

ADMINISTRATIVE ORDER NO. 2014-02
22nd JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

**Circuit Clerk Administratively Dismiss Uninsured Motor Vehicle
& Uninsured Snowmobile Charges**

WHEREAS, 625 ILCS 5/3-707 provides that no person shall operate a motor vehicle unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of the Mandatory Insurance Act; and

WHEREAS, 625 ILCS 40/3-13 provides that no person shall operate a snowmobile unless the snowmobile is covered by a liability insurance policy in accordance with Section 7-601 of the Mandatory Insurance Act; and

WHEREAS, 625 ILCS 5/3-707 and 625 ILCS 40/3-13 further provide that any person who fails to comply with a request by a law enforcement officer for display of evidence of such insurance, shall be deemed to be operating an uninsured motor vehicle or snowmobile; and

WHEREAS, 625 ILCS 5/3-707 and 625 ILCS 40/3-13 further provide that no person charged with a violation of either section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle or snowmobile was covered by a liability insurance policy; and

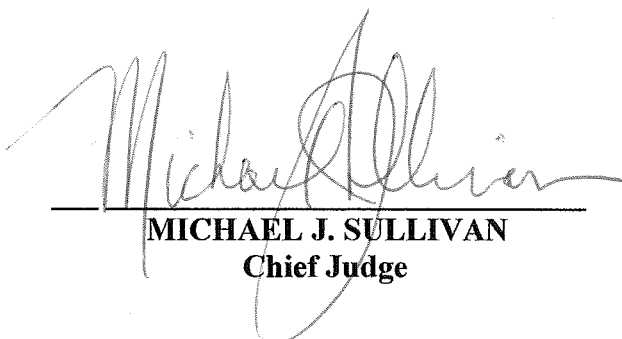
WHEREAS, Administrative Order 98-01 of the 19th Judicial Circuit has allowed the McHenry County Circuit Clerk to review documentation and administratively dismiss uninsured motor vehicle charges pursuant to Section 5/3-707, effective January 5, 1998; but the aforesaid Administrative Order does not allow for such review pursuant to Section 40/3-13 effective April 1, 2011, and the Court finds it necessary to update the aforesaid Administrative Order;

THEREFORE, IT IS HEREBY ORDERED THAT the Clerk of the Circuit Court of McHenry County is designated to review documentation demonstrating that at the time of the charge for operating an uninsured motor vehicle or uninsured snowmobile in McHenry County, Illinois, the vehicle or snowmobile in question was covered by an insurance liability policy in accordance with

Section 7-601 of the Mandatory Insurance Act (625 ILCS 5/7-601). The Clerk of the Circuit Court may designate one or more deputy clerks to review the aforesaid documentation. The Circuit Clerk shall establish a procedure for the administrative processing of operating uninsured motor vehicle charges pursuant to Section 5/3-707 and operating uninsured snowmobile charges pursuant to Section 40/3-13. Such procedure, at a minimum, must include a requirement that (1) written documentation be presented to the Clerk establishing that the vehicle/snowmobile in question was covered by a liability insurance policy at the time of the charge; (2) the Clerk retain a copy of the documentation presented; (3) the Clerk make a notation of the disposition of the charge in the official court record; and (4) the defendant complete and sign an affidavit including, at a minimum, his or her name, address, a statement that the vehicle/snowmobile was covered by insurance at the time the charge was issued, the name of the insurance company, and the insurance policy number. The name of the deputy clerk processing the transaction must also be included in the affidavit. *The Circuit Clerk shall have the authority to refuse to accept proof of insurance if there is any question as to the authenticity of the documents presented, requiring the defendant to appear in court to show proof of insurance to the judge.* A copy of the procedure established by the Clerk shall be provided to the Chief Judge. It is the duty of the Circuit Clerk to timely notify the Chief Judge of changes in procedures.

IT IS FURTHER ORDERED that Administrative Order No. 2014-02 is effective as of March 10, 2014, and that 19TH Judicial Circuit Administrative Order No. 98-01 having previously been adopted to continue to be effective in the 22ND Judicial Circuit is vacated and is no longer in effect as of March 10, 2014.

DATED: March 7, 2014



MICHAEL J. SULLIVAN
Chief Judge