



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1565

Introduced 2/14/2005, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that it is unlawful to possess, use, or allow to be used, any materials, hardware, or software specifically designed or primarily used for the reading of encrypted language from the bar code or magnetic strip of an official Illinois Identification Card, Disabled Person Identification Card, driver's license, or permit. Provides that, after a dealer buys a vehicle and holds it for resale, the dealer must procure the certificate of title from the owner or lienholder. Provides that the only vehicles that may be registered are those that (i) were originally manufactured for operation on highways, (ii) are modifications of those vehicles, or (iii) are assembled from parts intended for those vehicles. Deletes language providing that the distinctive registration plates for electronic vehicles shall distinguish between those vehicles having a maximum speed of 45 miles per hour and those having a slower maximum speed. Deletes language providing that a person must notify the Secretary of State if he or she moves to an address other than the address shown on a certificate of title. Provides that a person may give other than a written notice of a change of address from that shown on a registration application or card. Provides that the Secretary of State may revoke or suspend the registration or certificate of title of a vehicle if the Secretary determines that any required fees have not been paid to the Illinois Department of Revenue under the Motor Fuel Tax Law, and the fees are not paid upon reasonable notice and demand. Provides that, when an owner is reclassing the registration of a vehicle from a flat weight (rather than a flat rate) plate to an apportioned plate during a current registration period, a refund may be issued if the credit for the unused portion of the registration fee amounts to an overpayment. Provides that the owner of a second division vehicle on which he or she has elected to pay a mileage weight tax must once (rather than twice) per year submit to the Secretary records of the miles traveled by the vehicle. Provides that a vehicle owner and an insurance carrier may submit to the Secretary proof of insurance and notice of the cancellation of a policy, respectively, by electronic means. Deletes language requiring the Secretary to provide notice by certified mail to any person whose insurance security deposit must be claimed in 30 days to avoid forfeiture. Provides that any child under the age of 8 (rather than 6) riding in a vehicle must be secured in a proper child restraint system. Provides that a holder of a graduated driver's license under the age of 18 may not drive a vehicle unless all passengers under 18 are properly secured in seat belts and all children under 8 are secured as required. Repeals a provision providing that the Secretary shall receive a \$2 filing fee for filing a notice or release of a security interest. Makes other changes.

LRB094 09714 DRH 39970 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Identification Card Act is amended
5 by changing Section 14 as follows:

6 (15 ILCS 335/14) (from Ch. 124, par. 34)

7 Sec. 14. Unlawful use of identification card.

8 (a) It is a violation of this Section for any person:

9 1. To possess, display, or cause to be displayed any
10 cancelled or revoked identification card;

11 2. To display or represent as the person's own any
12 identification card issued to another;

13 3. To allow any unlawful use of an identification card
14 issued to the person;

15 4. To lend an identification card to another or
16 knowingly allow the use thereof by another;

17 5. To fail or refuse to surrender to the Secretary of
18 State, the Secretary's agent or any peace officer upon
19 lawful demand, any identification card which has been
20 revoked or cancelled;

21 6. To possess, use, or allow to be used any materials,
22 hardware, or software specifically designed for or
23 primarily used in the manufacture, assembly, issuance, or
24 authentication of an official Illinois Identification Card
25 or Illinois Disabled Person Identification Card issued by
26 the Secretary of State or in the reading of encrypted
27 language from the bar code or magnetic strip of one of
28 those cards; or

29 7. ~~6.~~ To knowingly possess, use, or allow to be used a
30 stolen identification card making implement.

31 (a-5) As used in this Section "identification card" means
32 any document made or issued by or under the authority of the

1 United States Government, the State of Illinois or any other
2 State or political subdivision thereof, or any governmental or
3 quasi-governmental organization that, when completed with
4 information concerning the individual, is of a type intended or
5 commonly accepted for the purpose of identifying the
6 individual.

7 (b) Sentence.

8 1. Any person convicted of a violation of this Section
9 shall be guilty of a Class A misdemeanor and shall be
10 sentenced to a minimum fine of \$500 or 50 hours of
11 community service, preferably at an alcohol abuse
12 prevention program, if available.

13 2. A person convicted of a second or subsequent
14 violation of this Section shall be guilty of a Class 4
15 felony.

16 (c) This Section does not prohibit any lawfully authorized
17 investigative, protective, law enforcement or other activity
18 of any agency of the United States, State of Illinois or any
19 other state or political subdivision thereof.

20 (Source: P.A. 93-667, eff. 3-19-04; 93-895, eff. 1-1-05;
21 revised 10-25-04.)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 3-113, 3-401, 3-412, 3-416, 3-704, 3-802,
24 3-803, 3-818, 6-107, 6-301.2, 7-315, 7-318, 7-503, and 12-603.1
25 as follows:

26 (625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

27 Sec. 3-113. Transfer to or from dealer; records.

28 (a) After ~~if~~ a dealer buys a vehicle and holds it for
29 resale, the dealer must procure and procures the certificate of
30 title from the owner or the lienholder. The dealer may hold the
31 certificate until he or she transfers the vehicle to another
32 person. ~~within 10 days after delivery to him of the vehicle, he~~
33 ~~need not send the certificate to the Secretary of State but,~~
34 Upon transferring the vehicle to another person, the dealer

1 ~~either than by the creation of a security interest,~~ shall
2 promptly and within 20 days execute the assignment and warranty
3 of title by a dealer, showing the names and addresses of the
4 transferee and of any lienholder holding a security interest
5 created or reserved at the time of the resale, in the spaces
6 provided therefor on the certificate or as the Secretary of
7 State prescribes, and mail or deliver the certificate to the
8 Secretary of State with the transferee's application for a new
9 certificate, except as provided in Section 3-117.2.

10 (b) The Secretary of State may decline to process any
11 application for a transfer of an interest in a vehicle if any
12 fees or taxes due under this Code from the transferor or the
13 transferee have not been paid upon reasonable notice and
14 demand.

