, which shall be collected and remitted by the Clerk
3 of the Circuit Court as provided in this Section:

4 (1) arson, residential arson, or aggravated arson,
5 \$500 per conviction to the State Treasurer for deposit
6 into the Fire Prevention Fund;

7 (2) child pornography under Section 11-20.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, \$500
9 per conviction, unless more than one agency is responsible
10 for the arrest in which case the amount shall be remitted
11 to each unit of government equally:

12 (A) if the arresting agency is an agency of a unit
13 of local government, \$500 to the treasurer of the unit
14 of local government for deposit into the unit of local
15 government's General Fund, except that if the Illinois
16 State Police provides digital or electronic forensic
17 examination assistance, or both, to the arresting
18 agency then \$100 to the State Treasurer for deposit
19 into the State Crime Laboratory Fund; or

20 (B) if the arresting agency is the Illinois State
21 Police, \$500 to the State Treasurer for deposit into
22 the State Crime Laboratory Fund;

23 (3) crime laboratory drug analysis for a drug-related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as
26 defined in the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act, \$100 reimbursement for
3 laboratory analysis, as set forth in subsection (f) of
4 Section 5-9-1.4 of the Unified Code of Corrections;

5 (4) DNA analysis, \$250 on each conviction in which it
6 was used to the State Treasurer for deposit into the State
7 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
8 the Unified Code of Corrections;

9 (5) DUI analysis, \$150 on each sentenced violation in
10 which it was used as set forth in subsection (f) of Section
11 5-9-1.9 of the Unified Code of Corrections;

12 (6) drug-related offense involving possession or
13 delivery of cannabis or possession or delivery of a
14 controlled substance, other than methamphetamine, as
15 defined in the Cannabis Control Act or the Illinois
16 Controlled Substances Act, an amount not less than the
17 full street value of the cannabis or controlled substance
18 seized for each conviction to be disbursed as follows:

19 (A) 12.5% of the street value assessment shall be
20 paid into the Youth Drug Abuse Prevention Fund, to be
21 used by the Department of Human Services for the
22 funding of programs and services for drug-abuse
23 treatment, and prevention and education services;

24 (B) 37.5% to the county in which the charge was
25 prosecuted, to be deposited into the county General
26 Fund;

1 (C) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county, or
3 to the State Treasurer if the arresting agency was a
4 state agency, to be deposited as provided in
5 subsection (c) of Section 10-5;

6 (D) if the arrest was made in combination with
7 multiple law enforcement agencies, the clerk shall
8 equitably allocate the portion in subparagraph (C) of
9 this paragraph (6) among the law enforcement agencies
10 involved in the arrest;

11 (6.5) Kane County or Will County, in felony,
12 misdemeanor, local or county ordinance, traffic, or
13 conservation cases, up to \$30 as set by the county board
14 under Section 5-1101.3 of the Counties Code upon the entry
15 of a judgment of conviction, an order of supervision, or a
16 sentence of probation without entry of judgment under
17 Section 10 of the Cannabis Control Act, Section 410 of the
18 Illinois Controlled Substances Act, Section 70 of the
19 Methamphetamine Control and Community Protection Act,
20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
21 the Criminal Code of 1961 or the Criminal Code of 2012,
22 Section 10-102 of the Illinois Alcoholism and Other Drug
23 Dependency Act, or Section 10 of the Steroid Control Act;
24 except in local or county ordinance, traffic, and
25 conservation cases, if fines are paid in full without a
26 court appearance, then the assessment shall not be imposed

1 or collected. Distribution of assessments collected under
2 this paragraph (6.5) shall be as provided in Section
3 5-1101.3 of the Counties Code;

4 (7) methamphetamine-related offense involving
5 possession or delivery of methamphetamine or any salt of
6 an optical isomer of methamphetamine or possession of a
7 methamphetamine manufacturing material as set forth in
8 Section 10 of the Methamphetamine Control and Community
9 Protection Act with the intent to manufacture a substance
10 containing methamphetamine or salt of an optical isomer of
11 methamphetamine, an amount not less than the full street
12 value of the methamphetamine or salt of an optical isomer
13 of methamphetamine or methamphetamine manufacturing
14 materials seized for each conviction to be disbursed as
15 follows:

