



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Ron Stephens, Mike Bost, Jim Watson,  
Robert W. Pritchard, Michael P. McAuliffe

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/7-202	from Ch. 95 1/2, par. 7-202
625 ILCS 5/7-211	from Ch. 95 1/2, par. 7-211

Amends the Illinois Vehicle Code. Provides that a person required to post security after an accident is exempt from that requirement while serving in the United States Armed Forces outside of the United States.

LRB093 18638 DRH 44364 b

1 AN ACT concerning vehicles.

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 changing  
5 Sections 7-202 and 7-211 as follows:

6 (625 ILCS 5/7-202) (from Ch. 95 1/2, par. 7-202)

7 Sec. 7-202. Exceptions to requirements of security.

8 (a) The requirements as to security and suspension as  
9 provided by Sections 7-201 and 7-205 shall not apply:

10 1. To the driver or owner if such owner had in effect  
11 at the time of such motor vehicle accident a liability  
12 policy covering such driver and owner with respect to the  
13 vehicle involved in such motor vehicle accident;

14 2. To the driver, if not the owner of such vehicle, if  
15 there was in effect at the time of such motor vehicle  
16 accident a liability policy or bond with respect to the  
17 operation of motor vehicles not owned by the driver;

18 3. To the driver or owner if the liability of such  
19 driver or owner for damages resulting from such motor  
20 vehicle accident is covered by any other form of liability  
21 insurance policy or bond;

22 4. To the driver or owner, if such owner is qualified  
23 as a self-insurer as provided in Section 7-502;

24 5. To the owner if such owner at the time of such motor  
25 vehicle accident was in compliance with Section 8-101 or  
26 Section 9-101;

27 6. To the driver or owner if such owner at the time of  
28 such motor vehicle accident was in compliance with the  
29 Federal Revised Interstate Commerce Act (P.L. 95-473), as  
30 now or hereafter amended;

31 7. To the owner if the vehicle involved in such motor  
32 vehicle accident was owned by the United States, this State

1 or any political sub-division of this State, any  
2 municipality therein, or any local Mass Transit District;

3 8. To the driver or the owner of a vehicle involved in  
4 a motor vehicle accident wherein no injury or damage was  
5 caused to the person or property of any one other than such  
6 driver or owner;

7 9. To the driver or the owner of a vehicle which at the  
8 time of the motor vehicle accident was parked, unless such  
9 vehicle was parked at a place where parking was at the time  
10 of the accident prohibited under any applicable law or  
11 ordinance;

12 10. To the owner of a vehicle if at the time of the  
13 motor vehicle accident the vehicle was being operated  
14 without his permission, express or implied, or was parked  
15 by a person who had been operating such motor vehicle  
16 without such permission;

17 11. To the driver, if not the owner, of a commercial  
18 motor vehicle on which there was no liability policy or  
19 bond with respect to the operation of such vehicle in  
20 effect at the time of the motor vehicle accident when the  
21 driver was operating the vehicle in the course of the  
22 driver's employment and had no actual knowledge of such  
23 lack of a liability policy or bond prior to the motor  
24 vehicle accident;

25 12. To the driver or owner of a vehicle, while on  
26 active duty, serving in the Armed Forces of the United  
27 States outside of the United States.

28 (b) If at the time of the motor vehicle accident, an owner  
29 or driver is covered by a motor vehicle liability policy or  
30 bond meeting the requirements of this Code, such owner or  
31 driver shall be exempt from suspension under Section 7-205 as  
32 to that motor vehicle accident, if the company issuing the  
33 policy or bond has failed, and such policy or bond was not  
34 effective at the time of the motor vehicle accident or any time  
35 thereafter, provided, that the owner or driver had no knowledge  
36 of the company's failure prior to the motor vehicle accident,

1 and such owner or driver has secured within 30 days after  
2 learning of such failure another liability policy or bond  
3 meeting the requirements of the Code relating to future  
4 occurrences or motor vehicle accidents.

5 As used in this paragraph, the words "failed" or "failure"  
6 mean that the company has suspended operations by order of a  
7 court.

8 (Source: P.A. 85-293.)

9 (625 ILCS 5/7-211) (from Ch. 95 1/2, par. 7-211)

10 Sec. 7-211. Duration of suspension.

11 (a) Unless a suspension is terminated under other  
12 provisions of this Code, the driver's license or registration  
13 and nonresident's operating privilege suspended as provided in  
14 Section 7-205 shall remain suspended and shall not be renewed  
15 nor shall any license or registration be issued to the person  
16 until:

17 1. The person deposits or there shall be deposited and  
18 filed on the person's behalf the security required under  
19 Section 7-201;

20 2. Two years have elapsed following the date the  
21 driver's license and registrations were suspended and  
22 evidence satisfactory to the Secretary of State that during  
23 the period no action for damages arising out of a motor  
24 vehicle accident has been properly filed;

25 3. Receipt of proper notice that the person has filed  
26 bankruptcy which would include all claims for personal  
27 injury and property damage resulting from the accident; ~~or~~

28 4. After the expiration of 5 years from the date of the  
29 accident, the Secretary of State has not received  
30 documentation that any action at law for damages arising  
31 out of the motor vehicle accident has been filed against  
32 the person; or.

33 5. Receipt of proper notice that the person is exempt  
34 from the requirements as to security and suspension under  
35 Section 7-202.

1           An affidavit that no action at law for damages arising out  
2 of the motor vehicle accident has been filed against the  
3 applicant, or if filed that it is not still pending shall be  
4 prima facie evidence of that fact. The Secretary of State may  
5 take whatever steps are necessary to verify the statement set  
6 forth in the applicant's affidavit.

7           (b) The driver's license or registration and nonresident's  
8 operating privileges suspended as provided in Section 7-205  
9 shall also remain suspended and shall not be renewed nor shall  
10 any license or registration be issued to the person until the  
11 person gives proof of his or her financial responsibility in  
12 the future as provided in Section 1-164.5. The proof is to be  
13 maintained by the person in a manner satisfactory to the  
14 Secretary of State for a period of 3 years after the date the  
15 proof is first filed.

16           (Source: P.A. 90-264, eff. 1-1-98; 91-80, eff. 7-9-99.)