15 (c) Any person who violates this Section shall be guilty of
16 a petty offense.

17 (Source: P.A. 86-820; 87-1225.)

18 (625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)

19 Sec. 3-401. Effect of provisions.

20 (a) It shall be unlawful for any person to violate any
21 provision of this Chapter or to drive or move or for an owner
22 knowingly to permit to be driven or moved upon any highway any
23 vehicle of a type required to be registered hereunder which is
24 not registered or for which the appropriate fee has not been
25 paid when and as required hereunder, except that when
26 application accompanied by proper fee has been made for
27 registration of a vehicle it may be operated temporarily
28 pending complete registration upon displaying a duplicate
29 application duly verified or other evidence of such application
30 or otherwise under rules and regulations promulgated by the
31 Secretary of State.

32 (b) The appropriate fees required to be paid under the
33 various provisions of this Act for registration of vehicles
34 shall mean the fee or fees which would have been paid
35 initially, if proper and timely application had been made to

1 the Secretary of State for the appropriate registration
2 required, whether such registration be a flat weight
3 registration, a single trip permit, a reciprocity permit or a
4 supplemental application to an original prorate application
5 together with payment of fees due under the supplemental
6 application for prorate decals.

7 (c) Effective October 1, 1984, no vehicle required to pay a
8 Federal Highway Users Tax shall be registered unless proof of
9 payment, in a form prescribed and approved by the Secretary of
10 State, is submitted with the appropriate registration.
11 Notwithstanding any other provision of this Code, failure of
12 the applicant to comply with this paragraph shall be deemed
13 grounds for the Secretary to refuse registration.

14 (c-1) A vehicle may not be registered by the Secretary of
15 State unless that vehicle:

16 (1) was originally manufactured for operation on
17 highways;

18 (2) is a modification of a vehicle that was originally
19 manufactured for operation on highways; or

20 (3) was assembled from component parts designed for use
21 in vehicles to be operated on highways.

22 (d) Second division vehicles.

23 (1) A vehicle of the second division moved or operated
24 within this State shall have had paid for it the
25 appropriate registration fees and flat weight tax, as
26 evidenced by the Illinois registration issued for that
27 vehicle, for the gross weight of the vehicle and load being
28 operated or moved within this State. Second division
29 vehicles of foreign jurisdictions operated within this
30 State under a single trip permit, fleet reciprocity plan,
31 prorate registration plan, or apportioned registration
32 plan, instead of second division vehicle registration
33 under Article VIII of this Chapter, must have had paid for
34 it the appropriate registration fees and flat weight tax in
35 the base jurisdiction of that vehicle, as evidenced by the
36 maximum gross weight shown on the foreign registration

1 cards, plus any appropriate fees required under this Code.

2 (2) If a vehicle and load are operated in this State
3 and the appropriate fees and taxes have not been paid or
4 the vehicle and load exceed the registered gross weight for
5 which the required fees and taxes have been paid by 2001
6 pounds or more, the operator or owner shall be fined as
7 provided in Section 15-113 of this Code. However, an owner
8 or operator shall not be subject to arrest under this
9 subsection for any weight in excess of 80,000 pounds.
10 Further, for any unregistered vehicle or vehicle
11 displaying expired registration, no fine shall exceed the
12 actual cost of what the appropriate registration for that
13 vehicle and load should have been as established in
14 subsection (a) of Section 3-815 of this Chapter regardless
15 of the route traveled.

16 (3) Any person operating a legal combination of
17 vehicles displaying valid registration shall not be
18 considered in violation of the registration provision of
19 this subsection unless the total gross weight of the
20 combination exceeds the total licensed weight of the
21 vehicles in the combination. The gross weight of a vehicle
22 exempt from the registration requirements of this Chapter
23 shall not be included when determining the total gross
24 weight of vehicles in combination.

25 (4) If the defendant claims that he or she had
26 previously paid the appropriate Illinois registration fees
27 and taxes for this vehicle before the alleged violation,
28 the defendant shall have the burden of proving the
29 existence of the payment by competent evidence. Proof of
30 proper Illinois registration issued by the Secretary of
31 State, or the appropriate registration authority from the
32 foreign state, shall be the only competent evidence of
33 payment.

34 (Source: P.A. 88-476; 89-245, eff. 1-1-96.)

35 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

1 Sec. 3-412. Registration plates and registration stickers
2 to be furnished by the Secretary of State.

3 (a) The Secretary of State upon registering a vehicle
4 subject to annual registration for the first time shall issue
5 or shall cause to be issued to the owner one registration plate
6 for a motorcycle, trailer, semitrailer, motorized pedalcycle
7 or truck-tractor, 2 registration plates for other motor
8 vehicles and, where applicable, current registration stickers
9 for motor vehicles of the first division. The provisions of
10 this Section may be made applicable to such vehicles of the
11 second division, as the Secretary of State may, from time to
12 time, in his discretion designate. On subsequent annual
13 registrations during the term of the registration plate as
14 provided in Section 3-414.1, the Secretary shall issue or cause
15 to be issued registration stickers as evidence of current
16 registration. However, the issuance of annual registration
17 stickers to vehicles registered under the provisions of
18 Sections 3-402.1 and 3-405.3 of this Code may not be required
19 if the Secretary deems the issuance unnecessary.

20 (b) Every registration plate shall have displayed upon it
21 the registration number assigned to the vehicle for which it is
22 issued, the name of this State, which may be abbreviated, the
23 year number for which it was issued, which may be abbreviated,
24 the phrase "Land of Lincoln" (except as otherwise provided in
25 this Code ~~Chapter 3~~), and such other letters or numbers as the
26 Secretary may prescribe. However, for apportionment plates
27 issued to vehicles registered under Section 3-402.1 and fleet
28 plates issued to vehicles registered under Section 3-405.3, the
29 phrase "Land of Lincoln" may be omitted to allow for the word
30 "apportioned", the word "fleet", or other similar language to
31 be displayed. Registration plates issued to a vehicle
32 registered as a fleet vehicle may display a designation
33 determined by the Secretary.

