

1 AN ACT regarding vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by adding
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Seat Belt Compliance Program Fund.

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Section 12-603.1 as follows:

10 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

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

13 (a) Each driver and front seat passenger of a motor
14 vehicle operated on a street or highway in this State shall
15 wear a properly adjusted and fastened seat safety belt;
16 except that, a child less than 6 years of age shall be
17 protected as required pursuant to the Child Passenger
18 Protection Act. Each driver under the age of 18 years and
19 each of the driver's passengers under the age of 18 years of
20 a motor vehicle operated on a street or highway in this State
21 shall wear a properly adjusted and fastened seat safety belt.
22 Each driver of a motor vehicle transporting a child 6 years
23 of age or more, but less than 16 years of age, in the front
24 seat of the motor vehicle shall secure the child in a
25 properly adjusted and fastened seat safety belt.

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

28 1. A driver or passenger frequently stopping and
29 leaving the vehicle or delivering property from the

1 vehicle, if the speed of the vehicle between stops does
2 not exceed 15 miles per hour.

3 2. A driver or passenger possessing a written
4 statement from a physician that such person is unable,
5 for medical or physical reasons, to wear a seat safety
6 belt.

7 3. A driver or passenger possessing an official
8 certificate or license endorsement issued by the
9 appropriate agency in another state or country indicating
10 that the driver is unable for medical, physical, or other
11 valid reasons to wear a seat safety belt.

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

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

14 6. A motorcycle or motor driven cycle.

15 7. A motorized pedalcycle.

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

18 9. A motor vehicle operated by a rural letter
19 carrier of the United States postal service while
20 performing duties as a rural letter carrier.

21 (c) Failure to wear a seat safety belt in violation of
22 this Section shall not be considered evidence of negligence,
23 shall not limit the liability of an insurer, and shall not
24 diminish any recovery for damages arising out of the
25 ownership, maintenance, or operation of a motor vehicle.

26 (d) A violation of this Section shall be a petty offense
27 and subject to a fine not to exceed \$25. In addition to the
28 fine and any other financial assessments or penalties, a \$5
29 surcharge shall be imposed for a violation of this Section.
30 The \$5 surcharge shall be collected by the circuit clerk and
31 disbursed in the manner provided in Section 5-9-1.12 of the
32 Unified Code of Corrections.

33 (e) No motor vehicle, or driver or passenger of such
34 vehicle, shall be stopped or searched by any law enforcement

1 officer solely on the basis of a violation or suspected
2 violation of this Section.

3 (Source: P.A. 90-369, eff. 1-1-98.)

4 Section 15. The Clerks of Courts Act is amended by
5 changing Section 27.5 as follows:

6 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

7 Sec. 27.5. All fees, fines, costs, additional penalties,
8 bail balances assessed or forfeited, and any other amount
9 paid by a person to the circuit clerk that equals an amount
10 less than \$55, except the \$5 surcharge on the fine imposed
11 for a violation of Section 12-603.1 of the Illinois Vehicle
12 Code or a similar provision of a local ordinance and except
13 restitution under Section 5-5-6 of the Unified Code of
14 Corrections, reimbursement for the costs of an emergency
15 response as provided under Section 5-5-3 of the Unified Code
16 of Corrections, any fees collected for attending a traffic
17 safety program under paragraph (c) of Supreme Court Rule 529,
18 any fee collected on behalf of a State's Attorney under
19 Section 4-2002 of the Counties Code or a sheriff under
20 Section 4-5001 of the Counties Code, or any cost imposed
21 under Section 124A-5 of the Code of Criminal Procedure of
22 1963, for convictions, orders of supervision, or any other
23 disposition for a violation of Chapters 3, 4, 6, 11, and 12
24 of the Illinois Vehicle Code, or a similar provision of a
25 local ordinance, and any violation of the Child Passenger
26 Protection Act, or a similar provision of a local ordinance,
27 shall be disbursed within 60 days after receipt by the
28 circuit clerk as follows: 47% shall be disbursed to the
29 entity authorized by law to receive the fine imposed in the
30 case; 12% shall be disbursed to the State Treasurer; and 41%
31 shall be disbursed to the county's general corporate fund. Of
32 the 12% disbursed to the State Treasurer, 1/6 shall be