16 (A) 12.5% of the street value assessment shall be
17 paid into the Youth Drug Abuse Prevention Fund, to be
18 used by the Department of Human Services for the
19 funding of programs and services for drug-abuse
20 treatment, and prevention and education services;

21 (B) 37.5% to the county in which the charge was
22 prosecuted, to be deposited into the county General
23 Fund;

24 (C) 50% to the treasurer of the arresting law
25 enforcement agency of the municipality or county, or
26 to the State Treasurer if the arresting agency was a

1 state agency, to be deposited as provided in
2 subsection (c) of Section 10-5;

3 (D) if the arrest was made in combination with
4 multiple law enforcement agencies, the clerk shall
5 equitably allocate the portion in subparagraph (C) of
6 this paragraph (6) among the law enforcement agencies
7 involved in the arrest;

8 (8) order of protection violation under Section 12-3.4
9 of the Criminal Code of 2012, \$200 for each conviction to
10 the county treasurer for deposit into the Probation and
11 Court Services Fund for implementation of a domestic
12 violence surveillance program and any other assessments or
13 fees imposed under Section 5-9-1.16 of the Unified Code of
14 Corrections;

15 (9) order of protection violation, \$25 for each
16 violation to the State Treasurer, for deposit into the
17 Domestic Violence Abuser Services Fund;

18 (10) prosecution by the State's Attorney of a:

19 (A) petty or business offense, \$4 to the county
20 treasurer of which \$2 deposited into the State's
21 Attorney Records Automation Fund and \$2 into the
22 Public Defender Records Automation Fund;

23 (B) conservation or traffic offense, \$2 to the
24 county treasurer for deposit into the State's Attorney
25 Records Automation Fund;

26 (11) speeding in a construction zone violation, \$250

1 to the State Treasurer for deposit into the Transportation
2 Safety Highway Hire-back Fund, unless (i) the violation
3 occurred on a highway other than an interstate highway and
4 (ii) a county police officer wrote the ticket for the
5 violation, in which case to the county treasurer for
6 deposit into that county's Transportation Safety Highway
7 Hire-back Fund;

8 (12) supervision disposition on an offense under the
9 Illinois Vehicle Code or similar provision of a local
10 ordinance, 50 cents, unless waived by the court, into the
11 Prisoner Review Board Vehicle and Equipment Fund;

12 (13) victim and offender are family or household
13 members as defined in Section 103 of the Illinois Domestic
14 Violence Act of 1986 and offender pleads guilty or no
15 contest to or is convicted of murder, voluntary
16 manslaughter, involuntary manslaughter, burglary,
17 residential burglary, criminal trespass to residence,
18 criminal trespass to vehicle, criminal trespass to land,
19 criminal damage to property, telephone harassment,
20 kidnapping, aggravated kidnaping, unlawful restraint,
21 forcible detention, child abduction, indecent solicitation
22 of a child, sexual relations between siblings,
23 exploitation of a child, child pornography, assault,
24 aggravated assault, battery, aggravated battery, heinous
25 battery, aggravated battery of a child, domestic battery,
26 reckless conduct, intimidation, criminal sexual assault,

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, criminal sexual abuse, aggravated
3 criminal sexual abuse, violation of an order of
4 protection, disorderly conduct, endangering the life or
5 health of a child, child abandonment, contributing to
6 dependency or neglect of child, or cruelty to children and
7 others, \$200 for each sentenced violation to the State
8 Treasurer for deposit as follows: (i) for sexual assault,
9 as defined in Section 5-9-1.7 of the Unified Code of
10 Corrections, when the offender and victim are family
11 members, one-half to the Domestic Violence Shelter and
12 Service Fund, and one-half to the Sexual Assault Services
13 Fund; (ii) for the remaining offenses to the Domestic
14 Violence Shelter and Service Fund;

15 (14) violation of Section 11-501 of the Illinois
16 Vehicle Code, Section 5-7 of the Snowmobile Registration
17 and Safety Act, Section 5-16 of the Boat Registration and
18 Safety Act, or a similar provision, whose operation of a
19 motor vehicle, snowmobile, or watercraft while in
20 violation of Section 11-501, Section 5-7 of the Snowmobile
21 Registration and Safety Act, Section 5-16 of the Boat
22 Registration and Safety Act, or a similar provision
23 proximately caused an incident resulting in an appropriate
24 emergency response, \$1,000 maximum to the public agency
25 that provided an emergency response related to the
26 person's violation, or as provided in subsection (c) of