34 The Secretary may in his discretion prescribe that letters
35 be used as prefixes only on registration plates issued to
36 vehicles of the first division which are registered under this

1 Code and only as suffixes on registration plates issued to
2 other vehicles. Every registration sticker issued as evidence
3 of current registration shall designate the year number for
4 which it is issued and such other letters or numbers as the
5 Secretary may prescribe and shall be of a contrasting color
6 with the registration plates and registration stickers of the
7 previous year.

8 (c) Each registration plate and the required letters and
9 numerals thereon, except the year number for which issued,
10 shall be of sufficient size to be plainly readable from a
11 distance of 100 feet during daylight, and shall be coated with
12 reflectorizing material. The dimensions of the plate issued to
13 vehicles of the first division shall be 6 by 12 inches.

14 (d) The Secretary of State shall issue for every passenger
15 motor vehicle rented without a driver the same type of
16 registration plates as the type of plates issued for a private
17 passenger vehicle.

18 (e) The Secretary of State shall issue for every passenger
19 car used as a taxicab or livery, distinctive registration
20 plates.

21 (f) The Secretary of State shall issue for every motorcycle
22 distinctive registration plates distinguishing between
23 motorcycles having 150 or more cubic centimeters piston
24 displacement, or having less than 150 cubic centimeter piston
25 displacement.

26 (g) Registration plates issued to vehicles for-hire may
27 display a designation as determined by the Secretary that such
28 vehicles are for-hire.

29 (h) The Secretary of State shall issue ~~for each electric~~
30 ~~vehicle~~ distinctive registration plates for electric vehicles
31 ~~which shall distinguish between electric vehicles having a~~
32 ~~maximum operating speed of 45 miles per hour or more and those~~
33 ~~having a maximum operating speed of less than 45 miles per~~
34 ~~hour.~~

35 (i) The Secretary of State shall issue for every public and
36 private ambulance registration plates identifying the vehicle

1 as an ambulance. The Secretary shall forward to the Department
2 of Public Aid registration information for the purpose of
3 verification of claims filed with the Department by ambulance
4 owners for payment for services to public assistance
5 recipients.

6 (j) The Secretary of State shall issue for every public and
7 private medical carrier or rescue vehicle livery registration
8 plates displaying numbers within ranges of numbers reserved
9 respectively for medical carriers and rescue vehicles. The
10 Secretary shall forward to the Department of Public Aid
11 registration information for the purpose of verification of
12 claims filed with the Department by owners of medical carriers
13 or rescue vehicles for payment for services to public
14 assistance recipients.

15 (Source: P.A. 92-629, eff. 7-1-03; 92-651, eff. 7-11-02;
16 revised 9-27-03.)

17 (625 ILCS 5/3-416) (from Ch. 95 1/2, par. 3-416)

18 Sec. 3-416. Notice of change of address or name.

19 (a) Whenever any person after making application for or
20 obtaining the registration of a vehicle shall move from the
21 address named in the application or shown upon a registration
22 card ~~or certificate of title~~ such person shall within 10 days
23 thereafter notify the Secretary of State ~~in writing~~ of his or
24 her old and new address.

25 (a-5) A police officer, a deputy sheriff, an elected
26 sheriff, a law enforcement officer for the Department of State
27 Police, or a fire investigator who, in accordance with Section
28 3-405, has furnished the address of the office of the
29 headquarters of the governmental entity or police district
30 where he or she works instead of his or her residence address
31 shall, within 10 days after he or she is no longer employed by
32 that governmental entity or police district as a police
33 officer, a deputy sheriff, an elected sheriff, a law
34 enforcement officer for the Department of State Police or a
35 fire investigator, notify the Secretary of State of the old

1 address and his or her new address. If, in accordance with
2 Section 3-405, the spouse and children of a police officer,
3 deputy sheriff, elected sheriff, law enforcement officer for
4 the Department of State Police, or fire investigator have
5 furnished the address of the office of the headquarters of the
6 governmental entity or police district where the police
7 officer, deputy sheriff, elected sheriff, law enforcement
8 officer for the Department of State Police, or fire
9 investigator works instead of their residence address, the
10 spouse and children shall notify the Secretary of State of
11 their old address and new address within 10 days after the
12 police officer, deputy sheriff, elected sheriff, law
13 enforcement officer for the Department of State Police, or fire
14 investigator is no longer employed by that governmental entity
15 or police district as a police officer, deputy sheriff, elected
16 sheriff, law enforcement officer for the Department of State
17 Police, or fire investigator.

18 (b) Whenever the name of any person who has made
19 application for or obtained the registration of a vehicle is
20 thereafter changed by marriage or otherwise such person shall
21 within 10 days notify the Secretary of State of such former and
22 new name.

23 (c) In either event, any such person may obtain a corrected
24 registration card or certificate of title upon application and
25 payment of the statutory fee.

26 (Source: P.A. 91-575, eff. 8-14-99.)

27 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

28 Sec. 3-704. Authority of Secretary of State to suspend or
29 revoke a registration or certificate of title; authority to
30 suspend or revoke the registration of a vehicle.