1 deposited by the State Treasurer into the Violent Crime
2 Victims Assistance Fund, 1/2 shall be deposited into the
3 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
4 be deposited into the Drivers Education Fund. For fiscal
5 years 1992 and 1993, amounts deposited into the Violent Crime
6 Victims Assistance Fund, the Traffic and Criminal Conviction
7 Surcharge Fund, or the Drivers Education Fund shall not
8 exceed 110% of the amounts deposited into those funds in
9 fiscal year 1991. Any amount that exceeds the 110% limit
10 shall be distributed as follows: 50% shall be disbursed to
11 the county's general corporate fund and 50% shall be
12 disbursed to the entity authorized by law to receive the fine
13 imposed in the case. Not later than March 1 of each year the
14 circuit clerk shall submit a report of the amount of funds
15 remitted to the State Treasurer under this Section during the
16 preceding year based upon independent verification of fines
17 and fees. All counties shall be subject to this Section,
18 except that counties with a population under 2,000,000 may,
19 by ordinance, elect not to be subject to this Section. For
20 offenses subject to this Section, judges shall impose one
21 total sum of money payable for violations. The circuit clerk
22 may add on no additional amounts except for amounts that are
23 required by Sections 27.3a and 27.3c of this Act, unless
24 those amounts are specifically waived by the judge. With
25 respect to money collected by the circuit clerk as a result
26 of forfeiture of bail, ex parte judgment or guilty plea
27 pursuant to Supreme Court Rule 529, the circuit clerk shall
28 first deduct and pay amounts required by Sections 27.3a and
29 27.3c of this Act. This Section is a denial and limitation of
30 home rule powers and functions under subsection (h) of
31 Section 6 of Article VII of the Illinois Constitution.
32 (Source: P.A. 89-234, eff. 1-1-96.)

33 Section 20. The Unified Code of Corrections is amended

1 by changing Section 5-9-1 and adding Section 5-9-1.12 as
2 follows:

3 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
4 Sec. 5-9-1. Authorized fines.

5 (a) An offender may be sentenced to pay a fine which
6 shall not exceed for each offense:

7 (1) for a felony, \$25,000 or the amount specified
8 in the offense, whichever is greater, or where the
9 offender is a corporation, \$50,000 or the amount
10 specified in the offense, whichever is greater;

11 (2) for a Class A misdemeanor, \$2,500 or the amount
12 specified in the offense, whichever is greater;

13 (3) for a Class B or Class C misdemeanor, \$1,500;

14 (4) for a petty offense, \$1,000 or the amount
15 specified in the offense, whichever is less;

16 (5) for a business offense, the amount specified in
17 the statute defining that offense.

18 (b) A fine may be imposed in addition to a sentence of
19 conditional discharge, probation, periodic imprisonment, or
20 imprisonment.

21 (c) There shall be added to every fine imposed in
22 sentencing for a criminal or traffic offense, except an
23 offense relating to parking or registration, or offense by a
24 pedestrian, an additional penalty of \$5 for each \$40, or
25 fraction thereof, of fine imposed. The additional penalty of
26 \$5 for each \$40, or fraction thereof, of fine imposed, if not
27 otherwise assessed, shall also be added to every fine imposed
28 upon a plea of guilty, stipulation of facts or findings of
29 guilty, resulting in a judgment of conviction, or order of
30 supervision in criminal, traffic, local ordinance, county
31 ordinance, and conservation cases (except parking,
32 registration, or pedestrian violations), or upon a sentence
33 of probation without entry of judgment under Section 10 of

1 the Cannabis Control Act or Section 410 of the Controlled
2 Substances Act.

3 Such additional amounts shall be assessed by the court
4 imposing the fine and shall be collected by the Circuit Clerk
5 in addition to the fine and costs in the case. Each such
6 additional penalty shall be remitted by the Circuit Clerk
7 within one month after receipt to the State Treasurer. The
8 State Treasurer shall deposit \$1 for each \$40, or fraction
9 thereof, of fine imposed into the LEADS Maintenance Fund.
10 The remaining surcharge amount shall be deposited into the
11 Traffic and Criminal Conviction Surcharge Fund, unless the
12 fine, costs or additional amounts are subject to disbursement
13 by the circuit clerk under Section 27.5 of the Clerks of
14 Courts Act. Such additional penalty shall not be considered
15 a part of the fine for purposes of any reduction in the fine
16 for time served either before or after sentencing. Not
17 later than March 1 of each year the Circuit Clerk shall
18 submit a report of the amount of funds remitted to the State
19 Treasurer under this subsection (c) during the preceding
20 calendar year. Except as otherwise provided by Supreme Court
21 Rules, if a court in imposing a fine against an offender
22 levies a gross amount for fine, costs, fees and penalties,
23 the amount of the additional penalty provided for herein
24 shall be computed on the amount remaining after deducting
25 from the gross amount levied all fees of the Circuit Clerk,
26 the State's Attorney and the Sheriff. After deducting from
27 the gross amount levied the fees and additional penalty
28 provided for herein, less any other additional penalties
29 provided by law, the clerk shall remit the net balance
30 remaining to the entity authorized by law to receive the fine
31 imposed in the case. For purposes of this Section "fees of
32 the Circuit Clerk" shall include, if applicable, the fee
33 provided for under Section 27.3a of the Clerks of Courts Act
34 and the fee, if applicable, payable to the county in which