1 Section 10-5 if the arresting agency was a State agency,
2 unless more than one agency was responsible for the
3 arrest, in which case the amount shall be remitted to each
4 unit of government equally;

5 (15) violation of Section 401, 407, or 407.2 of the
6 Illinois Controlled Substances Act that proximately caused
7 any incident resulting in an appropriate drug-related
8 emergency response, \$1,000 as reimbursement for the
9 emergency response to the law enforcement agency that made
10 the arrest, or as provided in subsection (c) of Section
11 10-5 if the arresting agency was a State agency, unless
12 more than one agency was responsible for the arrest, in
13 which case the amount shall be remitted to each unit of
14 government equally;

15 (16) violation of reckless driving, aggravated
16 reckless driving, or driving 26 miles per hour or more in
17 excess of the speed limit that triggered an emergency
18 response, \$1,000 maximum reimbursement for the emergency
19 response to be distributed in its entirety to a public
20 agency that provided an emergency response related to the
21 person's violation, or as provided in subsection (c) of
22 Section 10-5 if the arresting agency was a State agency,
23 unless more than one agency was responsible for the
24 arrest, in which case the amount shall be remitted to each
25 unit of government equally;

26 (17) violation based upon each plea of guilty,

1 stipulation of facts, or finding of guilt resulting in a
2 judgment of conviction or order of supervision for an
3 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
4 the Criminal Code of 2012 that results in the imposition
5 of a fine, to be distributed as follows:

6 (A) \$50 to the county treasurer for deposit into
7 the Circuit Court Clerk Operation and Administrative
8 Fund to cover the costs in administering this
9 paragraph (17);

10 (B) \$300 to the State Treasurer who shall deposit
11 the portion as follows:

12 (i) if the arresting or investigating agency
13 is the Illinois State Police, into the State
14 Police Law Enforcement Administration Fund;

15 (ii) if the arresting or investigating agency
16 is the Department of Natural Resources, into the
17 Conservation Police Operations Assistance Fund;

18 (iii) if the arresting or investigating agency
19 is the Secretary of State, into the Secretary of
20 State Police Services Fund;

21 (iv) if the arresting or investigating agency
22 is the Illinois Commerce Commission, into the
23 Transportation Regulatory Fund; or

24 (v) if more than one of the State agencies in
25 this subparagraph (B) is the arresting or
26 investigating agency, then equal shares with the

1 shares deposited as provided in the applicable
2 items (i) through (iv) of this subparagraph (B);
3 and

4 (C) the remainder for deposit into the Specialized
5 Services for Survivors of Human Trafficking Fund;

6 (18) weapons violation under Section 24-1.1, 24-1.2,
7 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, \$100 for each conviction to the State Treasurer
9 for deposit into the Trauma Center Fund; and

10 (19) violation of subsection (c) of Section 11-907 of
11 the Illinois Vehicle Code, \$250 to the State Treasurer for
12 deposit into the Scott's Law Fund, unless a county or
13 municipal police officer wrote the ticket for the
14 violation, in which case to the county treasurer for
15 deposit into that county's or municipality's
16 Transportation Safety Highway Hire-back Fund to be used as
17 provided in subsection (j) of Section 11-907 of the
18 Illinois Vehicle Code.

19 (20) violation of Section 15-109.1 of the Illinois
20 Vehicle Code, \$150 to be distributed as follows:

21 (A) 50% to the county treasurer for deposit into
22 the county general fund; and

23 (B) 50% to the treasurer of the arresting law
24 enforcement agency of the municipality or county or to
25 the State Treasurer, if the arresting agency was a
26 State agency, to be deposited as provided in

1 subsection (c) of Section 10-5.

2 Except for traffic violations, fines and assessments, such
3 as fees or administrative costs authorized in this Section,
4 shall not be ordered or imposed on a minor subject to Article
5 III, IV, or V of the Juvenile Court Act of 1987, or a minor
6 under the age of 18 transferred to adult court or excluded from
7 juvenile court jurisdiction under Article V of the Juvenile
8 Court Act of 1987, or the minor's parent, guardian, or legal
9 custodian.

10 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
11 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
12 7-28-23.)".