31 (a) The Secretary of State may suspend or revoke the
32 registration of a vehicle or a certificate of title,
33 registration card, registration sticker, registration plate,
34 person with disabilities parking decal or device, or any
35 nonresident or other permit in any of the following events:

1 1. When the Secretary of State is satisfied that such
2 registration or that such certificate, card, plate,
3 registration sticker or permit was fraudulently or
4 erroneously issued;

5 2. When a registered vehicle has been dismantled or
6 wrecked or is not properly equipped;

7 3. When the Secretary of State determines that any
8 required fees have not been paid to ~~either~~ the Secretary of
9 State, to ~~or~~ the Illinois Commerce Commission, or to the
10 Illinois Department of Revenue under the Motor Fuel Tax
11 Law, and the same are not paid upon reasonable notice and
12 demand;

13 4. When a registration card, registration plate,
14 registration sticker or permit is knowingly displayed upon
15 a vehicle other than the one for which issued;

16 5. When the Secretary of State determines that the
17 owner has committed any offense under this Chapter
18 involving the registration or the certificate, card,
19 plate, registration sticker or permit to be suspended or
20 revoked;

21 6. When the Secretary of State determines that a
22 vehicle registered not-for-hire is used or operated
23 for-hire unlawfully, or used or operated for purposes other
24 than those authorized;

25 7. When the Secretary of State determines that an owner
26 of a for-hire motor vehicle has failed to give proof of
27 financial responsibility as required by this Act;

28 8. When the Secretary determines that the vehicle is
29 not subject to or eligible for a registration;

30 9. When the Secretary determines that the owner of a
31 vehicle registered under the mileage weight tax option
32 fails to maintain the records specified by law, or fails to
33 file the reports required by law, or that such vehicle is
34 not equipped with an operable and operating speedometer or
35 odometer;

36 10. When the Secretary of State is so authorized under

1 any other provision of law;

2 11. When the Secretary of State determines that the
3 holder of a person with disabilities parking decal or
4 device has committed any offense under Chapter 11 of this
5 Code involving the use of a person with disabilities
6 parking decal or device.

7 (b) The Secretary of State may suspend or revoke the
8 registration of a vehicle as follows:

9 1. When the Secretary of State determines that the
10 owner of a vehicle has not paid a civil penalty or a
11 settlement agreement arising from the violation of rules
12 adopted under the Illinois Motor Carrier Safety Law or the
13 Illinois Hazardous Materials Transportation Act or that a
14 vehicle, regardless of ownership, was the subject of
15 violations of these rules that resulted in a civil penalty
16 or settlement agreement which remains unpaid.

17 2. When the Secretary of State determines that a
18 vehicle registered for a gross weight of more than 16,000
19 pounds within an affected area is not in compliance with
20 the provisions of Section 13-109.1 of the Illinois Vehicle
21 Code.

22 (Source: P.A. 92-437, eff. 8-17-01.)

23 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

24 Sec. 3-802. Reclassifications and upgrades.

25 (a) Definitions. For the purposes of this Section, the
26 following words shall have the meanings ascribed to them as
27 follows:

28 "Reclassification" means changing the registration of
29 a vehicle from one plate category to another.

30 "Upgrade" means increasing the registered weight of a
31 vehicle within the same plate category.

32 (b) When reclassing the registration of a vehicle from one
33 plate category to another, the owner shall receive credit for
34 the unused portion of the present plate and be charged the
35 current portion fees for the new plate. In addition, the

1 appropriate replacement plate and replacement sticker fees
2 shall be assessed.

3 (c) When upgrading the weight of a registration within the
4 same plate category, the owner shall pay the difference in
5 current period fees between the two plates. In addition, the
6 appropriate replacement plate and replacement sticker fees
7 shall be assessed. In the event new plates are not required,
8 the corrected registration card fee shall be assessed.

9 (d) In the event the owner of the vehicle desires to change
10 the registered weight and change the plate category, the owner
11 shall receive credit for the unused portion of the registration
12 fee of the current plate and pay the current portion of the
13 registration fee for the new plate, and in addition, pay the
14 appropriate replacement plate and replacement sticker fees.

15 (e) Reclassing from one plate category to another plate
16 category can be done only once within any registration period.

17 (f) No refunds shall be made in any of the circumstances
18 found in subsection (b), subsection (c), or subsection (d);
19 however, when reclassing from a flat weight rate plate to an
20 apportioned plate, a refund may be issued if ~~the applicant was~~
21 ~~issued the wrong plate originally and~~ the credit amounts to an
22 overpayment.

23 (g) In the event the registration of a vehicle registered
24 under the mileage tax option is revoked, the owner shall be
25 required to pay the annual registration fee in the new plate
26 category and shall not receive any credit for the mileage plate
27 fees.

28 (h) Certain special interest plates may be displayed on
29 first division vehicles, second division vehicles weighing
30 8,000 pounds or less, and recreational vehicles. Those plates
31 can be transferred within those vehicle groups.

32 (i) Plates displayed on second division vehicles weighing
33 8,000 pounds or less and passenger vehicle plates may be
34 reclassified from one division to the other.

35 (j) Other than in subsection (i), reclassing from one
36 division to the other division is prohibited. In addition, a

1 reclass from a motor vehicle to a trailer or a trailer to a
2 motor vehicle is prohibited.

3 (Source: P.A. 93-365, eff. 7-24-03.)

4 (625 ILCS 5/3-803) (from Ch. 95 1/2, par. 3-803)

5 Sec. 3-803. Reductions.

6 (a) Reduction of fees and taxes prescribed in this Chapter
7 shall be applicable only to vehicles newly-acquired by the
8 owner after the beginning of a registration period or which
9 become subject to registration after the beginning of a
10 registration period as specified in this Act. The Secretary of
11 State may deny a reduction as to any vehicle operated in this
12 State without being properly and timely registered in Illinois
13 under this Chapter, of a vehicle in violation of any provision
14 of this Chapter, or upon detection of such violation by an
15 audit, or upon determining that such vehicle was operated in
16 Illinois before such violation. Bond or other security in the
17 proper amount may be required by the Secretary of State while
18 the matter is under investigation. Reductions shall be granted
19 if a person becomes the owner after the dates specified or if a
20 vehicle becomes subject to registration under this Act, as
21 amended, after the dates specified.

22 (b) Vehicles of the First Division. The annual fees and
23 taxes prescribed by Section 3-806 shall be reduced by 50% on
24 and after June 15, except as provided in Sections 3-414 and
25 3-802 of this Act.