1 the violation occurred pursuant to Section 5-1101 of the
2 Counties Code.

3 (c-5) In addition to the fines imposed by subsection
4 (c), any person convicted or receiving an order of
5 supervision for driving under the influence of alcohol or
6 drugs shall pay an additional \$25 fee to the clerk. This
7 additional fee, less 2 1/2% that shall be used to defray
8 administrative costs incurred by the clerk, shall be remitted
9 by the clerk to the Treasurer within 60 days after receipt
10 for deposit into the Trauma Center Fund. This additional fee
11 of \$25 shall not be considered a part of the fine for
12 purposes of any reduction in the fine for time served either
13 before or after sentencing. Not later than March 1 of each
14 year the Circuit Clerk shall submit a report of the amount of
15 funds remitted to the State Treasurer under this subsection
16 (c-5) during the preceding calendar year.

17 The Circuit Clerk may accept payment of fines and costs
18 by credit card from an offender who has been convicted of a
19 traffic offense, petty offense or misdemeanor and may charge
20 the service fee permitted where fines and costs are paid by
21 credit card provided for in Section 27.3b of the Clerks of
22 Courts Act.

23 (d) In determining the amount and method of payment of a
24 fine, except for those fines established for violations of
25 Chapter 15 of the Illinois Vehicle Code, the court shall
26 consider:

27 (1) the financial resources and future ability of
28 the offender to pay the fine; and

29 (2) whether the fine will prevent the offender from
30 making court ordered restitution or reparation to the
31 victim of the offense; and

32 (3) in a case where the accused is a dissolved
33 corporation and the court has appointed counsel to
34 represent the corporation, the costs incurred either by

1 the county or the State for such representation.

2 (e) The court may order the fine to be paid forthwith or
3 within a specified period of time or in installments.

4 (f) All fines, costs and additional amounts imposed
5 under this Section for any violation of Chapters 3, 4, 6, and
6 11 of the Illinois Vehicle Code, or a similar provision of a
7 local ordinance, and any violation of the Child Passenger
8 Protection Act, or a similar provision of a local ordinance,
9 shall be collected and disbursed by the circuit clerk as
10 provided under Section 27.5 of the Clerks of Courts Act.

11 (g) For a fine imposed for a violation of Section
12 12-603.1 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance, the \$5 surcharge on that fine shall be
14 collected and disbursed by the circuit clerk as provided in
15 Section 5-9-1.12 of this Code.

16 (Source: P.A. 89-105, eff. 1-1-96; 90-130, eff. 1-1-98;
17 90-384, eff. 1-1-98; 90-655, eff. 7-30-98.)

18 (730 ILCS 5/5-9-1.12 new)

19 Sec. 5-9-1.12. The Seat Belt Compliance Program Fund.

20 (a) The \$5 surcharge added to each fine imposed for a
21 violation of Section 12-603.1 of the Illinois Vehicle Code or
22 a similar provision of a local ordinance shall be remitted by
23 the circuit clerk within one month after receipt to the State
24 Treasurer for deposit into the Seat Belt Compliance Program
25 Fund. The circuit clerk shall retain 10% of this amount to
26 cover the costs incurred in administering and enforcing this
27 Section. Not later than March 1 of each year, the circuit
28 clerk shall submit to the State Comptroller a report of the
29 amount of funds remitted by him or her to the State Treasurer
30 under this Section during the preceding calendar year.

31 (b) There is created the Seat Belt Compliance Program
32 Fund in the State treasury. Subject to appropriation, moneys
33 deposited into the Fund under this Section must be used by

1 the Department of State Police for the Seat Belt Compliance
2 Program or by the Department of State Police for grants to
3 other State, county, or municipal law enforcement agencies
4 for seat belt compliance programs established to increase
5 seat safety belt compliance by high school students,
6 including but not limited to the Operation Cool Program.