



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5241

Introduced 2/8/2012, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-105

from Ch. 95 1/2, par. 16-105

Amends the Illinois Vehicle Code. Adds the following Chapters to the list of portions of the Code governed by the Section concerning the disposition of fines and forfeitures: Certificates of Title and Registration of Vehicles; Anti-Theft Laws and Abandoned Vehicles; Dealers, Transporters, Wreckers and Rebuilders; the Illinois Driver Licensing Law; the Illinois Safety and Family Financial Responsibility Law; Motor Vehicles Used for Transportation of Passengers; Owners of For Rent Vehicles For-Hire; Civil Liability; the Illinois Highway Safety Law; the Illinois Commercial Relocation of Trespassing Vehicles Law; Motor Carrier Safety Regulations; and the Illinois Commercial Transportation Law.

LRB097 15453 HEP 60553 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 Vehicle Code is amended by changing
5 Section 16-105 as follows:

6 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

7 Sec. 16-105. Disposition of fines and forfeitures.

8 (a) Except as provided in Section 15-113 and Section
9 16-104a of this Act and except for those amounts required to be
10 paid into the Traffic and Criminal Conviction Surcharge Fund in
11 the State Treasury pursuant to Section 9.1 of the Illinois
12 Police Training Act and Section 5-9-1 of the Unified Code of
13 Corrections and except those amounts subject to disbursement by
14 the circuit clerk under Section 27.5 of the Clerks of Courts
15 Act, fines and penalties recovered under the provisions of
16 Chapters 3 ~~11~~ through 18c ~~16~~ inclusive of this Code shall be
17 paid and used as follows:

18 1. For offenses committed upon a highway within the
19 limits of a city, village, or incorporated town or under
20 the jurisdiction of any park district, to the treasurer of
21 the particular city, village, incorporated town or park
22 district, if the violator was arrested by the authorities
23 of the city, village, incorporated town or park district,

1 provided the police officers and officials of cities,
2 villages, incorporated towns and park districts shall
3 seasonably prosecute for all fines and penalties under this
4 Code. If the violation is prosecuted by the authorities of
5 the county, any fines or penalties recovered shall be paid
6 to the county treasurer. Provided further that if the
7 violator was arrested by the State Police, fines and
8 penalties recovered under the provisions of paragraph (a)
9 of Section 15-113 of this Code or paragraph (e) of Section
10 15-316 of this Code shall be paid over to the Department of
11 State Police which shall thereupon remit the amount of the
12 fines and penalties so received to the State Treasurer who
13 shall deposit the amount so remitted in the special fund in
14 the State treasury known as the Road Fund except that if
15 the violation is prosecuted by the State's Attorney, 10% of
16 the fine or penalty recovered shall be paid to the State's
17 Attorney as a fee of his office and the balance shall be
18 paid over to the Department of State Police for remittance
19 to and deposit by the State Treasurer as hereinabove
20 provided.

21 2. Except as provided in paragraph 4, for offenses
22 committed upon any highway outside the limits of a city,
23 village, incorporated town or park district, to the county
24 treasurer of the county where the offense was committed
25 except if such offense was committed on a highway
26 maintained by or under the supervision of a township,

1 township district, or a road district to the Treasurer
2 thereof for deposit in the road and bridge fund of such
3 township or other district; Provided, that fines and
4 penalties recovered under the provisions of paragraph (a)
5 of Section 15-113, paragraph (d) of Section 3-401, or
6 paragraph (e) of Section 15-316 of this Code shall be paid
7 over to the Department of State Police which shall
8 thereupon remit the amount of the fines and penalties so
9 received to the State Treasurer who shall deposit the
10 amount so remitted in the special fund in the State
11 treasury known as the Road Fund except that if the
12 violation is prosecuted by the State's Attorney, 10% of the
13 fine or penalty recovered shall be paid to the State's
14 Attorney as a fee of his office and the balance shall be
15 paid over to the Department of State Police for remittance
16 to and deposit by the State Treasurer as hereinabove
17 provided.

18 3. Notwithstanding subsections 1 and 2 of this
19 paragraph, for violations of overweight and overload
20 limits found in Sections 15-101 through 15-203 of this
21 Code, which are committed upon the highways belonging to
22 the Illinois State Toll Highway Authority, fines and
23 penalties shall be paid over to the Illinois State Toll
24 Highway Authority for deposit with the State Treasurer into
25 that special fund known as the Illinois State Toll Highway
26 Authority Fund, except that if the violation is prosecuted

1 by the State's Attorney, 10% of the fine or penalty
2 recovered shall be paid to the State's Attorney as a fee of
3 his office and the balance shall be paid over to the
4 Illinois State Toll Highway Authority for remittance to and
5 deposit by the State Treasurer as hereinabove provided.

6 4. With regard to violations of overweight and overload
7 limits found in Sections 15-101 through 15-203 of this Code
8 committed by operators of vehicles registered as Special
9 Hauling Vehicles, for offenses committed upon a highway
10 within the limits of a city, village, or incorporated town
11 or under the jurisdiction of any park district, all fines
12 and penalties shall be paid over or retained as required in
13 paragraph 1. However, with regard to the above offenses
14 committed by operators of vehicles registered as Special
15 Hauling Vehicles upon any highway outside the limits of a
16 city, village, incorporated town or park district, fines
17 and penalties shall be paid over or retained by the entity
18 having jurisdiction over the road or highway upon which the
19 offense occurred, except that if the violation is
20 prosecuted by the State's Attorney, 10% of the fine or
21 penalty recovered shall be paid to the State's Attorney as
22 a fee of his office.

23 (b) Failure, refusal or neglect on the part of any judicial
24 or other officer or employee receiving or having custody of any
25 such fine or forfeiture either before or after a deposit with
26 the proper official as defined in paragraph (a) of this

1 Section, shall constitute misconduct in office and shall be
2 grounds for removal therefrom.

3 (Source: P.A. 96-34, eff. 1-1-10.)