26 (c) Vehicles of the Second Division. The annual fees and
27 taxes prescribed by Sections 3-402, 3-402.1, 3-815 and 3-819
28 and paid on a calendar year for such vehicles shall be reduced
29 on a quarterly basis if the vehicle becomes subject to
30 registration on and after March 31, June 30 or September 30.
31 Where such fees and taxes are payable on a fiscal year basis,
32 they shall be reduced on a quarterly basis on and after
33 September 30, December 31 or March 31.

34 (d) Two-year Registrations. The fees and taxes prescribed
35 by Section 3-808 for 2-year registrations shall not be reduced

1 in any event. However, the fees and taxes prescribed for all
2 other 2-year registrations by this Act, shall be reduced as
3 follows:

4 By 25% on and after June 15;

5 By 50% on and after December 15;

6 By 75% on and after the next ensuing June 15.

7 (e) The registration fees and taxes imposed upon certain
8 vehicles shall not be reduced by any amount in any event in the
9 following instances:

10 Permits under Sections 3-403 and 3-811;

11 Municipal Buses under Section 3-807;

12 Governmental or charitable vehicles under Section 3-808;

13 Farm Machinery under Section 3-809;

14 Soil and conservation equipment under Section 3-809.1;

15 Special Plates under Section 3-810;

16 Permanently mounted equipment under Section 3-812;

17 Registration fee under Section 3-813;

18 Semitrailer fees under Section 3-814;

19 Farm trucks under Section 3-815;

20 Mileage weight tax option under Section 3-818;

21 Farm trailers under Section 3-819;

22 Duplicate plates under Section 3-820;

23 Fees under Section 3-821;

24 ~~Security Fees under Section 3-822;~~

25 Search Fees under Section 3-823.

26 (f) The reductions provided for shall not apply to any
27 vehicle of the first or second division registered by the same
28 applicant in the prior registration year.

29 The changes to this Section made by Public Act 84-210 take
30 ~~This bill takes~~ effect with the 1986 Calendar Registration
31 Year.

32 (g) Reductions shall in no event result in payment of a fee
33 or tax less than \$6, and the Secretary of State shall
34 promulgate schedules of fees reflecting applicable reductions.
35 Where any reduced amount is not stated in full dollars, the
36 Secretary of State may adjust the amount due to the nearest

1 full dollar amount.

2 (h) The reductions provided for in subsections (a) through
3 (g) of this Section shall not apply to those vehicles of the
4 first or second division registered on a staggered registration
5 basis.

6 (i) A vehicle which becomes subject to registration during
7 the last month of the current registration year is exempt from
8 any applicable reduced fourth quarter or second semiannual
9 registration fee, and may register for the subsequent
10 registration year as its initial registration. This subsection
11 does not include those apportioned and prorated fees under
12 Sections 3-402 and 3-402.1 of this Code.

13 (Source: P.A. 84-1311; revised 2-25-02.)

14 (625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)

15 Sec. 3-818. (a) Mileage weight tax option. Any owner of a
16 vehicle of the second division may elect to pay a mileage
17 weight tax for such vehicle in lieu of the flat weight tax set
18 out in Section 3-815. Such election shall be binding to the end
19 of the registration year. Renewal of this election must be
20 filed with the Secretary of State on or before July 1 of each
21 registration period. In such event the owner shall, at the time
22 of making such election, pay the \$10 registration fee and the
23 minimum guaranteed mileage weight tax, as hereinafter
24 provided, which payment shall permit the owner to operate that
25 vehicle the maximum mileage in this State hereinafter set
26 forth. Any vehicle being operated on mileage plates cannot be
27 operated outside of this State. In addition thereto, the owner
28 of that vehicle shall pay a mileage weight tax at the following
29 rates for each mile traveled in this State in excess of the
30 maximum mileage provided under the minimum guaranteed basis:

31 BUS, TRUCK OR TRUCK TRACTOR

| | | | |
|----|--------------|-----------|--------------------|
| 32 | | Maximum | Mileage |
| 33 | Minimum | Mileage | Weight Tax |
| 34 | Guaranteed | Permitted | for Mileage |
| 35 | Gross Weight | Mileage | Under in excess of |

| 1 | Vehicle and | | Weight | Guaranteed | Guaranteed |
|----|-----------------------|-------|--------|------------|------------|
| 2 | Load | Class | Tax | Tax | Mileage |
| 3 | 12,000 lbs. or less | MD | \$73 | 5,000 | 26 Mills |
| 4 | 12,001 to 16,000 lbs. | MF | 120 | 6,000 | 34 Mills |
| 5 | 16,001 to 20,000 lbs. | MG | 180 | 6,000 | 46 Mills |
| 6 | 20,001 to 24,000 lbs. | MH | 235 | 6,000 | 63 Mills |
| 7 | 24,001 to 28,000 lbs. | MJ | 315 | 7,000 | 63 Mills |
| 8 | 28,001 to 32,000 lbs. | MK | 385 | 7,000 | 83 Mills |
| 9 | 32,001 to 36,000 lbs. | ML | 485 | 7,000 | 99 Mills |
| 10 | 36,001 to 40,000 lbs. | MN | 615 | 7,000 | 128 Mills |
| 11 | 40,001 to 45,000 lbs. | MP | 695 | 7,000 | 139 Mills |
| 12 | 45,001 to 54,999 lbs. | MR | 853 | 7,000 | 156 Mills |
| 13 | 55,000 to 59,500 lbs. | MS | 920 | 7,000 | 178 Mills |
| 14 | 59,501 to 64,000 lbs. | MT | 985 | 7,000 | 195 Mills |
| 15 | 64,001 to 73,280 lbs. | MV | 1,173 | 7,000 | 225 Mills |
| 16 | 73,281 to 77,000 lbs. | MX | 1,328 | 7,000 | 258 Mills |
| 17 | 77,001 to 80,000 lbs. | MZ | 1,415 | 7,000 | 275 Mills |

18 TRAILER

| 19 | | | Maximum | Mileage |
|----|-----------------------|------------|------------|--------------|
| 20 | | Minimum | Mileage | Weight Tax |
| 21 | | Guaranteed | Permitted | for Mileage |
| 22 | Gross Weight | Mileage | Under | in excess of |
| 23 | Vehicle and | Weight | Guaranteed | Guaranteed |
| 24 | Load | Class | Tax | Mileage |
| 25 | 14,000 lbs. or less | ME | \$75 | 5,000 |
| 26 | 14,001 to 20,000 lbs. | MF | 135 | 6,000 |
| 27 | 20,001 to 36,000 lbs. | ML | 540 | 7,000 |
| 28 | 36,001 to 40,000 lbs. | MM | 750 | 7,000 |

29 (a-1) A Special Hauling Vehicle is a vehicle or combination
 30 of vehicles of the second division registered under Section
 31 3-813 transporting asphalt or concrete in the plastic state or
 32 a vehicle or combination of vehicles that are subject to the
 33 gross weight limitations in subsection (b) of Section 15-111
 34 for which the owner of the vehicle or combination of vehicles
 35 has elected to pay, in addition to the registration fee in
 36 subsection (a), \$125 to the Secretary of State for each

1 registration year. The Secretary shall designate this class of
2 vehicle as a Special Hauling Vehicle.

3 In preparing rate schedules on registration applications,
4 the Secretary of State shall add to the above rates, the \$10
5 registration fee. The Secretary may decline to accept any
6 renewal filed after July 1st.

7 The number of axles necessary to carry the maximum load
8 provided shall be determined from Chapter 15 of this Code.

9 Every owner of a second division motor vehicle for which he
10 has elected to pay a mileage weight tax shall keep a daily
11 record upon forms prescribed by the Secretary of State, showing
12 the mileage covered by that vehicle in this State. Such record
13 shall contain the license number of the vehicle and the miles
14 traveled by the vehicle in this State for each day of the
15 calendar month. Such owner shall also maintain records of fuel
16 consumed by each such motor vehicle and fuel purchases
17 therefor. On or before the 10th day of ~~January and~~ July the
18 owner shall certify to the Secretary of State upon forms
19 prescribed therefor, summaries of his daily records which shall
20 show the miles traveled by the vehicle in this State during the
21 preceding 12 ~~6~~ months and such other information as the
22 Secretary of State may require. The daily record and fuel
23 records shall be filed, preserved and available for audit for a
24 period of 3 years. Any owner filing a return hereunder shall
25 certify that such return is a true, correct and complete
26 return. Any person who willfully makes a false return hereunder
27 is guilty of perjury and shall be punished in the same manner
28 and to the same extent as is provided therefor.

29 At the time of filing his return, each owner shall pay to
30 the Secretary of State the proper amount of tax at the rate
31 herein imposed.

32 Every owner of a vehicle of the second division who elects
33 to pay on a mileage weight tax basis and who operates the
34 vehicle within this State, shall file with the Secretary of
35 State a bond in the amount of \$500. The bond shall be in a form
36 approved by the Secretary of State and with a surety company

1 approved by the Illinois Department of Insurance to transact
2 business in this State as surety, and shall be conditioned upon
3 such applicant's paying to the State of Illinois all money
4 becoming due by reason of the operation of the second division
5 vehicle in this State, together with all penalties and interest
6 thereon.

7 Upon notice from the Secretary that the registrant has
8 failed to pay the excess mileage fees, the surety shall
9 immediately pay the fees together with any penalties and
10 interest thereon in an amount not to exceed the limits of the
11 bond.

12 (Source: P.A. 91-37, eff. 7-1-99; 91-499, eff. 8-13-99; 92-16,
13 eff. 6-28-01.)

14 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

15 Sec. 6-107. Graduated license.

16 (a) The purpose of the Graduated Licensing Program is to
17 develop safe and mature driving habits in young, inexperienced
18 drivers and reduce or prevent motor vehicle accidents,
19 fatalities, and injuries by:

20 (1) providing for an increase in the time of practice
21 period before granting permission to obtain a driver's
22 license;

23 (2) strengthening driver licensing and testing
24 standards for persons under the age of 21 years;

25 (3) sanctioning driving privileges of drivers under
26 age 21 who have committed serious traffic violations or
27 other specified offenses; and

28 (4) setting stricter standards to promote the public's
29 health and safety.

30 (b) The application of any person under the age of 18
31 years, and not legally emancipated by marriage, for a drivers
32 license or permit to operate a motor vehicle issued under the
33 laws of this State, shall be accompanied by the written consent
34 of either parent of the applicant; otherwise by the guardian
35 having custody of the applicant, or in the event there is no

1 parent or guardian, then by another responsible adult.

2 No graduated driver's license shall be issued to any
3 applicant under 18 years of age, unless the applicant is at
4 least 16 years of age and has:

5 (1) Held a valid instruction permit for a minimum of 3
6 months.

7 (2) Passed an approved driver education course and
8 submits proof of having passed the course as may be
9 required.

10 (3) certification by the parent, legal guardian, or
11 responsible adult that the applicant has had a minimum of
12 25 hours of behind-the-wheel practice time and is
13 sufficiently prepared and able to safely operate a motor
14 vehicle.

15 (c) No graduated driver's license or permit shall be issued
16 to any applicant under 18 years of age who has committed the
17 offense of operating a motor vehicle without a valid license or
18 permit in violation of Section 6-101 of this Code and no
19 graduated driver's license or permit shall be issued to any
20 applicant under 18 years of age who has committed an offense
21 that would otherwise result in a mandatory revocation of a
22 license or permit as provided in Section 6-205 of this Code or
23 who has been either convicted of or adjudicated a delinquent
24 based upon a violation of the Cannabis Control Act or the
25 Illinois Controlled Substances Act, while that individual was
26 in actual physical control of a motor vehicle. For purposes of
27 this Section, any person placed on probation under Section 10
28 of the Cannabis Control Act or Section 410 of the Illinois
29 Controlled Substances Act shall not be considered convicted.
30 Any person found guilty of this offense, while in actual
31 physical control of a motor vehicle, shall have an entry made
32 in the court record by the judge that this offense did occur
33 while the person was in actual physical control of a motor
34 vehicle and order the clerk of the court to report the
35 violation to the Secretary of State as such.

36 (d) No graduated driver's license shall be issued for 6

1 months to any applicant under the age of 18 years who has been
2 convicted of any offense defined as a serious traffic violation
3 in this Code or a similar provision of a local ordinance.

4 (e) No graduated driver's license holder under the age of
5 18 years shall operate any motor vehicle, except a motor driven
6 cycle or motorcycle, with more than one passenger in the front
7 seat of the motor vehicle and no more passengers in the back
8 seats than the number of available seat safety belts as set
9 forth in Section 12-603 of this Code.

10 (f) No graduated driver's license holder under the age of
11 18 shall operate a motor vehicle unless each driver and ~~front~~
12 ~~or back seat~~ passenger under the age of 18 is wearing a
13 properly adjusted and fastened seat safety belt and each child
14 under the age of 8 is protected as required under the Child
15 Passenger Protection Act.

16 (g) If a graduated driver's license holder is under the age
17 of 18 when he or she receives the license, for the first 6
18 months he or she holds the license or until he or she reaches
19 the age of 18, whichever occurs sooner, the graduated license
20 holder may not operate a motor vehicle with more than one
21 passenger in the vehicle who is under the age of 20, unless any
22 additional passenger or passengers are siblings,
23 step-siblings, children, or stepchildren of the driver.

24 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

25 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
26 Sec. 6-301.2. Fraudulent driver's license or permit.

27 (a) (Blank).

28 (b) It is a violation of this Section for any person:

29 1. To knowingly possess any fraudulent driver's
30 license or permit;

31 2. To knowingly possess, display or cause to be
32 displayed any fraudulent driver's license or permit for the
33 purpose of obtaining any account, credit, credit card or
34 debit card from a bank, financial institution or retail
35 mercantile establishment;

1 3. To knowingly possess any fraudulent driver's
2 license or permit with the intent to commit a theft,
3 deception or credit or debit card fraud in violation of any
4 law of this State or any law of any other jurisdiction;

5 4. To knowingly possess any fraudulent driver's
6 license or permit with the intent to commit any other
7 violation of any laws of this State or any law of any other
8 jurisdiction for which a sentence to a term of imprisonment
9 in a penitentiary for one year or more is provided;

10 5. To knowingly possess any fraudulent driver's
11 license or permit while in unauthorized possession of any
12 document, instrument or device capable of defrauding
13 another;

14 6. To knowingly possess any fraudulent driver's
15 license or permit with the intent to use the license or
16 permit to acquire any other identification document;

17 7. To knowingly possess without authority any driver's
18 license-making or permit-making implement;

19 8. To knowingly possess any stolen driver's
20 license-making or permit-making implement or to possess,
21 use, or allow to be used any materials, hardware, or
22 software specifically designed for or primarily used in the
23 manufacture, assembly, issuance, or authentication of an
24 official driver's license or permit issued by the Secretary
25 of State or in the reading of encrypted language from the
26 bar code or magnetic strip of an official driver's license
27 or permit;

28 9. To knowingly duplicate, manufacture, sell or
29 transfer any fraudulent driver's license or permit;

30 10. To advertise or distribute any information or
31 materials that promote the selling, giving, or furnishing
32 of a fraudulent driver's license or permit;

33 11. To knowingly use any fraudulent driver's license or
34 permit to purchase or attempt to purchase any ticket for a
35 common carrier or to board or attempt to board any common
36 carrier. As used in this Section, "common carrier" means

1 any public or private provider of transportation, whether
2 by land, air, or water;

3 12. To knowingly possess any fraudulent driver's
4 license or permit if the person has at the time a different
5 driver's license issued by the Secretary of State or
6 another official driver's license agency in another
7 jurisdiction that is suspended or revoked.

8 (c) Sentence.

9 1. Any person convicted of a violation of paragraph 1
10 of subsection (b) of this Section shall be guilty of a
11 Class 4 felony and shall be sentenced to a minimum fine of
12 \$500 or 50 hours of community service, preferably at an
13 alcohol abuse prevention program, if available.

14 2. Any person convicted of a violation of any of
15 paragraphs 2 through 9 or paragraph 11 or 12 of subsection
16 (b) of this Section shall be guilty of a Class 4 felony. A
17 person convicted of a second or subsequent violation shall
18 be guilty of a Class 3 felony.

19 3. Any person convicted of a violation of paragraph 10
20 of subsection (b) of this Section shall be guilty of a
21 Class B misdemeanor.

22 (d) This Section does not prohibit any lawfully authorized
23 investigative, protective, law enforcement or other activity
24 of any agency of the United States, State of Illinois or any
25 other state or political subdivision thereof.

26 (e) The Secretary may request the Attorney General to seek
27 a restraining order in the circuit court against any person who
28 violates this Section by advertising fraudulent driver's
29 licenses or permits.

30 (Source: P.A. 92-673, eff. 1-1-03; 93-667, eff. 3-19-04;
31 93-895, eff. 1-1-05.)

32 (625 ILCS 5/7-315) (from Ch. 95 1/2, par. 7-315)

33 Sec. 7-315. A certificate of insurance proof.

34 (a) Proof of financial responsibility may be made by filing
35 with the Secretary of State the written or electronic

1 certificate of any insurance carrier duly authorized to do
2 business in this State, certifying that it has issued to or for
3 the benefit of the person furnishing such proof and named as
4 the insured in a motor vehicle liability policy, a motor
5 vehicle liability policy or policies or in certain events an
6 operator's policy meeting the requirements of this Code and
7 that said policy or policies are then in full force and effect.
8 All written or electronic certificates must be submitted in a
9 manner satisfactory to the Secretary of State.

10 (b) Such certificate or certificates shall give the dates
11 of issuance and expiration of such policy or policies and
12 certify that the same shall not be canceled unless 15 days'
13 prior written or electronic notice thereof be given to the
14 Secretary of State and shall explicitly describe all motor
15 vehicles covered thereby unless the policy or policies are
16 issued to a person who is not the owner of a motor vehicle.

17 (c) The Secretary of State shall not accept any certificate
18 or certificates unless the same shall cover all motor vehicles
19 then registered in this State in the name of the person
20 furnishing such proof as owner and an additional certificate or
21 certificates shall be required as a condition precedent to the
22 subsequent registration of any motor vehicle or motor vehicles
23 in the name of the person giving such proof as owner.

24 (Source: P.A. 90-774, eff. 8-14-98.)

25 (625 ILCS 5/7-318) (from Ch. 95 1/2, par. 7-318)

26 Sec. 7-318. Notice of Cancellation or Termination of
27 Certified Policy. When an insurance carrier has certified a
28 motor vehicle liability policy or policies under this Act, it
29 shall notify the Secretary of State of any cancellation by
30 mailing a written or electronic notice at least 15 days prior
31 to cancellation of such policy and the policy shall continue in
32 full force and effect until the date of cancellation specified
33 in such notice or until its expiration, except that such a
34 policy subsequently procured and certified shall, on the
35 effective date of its certification, terminate the insurance

1 previously certified with respect to any vehicle designated in
2 both certificates. All written or electronic certificates must
3 be submitted in a manner satisfactory to the Secretary of
4 State.

5 (Source: P.A. 86-549.)

6 (625 ILCS 5/7-503) (from Ch. 95 1/2, par. 7-503)

7 Sec. 7-503. Unclaimed Security Deposits.

8 During July, annually, the Secretary shall compile a list
9 of all securities on deposit, pursuant to this Article, for
10 more than 3 years and concerning which he has received no
11 notice as to the pendency of any judicial proceeding that could
12 affect the disposition thereof. Thereupon, he shall promptly
13 send a notice ~~by certified mail~~ to the last known address of
14 each depositor advising him that his deposit will be subject to
15 escheat to the State of Illinois if not claimed within 30 days
16 after the mailing date of such notice. At the expiration of
17 such time, the Secretary of State shall file with the State
18 Treasurer an order directing the transfer of such deposit to
19 the general revenue fund in the State Treasury. Upon receipt of
20 such order, the State Treasurer shall make such transfer, after
21 converting to cash any other type of security. Thereafter any
22 person having a legal claim against such deposit may enforce it
23 by appropriate proceedings in the Court of Claims subject to
24 the limitations prescribed for such Court. At the expiration of
25 such limitation period such deposit shall escheat to the State
26 of Illinois.

27 (Source: P.A. 76-1586.)

28 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

29 Sec. 12-603.1. Driver and passenger required to use safety
30 belts, exceptions and penalty.

31 (a) Each driver and front seat passenger of a motor vehicle
32 operated on a street or highway in this State shall wear a
33 properly adjusted and fastened seat safety belt; except that, a
34 child less than 8 ~~6~~ years of age shall be protected as required

1 pursuant to the Child Passenger Protection Act. Each driver
2 under the age of 18 years and each of the driver's passengers
3 under the age of 18 years of a motor vehicle operated on a
4 street or highway in this State shall wear a properly adjusted
5 and fastened seat safety belt. Each driver of a motor vehicle
6 transporting a child

7 8 ~~6~~ years of age or more, but less than 16 years of age, ~~in the~~
8 ~~front seat of the motor vehicle~~ shall secure the child in a
9 properly adjusted and fastened seat safety belt as required
10 under the Child Passenger Protection Act.

11 (b) Paragraph (a) shall not apply to any of the following:

12 1. A driver or passenger frequently stopping and
13 leaving the vehicle or delivering property from the
14 vehicle, if the speed of the vehicle between stops does not
15 exceed 15 miles per hour.

16 2. A driver or passenger possessing a written statement
17 from a physician that such person is unable, for medical or
18 physical reasons, to wear a seat safety belt.

19 3. A driver or passenger possessing an official
20 certificate or license endorsement issued by the
21 appropriate agency in another state or country indicating
22 that the driver is unable for medical, physical, or other
23 valid reasons to wear a seat safety belt.

24 4. A driver operating a motor vehicle in reverse.

25 5. A motor vehicle with a model year prior to 1965.

26 6. A motorcycle or motor driven cycle.

27 7. A motorized pedalcycle.

28 8. A motor vehicle which is not required to be equipped
29 with seat safety belts under federal law.

30 9. A motor vehicle operated by a rural letter carrier
31 of the United States postal service while performing duties
32 as a rural letter carrier.

33 (c) Failure to wear a seat safety belt in violation of this
34 Section shall not be considered evidence of negligence, shall
35 not limit the liability of an insurer, and shall not diminish
36 any recovery for damages arising out of the ownership,

1 maintenance, or operation of a motor vehicle.

2 (d) A violation of this Section shall be a petty offense
3 and subject to a fine not to exceed \$25.

4 (e) (Blank).

5 (f) A law enforcement officer may not search or inspect a
6 motor vehicle, its contents, the driver, or a passenger solely
7 because of a violation of this Section.

8 (Source: P.A. 93-99, eff. 7-3-03.)

9 (625 ILCS 5/3-822 rep.) (from Ch. 95 1/2, par. 3-822)

10 Section 15. The Illinois Vehicle Code is amended by
11 repealing Section 3-822.

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| 625 ILCS 5/3-401 | from Ch. 95 1/2, par. 3-401 |
| 625 ILCS 5/3-412 | from Ch. 95 1/2, par. 3-412 |
| 625 ILCS 5/3-416 | from Ch. 95 1/2, par. 3-416 |
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